

## **Public Hearing Notice**

6:00 p.m. at Ridgeview Plaza 3759 W. Mason St. Suite 4  
Thursday, February 01, 2018

### **Purpose: *Chapter 304 Domestic Animals #1 – Rule: LICENSING FEES, FINES AND PENALTIES***

The Environmental Resource Board (ERB) and the Environmental, Health, Safety, and Land division (EHSL) under Chapter 304.5-2.(a) and (b) have been delegated rule making authority in relation to Domestic Animals licensing fee, fines, and penalties.

The purpose of the hearing is to gather public comments for the chapter 304 Domestic Animals #1 – Rule: LICENSING, FEES, FINES AND PENALTIES.

You may view the proposed rule on the Oneida Register <https://oneida-nasn.gov/government/register/> or hard copies can be picked up at the Environmental Resource Board located at Ridgeview Plaza 3759 W. Mason St. Suite 6 Oneida, WI. 54155.

#### **I. Testimony:**

- a. Oral:** There will be a 5 minute limit for all oral presentations. Each participant is encouraged to provide a written transcript of his/her oral testimony to be submitted while present at the public hearing or within in ten (10) business days from the date of public hearing to the below named individual.
- b. Written:** For those who cannot attend the scheduled public hearing or do not plan to speak at the hearing, the ERB and EHSL encourages those to submit written testimony. A maximum of five (5) pages, doubled spaced, can be submitted within ten (10) business days from the date of public hearing to Chad Wilson, Project Manager, [cwilson1@oneidanation.org](mailto:cwilson1@oneidanation.org) at Environmental Resource Board P.O. 365 Oneida WI, 54155.



# Title 3. Health and Public Safety – Chapter 304 DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES

- 1.1 Purpose and Authority
- 1.2 Adoption, Amendment and Repeal
- 1.3 Definitions
- 1.4 Licensing and Permit Fee Schedule
- 1.5 Fines and Penalty Schedule

## 1.1 Purpose and Authority

1.1-1. *Purpose.* The purpose of this rule is to codify the existing licensing fee schedule and establish an updated fine and penalty schedule.

1.1-2. *Authority.* The Domestic Animals law delegates joint rulemaking authority to the Environmental Health Safety and Land Division and the Environmental Resource Board pursuant to the Administrative Rulemaking law.

## 1.2. Adoption, Amendment and Repeal

1.2-1. This rule was adopted by the Environmental Health Safety and Land Division and the Environmental Resource Board in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the Environmental Health Safety and Land Division and the Environmental Resource Board pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule shall control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to licensing fees, fines and penalties, and citations issued pursuant to the Domestic Animals law.

## 1.3. Definitions

1.3-1. This section shall govern the definitions of words and phrases used within this rule. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Citation” means a form of the Oneida Nation Citation that conforms to this rule and is approved for use by the Environmental Resources Board,
- (b) “Conservation Officer”, “Conservation Warden”, or “Warden” may be used interchangeably and means a Conservation Warden with the Oneida Conservation Department.

- (c) “Law Enforcement Officer” means a Law Enforcement Officer with the Oneida Police Department.

#### **1.4. Licensing and Permit Fee Schedule**

1.4-1. Licenses and Permits fees required by the Domestic Animals law are incorporated in this rule as an attachment.

**1.5. Fines and Penalty Schedule.** Violations of the Domestic Animals law may result in the issuance of a citation by a law enforcement or conservation officer. A citation may include any or all the fines/penalties authorized in the Domestic Animals law and/or set forth in this rule; The Fines and Penalty Schedule is incorporated in this rule as an attachment.

*End.*

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Original effective date: [add effective date established by authorized entity] (Certified by LOC on )

LICENSING/PERMIT FEE SCHEDULE								
License/Permit Type		Fee (per animal)		License/Permit Period		Location to obtain License/Permit		
Cat License		\$5 if spayed/neutered; or \$10		January 1-December 31		Oneida Conservation		
Dog License		\$5 if spayed/neutered; or \$10		January 1-December 31		Oneida Conservation		
Exotic Animal Permit		\$10 (all exotics)		January 1-December 31		Oneida Conservation		
Hen Permit		\$10 (5 or more)		January 1-December 31		Oneida Conservation		
Conditional Use Permit - Livestock Residential Area		\$0		See *** below		Zoning Department		
DOMESTIC ANIMAL FINE AND PENALTY SCHEDULE								
Violation		Reference	1st Offense	2nd Offense	3rd Offense and up	Must Appear	Restitution Possible	Other Possible Penalty*
DOG/CAT REQUIREMENTS								
No required license	304.6-1	\$25	\$50	\$100				Seize/Impound**
Improperly/no attached license	304.6-1(b)	\$25	\$50	\$100				Seize/Impound
No current rabies vaccine	304.6-2	\$250	\$700	\$750				Seize/Impound
Failure to obey district quarantine	304.6-3	\$500	\$750	\$1,000	Y			Seize/Impound
Animal running at large	304.6-4	\$150	\$500	\$750				Seize/impound
Nuisance animal	304.6-4	\$150	\$500	\$750	Y			Seize/impound/Costs
Exceeding limit of allowed animals (per animal)	304.6-5	\$25 ea.	\$50 ea.	\$100 ea.	y			Seize/Impound
TREATMENT OF ANIMALS								
Failure to provide food/water	304.7-1	\$500	\$750	\$1,000	Y			Seize/Impound
Failure to comply with shelter standards	304.7-2(a) or (b)	\$150	\$500	\$750	Y			Seize/Impound
Failure to meet enclosure space standards	304.7-1(c)	\$150	\$500	\$750	Y			Seize/Impound
Failure to comply with sanitation standards	304.7-1(d)	\$150	\$500	\$750	Y			Seize/Impound
Mistreatment of animals	304.7-3	\$500	\$750	\$1,000	Y			Seize/Impound
PROHIBITED ANIMALS								
Keep/Release prohibited or exotic animal	304.8-1 or 2	\$500	\$750	\$1,000	Y			Seize/Impound
Possessing prohibited or exotic animal without required permit	304.8-3	\$150	\$500	\$750				Seize/Impound/Costs
Failure to provide notice of release/escape	304.8-5	\$500	\$750	\$1,000	Y			Seize/Impound
LIVESTOCK								
Keeping livestock with no conditional use permit	304.9-1	\$100	\$200	\$300				Seize/Impound
Violate livestock lot requirements	304.9-1	\$150	\$500	\$750				Seize/Impound
Livestock at large	304.9-2	\$150	\$500	\$750		Y		Seize/Impound
Keeping hens without required permit	304.9-3	\$100	\$200	\$300				Seize/Impound
Prohibited keeping of rooster(s)	304.9-3	\$100	\$200	\$300				Seize/Impound
Keeping hen(s) in prohibited manner	304.9-3(a)	\$100	\$200	\$300	Y			Seize/Impound
Nuisance hen(s)	304.9-3(b)	\$100	\$200	\$300				Seize/Impound
DANGEROUS ANIMALS								
Harboring a Dangerous Animal	304.10-1 or 2	\$500	\$1,000	\$2,000	Y	Y		Seize/Impound/Declaration of Dangerousness
Failure to post required dangerous animal sign(s)	304.10-2(c)	\$100	\$200	\$300				Seize/Impound
Failure to spay/neuter required animal	304.10-2(d)	\$150	\$500	\$750	Y			Seize/Impound
Failure to provide/ provide proof of required liability insurance	304.10-2(e)	\$150	\$500	\$750	Y			Seize/Impound
Failure to notify of insurance policy cancelation	304.10-2(e)	\$150	\$500	\$750	Y			Seize/Impound
Failure to microchip required animal	304.10-2(f)	\$150	\$500	\$750	Y			Seize/Impound
Failure to comply with ongoing notification requirements	304.10-2(g)	\$150	\$500	\$750	Y			Seize/Impound

Bringing/Keeping a vicious animal	304.10-3	\$750	\$1,500	\$2,500	Y	Y	Seize/Impound/Declaration of Viciousness/ Destruction/Costs
Failure to provide required proof of destruction	304.10-3(b)(3)	\$150	\$500	\$750	Y		Seize/Impound/Declaration of Viciousness/ Destruction/Costs
Failure to notify police of animal bite	304.10-4	\$150	\$500	\$750			
Failure to quarantine	304.10-4(a)	\$500	\$750	\$1,000	Y		Seize/Impound/Declaration of Viciousness/ Destruction/Costs
LIABILITY FOR DAMAGE(S)							
Damage caused by animal	304.11-1	\$100	\$200	\$300	Y	y	Seize/Impound/Liability for damage up to 2x amount

\*Criminal charges/referrals may be appropriate in certain cases and is not prohibited

\*\*Seize/Impound may include forfeiture and destruction in certain cases. Owners are responsible for impound costs/fees.

\*\*\* Conditional Land Use Permit(s) for Livestock in a residential area expires when the permittee resides at an address that is different than what is listed on the permit; please note that Conditional Land Use permits are not attached to the land but to the individual they were issued.

## **Summary Report for DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES**

Original effective date: 01/01/18

Amendment effective date: 03/21/18

**Name of Rule:** DOMESTIC ANIMALS Rule #1 – LICENSING FEES, FINES AND PENALTIES

**Name of law being interpreted:** Chapter 304 Domestic Animals

**Rule Number:** #1

**Other Laws or Rules that may be affected:** None

**Brief Summary of the proposed rule:** The proposed rule incorporates the current licensing fees into a formal schedule as well as updates the fine and penalty schedule; Due to the Domestic Animals amendments there are additional licensing/permits fees, fines, and penalties that needed to be added to the schedule. This permanent rule is expected to become effective on March 21, 2018 after OBC adoption and will replace the emergency rule that has an effective date of 01/01/18.

**Statement of Effect:** Obtained after requesting from the Legislative Reference Office.

**Financial Analysis:** This rule creates no anticipated fiscal impact. The Oneida Judiciary, Environmental Resource Board (ERB), Oneida Police Department (OPD), Oneida Conservation, and Oneida Zoning provided responses to this effect.

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**Note:** *In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.*

**Financial Analysis for Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties**

<b>Type of Cost</b>	<b>Description/Comment</b>	<b>Dollar Amount</b>
Start Up Costs	There are no startup costs to this rule.	\$0.00
Personnel	There are no additional costs to personnel to implement this rule.	\$0.00
Office	There are no additional costs to Office to implement this rule.	\$0.00
Documentation Costs	There are no additional costs to Document Costs to implement this rule.	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	Compliance will immediately after the rule has been approved.	\$0.00
Other, please explain		
Total	Annual Net Revenue	\$0.00



## **Statement of Effect**

### *Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties*

#### **Summary**

The Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties codifies the existing licensing fee schedule and establishes an updated fine and penalty schedule.

*Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office*

*Date: January 17, 2018*

#### **Analysis by the Legislative Reference Office**

The Domestic Animals law delegates general rulemaking authority to the Environmental Health and Safety Division and the Environmental Resource Board, to jointly establish and maintain a fine and penalty schedule, a licensing fee schedule, and other rules as necessary to enforce and implement this law. [see *Domestic Animals law section 304.5-2*].

Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties provides a licensing and permit fee schedule for a variety of domestic animals, as well as a fine and penalty schedule for various offenses.

#### **Conclusion**

There are no legal bars to adopting the Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties.