

# ONEIDA NATION PUBLIC MEETING NOTICE

LEGISLATIVE OPERATING COMMITTEE  
WWW.ONEIDA-NSN.GOV/GOVERNMENT

**Monday, March 11, 2019, 12:15pm**

Norbert Hill Center-Business Committee Conference Room  
N7210 Seminary Rd., Oneida, Wisconsin

## DOMESTIC ANIMALS LAW

### AMENDMENTS

The purpose of this law is to protect the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals, set minimum standards for the treatment of animals, prohibit certain species of animals from being brought onto the Reservation, regulate the keeping of livestock on lots zoned residential, and establish consequences for damages caused by domestic animals.



This proposed amendments to the Domestic Animals law will:

1. Eliminate administrative rulemaking authority delegated to the Environmental, Health, Safety, and Land Division and the Environmental Resource Board, and instead requires a jointly developed fine, penalty, and licensing fee schedule to be adopted by resolution.
2. Eliminate administrative rulemaking authority delegated to the Environmental, Health, Safety, and Land Division, the Emergency Management Coordinator, and the Comprehensive Health Division, and instead require standard operating procedures to be created related to disease investigations and quarantines.
3. Reduce the space requirements for dog kennels.
4. Provide guidelines and requirements for tethering an animal.
5. Reduce the limit on the number of dogs and cats allowed in a residential household, but allow those who wish to seek an additional animal over the limit the ability to apply for a permit to do so.
6. Require a person to obtain a conditional use permit to keep hens, and limit the number of hens allowed on a residential lot.
7. Eliminate the vicious animal designation, and create a single dangerous animal designation, with a requirement that any animal declared dangerous be removed from the Reservation or destroyed, pending the opportunity to contest the dangerous declaration.

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### PUBLIC COMMENTS PERIOD CLOSSES MONDAY, MARCH 18, 2019

During the Public Comment Period, all interested persons may submit written comments. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



**-PUBLIC MEETING PACKETS ARE AVAILABLE AT-**

**www.oneida-nsn.gov/Register/Public Meetings or contact Oneida Nation Legislative Reference Office located in the Norbert Hill Center, PO Box 365, Oneida, Wisconsin 54155**  
**Email: LOC@oneidanation.org Phone: 920-869-4376**



# AMENDMENTS TO DOMESTIC ANIMALS LAW LEGISLATIVE ANALYSIS

## SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Environmental Health, Safety and Land Division	SPONSOR: Jennifer Webster	DRAFTER: Clorissa N. Santiago	ANALYST: Brandon Wisneski
Intent of the Amendments	<p>To eliminate rulemaking authority within this law and instead adopt changes to the Domestic Animals fine, penalty and fee schedule by BC Resolution;</p> <p>To place new guidelines and restrictions on the use of tethers,</p> <p>To lower the space requirements for dog kennels;</p> <p>To reduce the limit on number of dogs allowed on a residential lot from three (3) to two (2);</p> <p>To reduce the limit on total number of cats and dogs allowed on a residential lot from five (5) to four (4);</p> <p>To create a permit process for individuals who wish to own additional dogs or cats in excess of the limit;</p> <p>To require a conditional use permit to keep hens on residential lots, to be approved by the Land Commission;</p> <p>To limit the number of hens allowed on a residential lot to between four (4) and eight (8) hens, depending on lot size;</p> <p>To update the process for OPD, Conservation and the Judiciary to declare an animal a “Dangerous Animal”;</p> <p>To eliminate the separate “Vicious Animal” designation and replace it with a single “Dangerous Animal” category;</p> <p>To revise the “Dangerous Animal” designation so that animals declared “dangerous” must be removed from the reservation or euthanized, pending appeal;</p> <p>To revise the timelines and requirements to request and hold a hearing to contest Dangerous Animal declarations.</p>		
Purpose	<p>To protect the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals; set minimum standards for treatment of animals; prohibit certain species of animals from being brought onto the Reservation; regulate the keeping of livestock on lots zoned residential within the Reservation; and establish consequences for damages caused by domestic animals [see 304.1-1].</p>		
Affected Entities	<p>All tribal members, members of other federally recognized tribes, and the Nation’s entities and corporations within the reservation; Individuals and businesses leasing, occupying or otherwise using fee land owned by the Nation or by individual Tribal members and/or lands held in trust; Any other individuals who have consented to the jurisdiction of the Nation; Oneida Police Department; Oneida Environmental Health, Safety and Land Division; Oneida Conservation Department; Oneida Environmental Resource Board; Oneida Comprehensive Health Division, Oneida Land Commission; Oneida Emergency Management Coordinator, Oneida Judiciary.</p>		

Affected Legislation	Garnishment law; Per Capita law; Rules of Appellate Procedure; Zoning and Shoreland Protection law; Landlord Tenant law; Hunting, Fishing and Trapping law, Emergency Management and Homeland Security law.
Public Meeting	A public meeting has not yet been held.

## SECTION 2. LEGISLATIVE DEVELOPMENT

- A. The Domestic Animals law was first adopted by the Oneida Business Committee on March 13, 1996. Domestic animals are animals commonly owned as household pets, including, but not limited to, dogs, cats, guinea pigs, hamsters, rabbits, and turtles.
- B. On September 13, 2018, representatives from the Environmental Health, Safety and Land Division, Oneida Police Department, Oneida Community Health Services and Environmental Resources Board submitted a memo to the Legislative Operating Committee in support of amending the Domestic Animals law. The memo noted that the Domestic Animal law is needed to protect public health and safety and proposed changes to Dangerous and Vicious Dogs section, violations, enforcement and citations.
- C. The LOC added the Domestic Animals Law to the Active Files List on September 19, 2018. Since that time, a work group of representatives from Environmental Health Safety and Land Division, Oneida Police Department, Oneida Community Health Services and Environmental Resources Board has met to review the law and suggest amendments. Many of the proposed amendments reflect the feedback and suggestions of this work group.

## SECTION 3. CONSULTATION AND OUTREACH

- A. Representatives from the following departments or entities participated in the development of this law and legislative analysis: Oneida Environmental Health and Safety Division, Oneida Comprehensive Health Division – Community Health, Environmental Resource Board, Oneida Police Department, and Oneida Law Office.
- B. The following laws were reviewed in the drafting of this analysis: Garnishment law; Per Capita law; Zoning and Shoreland Protection law; Landlord Tenant law, Hunting, Fishing and Trapping law; Rules of Appellate Procedure. In addition, the following domestic animal laws from other municipalities or tribal nations were reviewed:
- City of Green Bay – Chapter 8 Public Health and Welfare
  - City of De Pere – Chapter 86 Dogs and Other Animals
  - City of Seymour – Chapter 6 Animals
  - Village of Ashwaubenon – Chapter 4 Animals
  - Village of Hobart – Chapter 102 Animals
  - Village of Howard – Chapter 4 Animals
  - Menominee Nation – Chapter 255 Animals
  - Stockbridge-Munsee – Chapter 16 Public Peace and Good Order Ordinance

## SECTION 4. PROCESS

- A. Thus far, amendments to this law have followed the process set forth in the Legislative Procedures Act (LPA).
- B. The law was added to the Active Files List on September 19, 2018.
- C. At the time this legislative analysis was developed, the following work meetings were held/scheduled regarding the development of this law and legislative analysis:
- October 5, 2018: Work Meeting with Environmental Health, Safety and Land Division (EHSLD), Comprehensive Health Division – Community Health Services (CHD-CHS), Oneida Police Department (OPD), Environmental Resource Board (ERB), and Oneida Law Office.
  - October 23, 2018: Work Meeting with EHSLD, CHD-CHS, OPD, ERB and Oneida Law Office.

- November 9, 2018: Work Meeting with EHSLD, OPD and CHD-CHS.
- December 13, 2018: Work Meeting with EHSLD, ERB and OPD.
- December 19, 2018: LOC Work Meeting.

## SECTION 5. CONTENTS OF THE LEGISLATION

**A. *Removal of Rulemaking for Fines, Penalties and Licensing Fee Schedule.*** The current Domestic Animals Law grants rulemaking authority in accordance with the Administrative Rulemaking Law to the Environmental Health and Safety Division and the Environmental Resource Board to develop rules to establish and maintain:

- A fine and penalty schedule, to set fine amounts for violations of the Domestic Animals law;
- A licensing and fee schedule, to set the cost for animal licenses and fees.;
- Other rules as necessary to enforce and implement this law.

***Adoption of Fee Schedule by Business Committee Resolution.*** Under the proposed draft, this rulemaking authority is eliminated. Instead, the fine, penalty, licensing and fee schedule will be developed by Environmental Health, Safety and Land Division (EHSLD) & Environmental Resource Board (ERB) and then adopted by the Oneida Business Committee by resolution [see 304.5-3].

**Chart 1. Adopting Fines, Penalty and Licensing Fee Schedule - Comparison**

	<b>Current Law</b>	<b>Proposed Law</b>
<i>How is Fee Schedule Adopted?</i>	Administrative Rulemaking	Business Committee Resolution
<i>Who Develops the Fee Schedule?</i>	EHSLD & ERB	EHSLD & ERB
<i>Who Approves the Fee Schedule?</i>	Oneida Business Committee	Oneida Business Committee
<i>Public Meeting Required?</i>	Yes, a public meeting and comment period on the proposed fee schedule is required under the Administrative Rulemaking Law. Public notice of the hearing and consideration of all comments received is required.	No, a public hearing and comment period is not required.
<i>Fee Schedule Discussed and Approved at a Business Committee Meeting?</i>	Yes, the fee schedule is placed on the agenda of a Business Committee Meeting for consideration. BC Agendas are noticed to the public, and the public may make comments at the BC Meeting.	Yes, the fee schedule is placed on the agenda of a Business Committee Meeting for consideration. BC Agendas are noticed to the public, and the public may make comments at the BC Meeting.

- ***Current Status of Rule:*** Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties became effective on 4/25/2018. Rule No. 1 would be repealed upon adoption of this law. In its place, the Business Committee would need to adopt a resolution setting a new fee, fine and penalty schedule for the Domestic Animals law.

**B. *Removal of Rulemaking Authority for Disease Investigation and Quarantine Process.*** In addition, the current Domestic Animals law grants rulemaking authority to EHSLD, Emergency Management

Coordinator and the Comprehensive Health Division to develop rules related to disease investigation and quarantines. For example, the investigation of a dog that is suspected of rabies [see 304.5-4].

- **Adoption of Disease Investigation and Quarantine SOPs.** Instead, these same entities will now establish standard operating procedures (SOPs) regarding disease investigation and quarantines.

**Chart 2. Adopting Disease Investigation & Quarantine Procedure – Comparison**

	<b>Current Law</b>	<b>Proposed Law</b>
<i>How are disease investigation and quarantine procedures adopted?</i>	Administrative Rulemaking	Standard Operating Procedures.
<i>Who Develops the Disease Investigation and Quarantine Process?</i>	EHSLD, Emergency Management Coordinator and Comprehensive Health Division.	EHSLD, Emergency Management Coordinator and Comprehensive Health Division.
<i>Who Approves the Disease Investigation and Quarantine Process/</i>	Oneida Business Committee	EHSLD, Emergency Management Coordinator and Comprehensive Health Division.
<i>Public Meeting Required?</i>	Yes, a public meeting and comment period on the proposed fee schedule is required under the Administrative Rulemaking Law. Public notice of the hearing and consideration of all comments received is required.	No, a public hearing and comment period is not required.

- **Current Status of Rule:** At the time this analysis was drafted, a rule for investigation and quarantine procedures had not yet been adopted. However, both the current and proposed law include procedures within the law regarding quarantines for dog bites and district-wide quarantines. Upon adoption of these amendments, standard operating procedures will need to be developed.

**C. Restrictions & Guidelines on Use of Tethers.** These amendments add new restrictions on the use of tethers. Under the current law, there are no restrictions on tethering.

- Under the proposed amendments, several new restrictions and guidelines for tethering are added [see 304.6-3]:
  - Tethers must be connected by a buckle type collar or body harness made of leather or nylon.
  - Choke collars and prong collar head harnesses are prohibited.
  - The tether must be at least twelve (12) feet long and allow the animal to move in all directions.
  - The total weight of the tether must not exceed ten percent (10%) of the animal's body weight.
    - This is to ensure that the animal can move freely without being weighed down by a heavy tether or chain.
  - The animal must be tethered to prevent injury, strangulation, or entanglement and allow the animal to access water and shelter.
  - Animals that are sick, injured, or nursing cannot be tethered.
  - Animals cannot be tethered on vacant property or land with an unoccupied dwelling.
  - Animals cannot be tethered in a manner that allows them to cross onto public space, such as a sidewalk, or property of others.

- 98 ■ **What is Tethering?** According to the Humane Society of the United States, “tethering” or  
99 “chaining” refers to “the practice of fastening a dog to a stationary object and leaving them  
100 unattended.” “Tethering is not meant to refer to an animal being walked on a leash or cases of  
101 supervised, temporary tethering while an owner is present.” [see Humane Society website,  
102 Chaining and Tethering Dogs FAQ <https://www.humanesociety.org/resources/chaining-and-tethering-dogs-faq>].  
103
- 104 ■ **Why Can Tethering Be Harmful to Dogs?** According to the Humane Society, tethered dogs may  
105 suffer from “irregular feedings, overturned water bowls, inadequate veterinary care, poor sanitary  
106 conditions and exposure to extreme temperatures and weather.” The Humane Society also argues  
107 that tethering dogs may be a risk factor for dog bites and attacks. The Humane Society states that  
108 “dogs tethered for long periods can become highly aggressive... Dogs feel naturally protective of  
109 their territory and respond according to a “fight or flight” instinct... A tethered dog, unable to “take  
110 flight,” resorts to attacking an unfamiliar animal or person.” [see  
111 <https://www.humanesociety.org/resources/chaining-and-tethering-dogs-faq>].
- 112 ■ **Tether Restrictions in Other States.** According to the American Veterinary Medical Association,  
113 as of April 2018, there were 32 states that placed restrictions on tethering animals. In addition,  
114 EHSLD identified over 100 municipalities nationwide that either prohibit or limit the use of  
115 tethering.
- 116 ■ **Tether Restrictions in Wisconsin.** Research gathered by EHSLD identified two other Wisconsin  
117 municipalities that limit the use of tethering: Racine, WI and Linn, WI. Neighboring municipalities  
118 such as the city of Green Bay and city of De Pere do not place limits on tethers.

119 **D. Dog Kennel Space Requirements.** The space requirements for dog kennels under this law have been  
120 reduced. The purpose of adjusting the space requirements is to better match the square-footage of  
121 commonly available kennels on the market. The following chart illustrates the changes in kennel space  
122 requirements [see 304.6-2(c)(1)]:  
123

124 **Chart 3. Comparison of Kennel Space Requirements.**

<b>Weight of the Dog</b>	<b>Current Law</b>	<b>Proposed Law</b>
Between 1 and 35 lbs	80 square feet	60 square feet
Between 35 and 75 lbs	100 square feet	80 square feet
75 lbs and greater	120 square feet	100 square feet

125  
126 **E. New Limits on Number of Dogs and Cats.** These amendments establish new limits on the number of  
127 dogs and cats that may be kept in a residential household. A residential household is “a residential lot,  
128 except for those residential lots designed as multi-family lots, in which each family unit within the lot  
129 constitutes a separate household” [see 304.3-1(i)].  
130

131 **Chart 4. Limits on Maximum Number of Dogs and Cats Per Household.**

<b>Animals Per Household</b>	<b>Current Law</b>	<b>Proposed Law</b>
Number of Dogs	3	2
Number of Cats	3	3
Number of Dogs & Cats Combined	5	4

- 132 ■ **Limit on Number of Dogs.** Under current law, up to three (3) dogs may be kept by a single  
133 residential household. Under these proposed amendments, the limit on the number of dogs will be  
134 lowered to two (2) [see 304.7-3].
- 135 ■ **Limit on Number of Cats.** The limit on the number of cats in a residential household remains  
136 unchanged at three (3) cats [see 304.7-3].  
137

- 138     ▪ **Limit on Total Number of Dogs & Cats Combined.** The limit on the total number of dogs and cats  
139     combined in a residential household has been lowered from five (5) dogs and cats combined to four  
140     (4) dogs and cats combined.
- 141     ▪ **Exceptions & Grandfather Clause** [see 304.7-3(a)].
  - 142         ○ **Grandfather Clause.** The LOC intends to include a grandfather clause in the adopting  
143         resolution, stating that residential households who currently have more than two dogs or  
144         four dogs and cats combined will be allowed to keep their animals.
  - 145         ○ **Other Exceptions.** The restrictions on the number of dogs and cats do not apply to persons  
146         who reside on a farm, or households keeping a litter of pups or kittens for up to five (5)  
147         months from birth.
- 148     **F. New Permit Process to Keep Additional Dogs or Cats.** These amendments create a new permit process  
149     for individuals who wish to keep more than two (2) dogs, three (3) cats, or four (4) dogs and cats  
150     combined. For each additional dog or cat above the limit, the owner will apply for a permit from the  
151     Environmental, Health, Safety and Land Division [see 304.7-3(b)].
  - 152         ▪ **Applying for Permit for Additional Dogs or Cats.** The owner of the animal and the landowner must  
153         both sign the application. In addition, the owner must agree that if the household receives two (2)  
154         or more nuisance complaints related to their animals within (one) 1 calendar year, the owner must  
155         reduce the number of animals within thirty (30) days.
  - 156         ▪ **Guidelines.** The amendments do not include any guidelines regarding how EHSLD should  
157         determine whether to grant a permit for an additional animal. EHSLD will have discretion to  
158         approve or reject any applications above the limit.
- 159     **G. Keeping Hens.** These amendments add new restrictions and guidelines for keeping hens on a residential  
160     lot, commonly known as “backyard hens.” Note that this does not apply to property zoned agricultural,  
161     such as commercial farms [see 304.9].
  - 162         ▪ **Conditional Use Permits for Keeping Hens.** These amendments alter the requirements for a  
163         conditional use permit to keep hens on a residential lot. Currently, a permit is only required for  
164         individuals keeping more than four (4) hens on their property. Now, anyone keeping a hen on their  
165         property, even one hen, will be required to apply for a conditional use permit.
  - 166         ▪ **Permits Issued by Land Commission Instead of Conservation.** The conditional use permits for  
167         keeping hens will now be issued by the Oneida Land Commission rather than the Conservation  
168         Department. The Land Commission is already responsible for issuing conditional use permits for  
169         livestock such as horses, cows, and pigs [see 304.8]. This change is meant to consolidate permits  
170         for hens and livestock in one place.
  - 171         ▪ **New Limit on Number of Hens.** Under the current law, there is no restrictions on the number of  
172         hens an owner may keep on their residential lot. These amendments place a new limit the number  
173         of hens on a residential lot based on the size of the property:
    - 174             ○ No more than four (4) hens on a property that is two acres in size or smaller.
    - 175             ○ No more than eight (8) hens on a property that is two acres in size or larger.
- 176     **H. Seizure of Exotic Animals.** Under the current law, an unpermitted exotic animal, such as a wolf hybrid  
177     or large snake, may be seized by the Oneida Conservation Department or its designee. This has been  
178     changed to state that the unpermitted exotic animal may be seized by the Oneida Police Department  
179     and/or the Oneida Conservation Department [see 304.10-6].
- 180     **I. Declaring an Animal Dangerous & Removing Dangerous Animals from Reservation.** Under the  
181     current law, when a domestic animal, such as a dog, exhibits dangerous behavior, an Oneida Police  
182     Officer or Conservation Warden may declare the animal “dangerous” or “vicious” based on the level  
183     of behavior. Examples of this behavior include chasing, biting, and attacking another animal or person.
  - 184         ▪ **Current Dangerous/Vicious Animal Process.** The following describes the current process to  
185         declare a dog “dangerous” or “vicious”:
    - 186             ○ **Dangerous Dog.** If an animal is declared “Dangerous,” the owner may keep the dog if they  
187             follow certain restrictions for leashing, muzzling, confinement, public signage,

- microchipping, and liability insurance. If they are unwilling or unable to follow these restrictions, the owner must remove the dog from the reservation or have it euthanized.
- **Vicious Dog.** If the animal is declared “Vicious,” the Trial Court will order the animal to be removed from the reservation or destroyed.
  - **Determining Dangerous vs. Vicious.** Under the current law, the difference between whether a dog must be removed from the reservation or not can depend on minor details that must be parsed out by the Trial Court. For example, if a dog bites and lacerates someone, but the injury does not require stitches, then the dog is declared “dangerous” instead of “vicious” and could potentially be kept on the reservation.
  - **Comparison to Neighboring Municipalities.** A review indicates that unlike Oneida, most neighboring municipalities do not have separate “dangerous” and “vicious” animal designations. Instead, these municipalities have a single “dangerous animal” designation. In addition, unlike Oneida, these neighboring municipalities do not allow dogs declared “dangerous” to be kept within their boundaries.
- **Elimination of Vicious Animal Designation.** This law eliminates the “Vicious Animal” designation and creates a single “Dangerous Animal” designation, with a requirement that any animal declared “dangerous” be removed from the reservation or destroyed, pending appeal [see 304.11].
- **Effect.** The effect is that owners will not be able to keep dogs declared dangerous on the reservation. Eliminating the “Vicious Animal” designation and requiring all animals declared “Dangerous” to be removed from the reservation or destroyed is intended to increase public safety. This also places Oneida’s laws in line with neighboring municipalities and simplifies the process for OPD, Conservation and the Trial Court.

**Chart 5. Current Law – Dangerous & Vicious Animal Declaration Process**

	<b><i>Dangerous Animal Declaration</i></b>	<b><i>Vicious Animal Declaration</i></b>
<b><i>Reasons an Animal Declared Dangerous or Vicious</i></b>	<ul style="list-style-type: none"> <li>- Approaches or chases a human being or domestic animal in a menacing fashion or apparent attitude of attack, without provocation, or;</li> <li>- Bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or domestic animal without provocation</li> </ul>	<ul style="list-style-type: none"> <li>- An animal previously declared dangerous not in compliance with requirements of the law.</li> <li>- Has killed a domestic animal or pet without provocation on public or private property</li> <li>- Without provocation, has inflicted substantial bodily harm on a person where substantial bodily harm means a bodily injury that causes a laceration that requires stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.</li> <li>- Is suspected, to be owned, trained or harbored for the purpose of dog fighting.</li> <li>- Has been declared to be a vicious animal and/or ordered to be destroyed in any other jurisdiction.</li> </ul>
<b><i>Can the Owner Keep the</i></b>	YES, Owner can keep animal on the reservation if they comply with requirements for leash, muzzle,	NO, the Judiciary Trial Court will order the animal to be removed from the reservation or destroyed.

<i>Animal on the Reservation?</i>	confinement, posting signs on property, spay and neuter, liability insurance, or microchipping. If the owner is unwilling or unable to comply, the animal must be removed from the reservation or euthanized.	
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*\*Exception: An animal may not be deemed dangerous if it bites, attacks, or menaces any person or animal to defend its owner or another person from attack, protect its young or another animal, or defend itself against any person or animal which has tormented, assaulted or abused it.*

**Chart 6. Proposed Law: Dangerous Animal Declaration Process**

	<b><i>Dangerous Animal Designation</i></b>
<i>Reasons Animal Declared Dangerous</i>	<ul style="list-style-type: none"> <li>- Approaches or chases a human being or domestic animal in a menacing fashion or apparent attitude of attack</li> <li>- Bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or domestic animal</li> <li>- Is suspected to be owned, trained or harbored for the purpose of dog fighting, and/or</li> <li>- Has been declared to be a dangerous animal and/or ordered to be destroyed in any other jurisdiction.</li> </ul>
<i>Can Owner Keep the Animal?</i>	NO, the dangerous animal will be ordered removed from the reservation within 3 business days.
<i>Opportunity to Contest and Appeal?</i>	YES, the owner may contest the dangerous animal declaration by filing a written objection with the Trial Court within 3 business days. The owner may appeal the Trial Court's decision to the Appeals Court.

*\*Exception: An animal may not be deemed dangerous if it bites, attacks, or menaces any person or animal to defend its owner or another person from attack, protect its young or another animal, or defend itself against any person or animal which has tormented, assaulted or abused it.*

- J. Contesting Dangerous Animal Determination.** Under the current law, owners whose dogs are declared dangerous automatically receive a pre-hearing date with the Judiciary Trial Court with their citation. The pre-hearing date is held at least thirty (30) days after the citation is issued [see 304.11-3].
- **Owner Must Request Hearing.** Under the new law, individuals who wish to contest a dangerous animal determination must file a written objection to the order within three (3) business days in order to receive a hearing. If the owner does not file within three (3) days, they will not receive a hearing and must remove the animal.
  - **Date of Hearing.** In addition, the hearing for the dangerous animal determination will now be held by Trial Court within 14 days of the written objection, rather than 30 days after the citation. This is to ensure that hearings for dangerous animal are held quickly in the interest of public safety. In addition, ERB explained that the original 30 day deadline was likely based on ERB's hearing schedule prior to hearing authority being transferred to the Oneida Judiciary.
  - **Keeping Dangerous Animal Pending Hearing & Appeals.** Owners of a dangerous animal may keep the animal on the Reservation pending the outcome of hearings and appeals, but only if the animal is confined in accordance with the requirements in this law. These requirements include leash, muzzle, secure confinement, signs warning of dangerous animal on the property, and notifying OPD or Conservation if the animal is at large, unconfined, or attacks another animal or

person. If the owner is unable or unwilling to follow these requirements, the animal must be removed from the reservation.

- K. *Minor Drafting Changes.*** Minor drafting and formatting changes have been made throughout the law for clarity.

## **SECTION 6. EFFECT ON EXISTING LEGISLATION**

- A. *References to Other Laws.*** The following laws of the Nation are referenced in the Domestic Animals law. These amendments do not conflict with any of the referenced laws.

- *Garnishment law [see 304.13-5(a)].*
- *Per Capita law [see 304.13-5(a)].*
- *Rules of Appellate Procedure [see 304.13-4].*

- B. *Other Laws that Reference Domestic Animals.*** The following laws of the Nation reference the Domestic Animals law. These amendments do not conflict with any of the referenced laws.

- *Zoning and Shoreland Protection law*
- *Landlord Tenant law*
- *Hunting, Fishing and Trapping law*
- *Emergency Management and Homeland Security law*

## **SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS**

- A. *Right to Keep Dangerous Animals Within the Reservation.*** This law eliminates the separate “dangerous” and “vicious” animal classifications, and instead combines them into a single “dangerous animal” classification. Previously, if an animal was declared “dangerous” by OPD or Conservation, the owner could keep the dangerous animal on the reservation if they complied with certain requirements. Under these amendments, if an animal is declared dangerous and the declaration is uncontested by the owner or upheld by the Judiciary, the owner will be required to remove the animal from the reservation or have it euthanized.

- B. *Deadline to Contest Dangerous Animal Declaration.*** Under current law, an owner whose animal is declared dangerous automatically receives a pre-hearing date with their citation. This hearing is held at least 30 days from the date of citation. These amendments eliminate the automatic pre-hearing. Instead, it is the owner’s responsibility to request a hearing within 3 business days of the citation in order to receive a hearing.

- C. *Right to Keep More than 4-8 Hens on a Residential Lot.*** Currently, there is no restriction on the number of hens an owner may keep on their residential lot. This law will limit the number of hens to 4 or 8 hens per residential lot, depending on the lot size.

## **SECTION 8. ENFORCEMENT AND ACCOUNTABILITY**

- A. *Enforcement.*** Oneida Police Officers and Conservation Wardens have the authority to investigate complaints involving domestic animals; enforce provisions of this law through appropriate means, including but not limited to seizing any animal that is taken, employed, used, or possessed in violation of this law and/or mistreated, rabid or otherwise in danger or dangerous; issuing citations consistent with the fine and penalty schedule developed in accordance with this law; and using force to stop an immediate threat to public safety caused by an animal [see 304.5-2].

## **SECTION 9. OTHER CONSIDERATIONS**

- A. *Oneida Nation Domestic Animal Data.*** The following data is provided for information.

- ***Oneida Police Department Data.*** Between 12/6/2016 to 12/6/2018:
  - Number of Animal Calls – 810
  - Number of Animal Citations - 33
  - Number of Animal Bites – 12

Source: Oneida Police Department, communication by email 12/6/2018

▪ **Pet License Data.** Between 1/3/2016 to 12/13/2018:

- Number of Pet Licenses Issued – 348

- Source: Oneida Environmental, Health Safety and Land Division, communication by email 12/13/2018.

**B. Limits on Number of Animals - Comparison to Other Municipalities.** The following comparisons to other municipalities are provided for information.

**Chart 7. Comparison - Limit on Number of Dogs and Cats.**

Municipality/Tribal Nation	Maximum Number of Dogs	Maximum Number of Cats
Oneida Nation (proposed)	2	3
City of Green Bay	2	3
City of De Pere	2	3
Village of Ashwaubenon	2	2
Village of Howard	2	n/a
Village of Hobart	2	n/a
Menominee Nation	3	n/a

**Chart 8. Comparison - Limit on Number of Hens.**

Municipality/Nation	Max # of Hens w/Permit
Oneida Nation (proposed)	Between 4-8, depending on size of the lot
City of De Pere	4
City of Green Bay	4
Village of Ashwaubenon	4
Village of Howard	Between 4-8, depending on size of the lot
Village of Hobart	6

**C. Fines, Penalties and Licensing Fee Schedule.** Upon the adoption of this law, it will be necessary for the Oneida Business Committee to adopt a resolution setting the fines, penalties and licensing fees under this law. At the time this analysis was drafted, a workgroup consisting of EHSLD, ERB, CHS-CHD, and Oneida Police Department intends to submit a proposed fee schedule to the LOC and BC for consideration.

- **Recommendation:** The LOC should include an updated fine, penalty and licensing fee schedule resolution with the adoption materials for these amendments. A summary of the current fee schedule is included below for information [see 3. O.C. 304 Domestic Animals Rule #1 – Licensing Fees, Fines and Penalties]. Whether to change any of these amounts is a policy decision for the LOC and the Business Committee.

**Chart 9. Summary of Current Fee Schedule for Licenses and Permits.**

License/Permit Type	Fee (per animal)	License/Permit Period
Cat License	\$5 if spayed/neutered; or \$10	January 1-December 31
Dog License	\$5 if spayed/neutered; or \$10	January 1-December 31
Exotic Animal Permit - Reference 304.8-2	\$10 (all exotics)	January 1-December 31

Hen Permit	\$10 (5 or more)	January 1-December 31
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Source: 3. O.C. 304 Domestic Animals Rule #1 – Licensing Fees, Fines and Penalties

Chart 10. Summary of Current Fine and Penalty Schedule.

Violation	1st Offense	2nd Offense	3rd Offense and up
<b>DOG/CAT REQUIREMENTS</b>			
No required license	\$25	\$50	\$100
Improperly/no attached license	\$25	\$50	\$100
No current rabies vaccine	\$150	\$500	\$750
Failure to obey district quarantine	\$500	\$750	\$1,000
Animal running at large	\$150	\$500	\$750
Nuisance animal	\$150	\$500	\$750
Exceeding limit of allowed animals (per animal)	\$25 ea.	\$50 ea.	\$100 ea.
<b>TREATMENT OF ANIMALS</b>			
Failure to provide food/water	\$500	\$750	\$1,000
Failure to comply with shelter standards	\$150	\$500	\$750
Failure to meet enclosure space standards	\$150	\$500	\$750
Failure to comply with sanitation standards	\$150	\$500	\$750
Mistreatment of animals	\$500	\$750	\$1,000
<b>PROHIBITED ANIMALS</b>			
Keep/Release prohibited or exotic animal	\$500	\$750	\$1,000
Possessing prohibited or exotic animal without required permit	\$150	\$500	\$750
Failure to provide notice of release/escape	\$500	\$750	\$1,000
<b>LIVESTOCK</b>			
Keeping livestock with no conditional use permit	\$100	\$200	\$300
Violate livestock lot requirements	\$150	\$500	\$750
Livestock at large	\$150	\$500	\$750
Keeping hens without required permit	\$100	\$200	\$300
Prohibited keeping of rooster(s)	\$100	\$200	\$300
Keeping hen(s) in prohibited manner	\$100	\$200	\$300
Nuisance hen(s)	\$100	\$200	\$300
<b>DANGEROUS ANIMALS</b>			
Harboring a Dangerous Animal	\$500	\$1,000	\$2,000
Failure to post required dangerous animal sign(s)	\$100	\$200	\$300
Failure to spay/neuter required animal	\$150	\$500	\$750
Failure to provide/ provide proof of required liability insurance	\$150	\$500	\$750
Failure to notify of insurance policy cancelation	\$150	\$500	\$750
Failure to microchip required animal	\$150	\$500	\$750

Failure to comply with ongoing notification requirements	\$150	\$500	\$750
Bringing/Keeping a vicious animal	\$750	\$1,500	\$2,500
Failure to provide required proof of destruction	\$150	\$500	\$750
Failure to notify police of animal bite	\$150	\$500	\$750
Failure to quarantine	\$500	\$750	\$1,000
<b>LIABILITY FOR DAMAGE(S)</b>			
Damage caused by animal	\$100	\$200	\$300

Source: 3. O.C. 304 Domestic Animals Rule #1 – Licensing Fees, Fines and Penalties

- D. Permits for Additional Dogs and Cats.** EHSLD will need to create an application process for individuals who wish to keep additional dogs or cats in excess of the limit established in this law. This law does not include guidelines for how EHSLD should approve or reject applications.
- *City of Green Bay Example.* The City of Green Bay has a similar permit process for additional dogs and cats, and their application includes the following information: Veterinary records from the past year and proof of current vaccinations, proof of current animal licenses, and a statement explaining why the individual is seeking to keep extra animals. According to a local news report from 2018, the city of Green Bay rarely turns down requests for a third dog.
  - *Recommendation.* EHSLD should consider creating a standard operating procedure and application form for this process. Since EHSLD will have its own discretion, a standard operating procedure will ensure applications are handled uniformly.
- E. Communication to Oneida Police Department and Conservation.** Upon adoption of this law, the separate “dangerous” and “vicious” animal categories will be replaced by a single “dangerous” animal declaration.
- *Recommendation:* This change in guidelines should be communicated to Oneida Police Officers and Conservation Wardens who are responsible for issuing dangerous animal declarations.
- F. Provisions from Other Domestic Animal Laws.** A review of other Domestic Animals laws identified the following provisions that are not currently included in the Oneida Domestic Animals Law. These issues did not come up as areas of concern during the development of these amendments. The following is provided as information on animal issues that neighboring municipalities may be addressing.
- Beekeeping Regulations (*Green Bay Sec 8.09.7 and De Pere Sec 86-7*)
  - Loud or Persistent Barking or Howling Dogs (*Green Bay Sec 8.08 and Howard Sec 4-29*)
  - Animal Waste on Property other than Owner (*De Pere 86-5(c)(1)(a) and Howard Sec 4-3*)
- G. Fiscal Impact.** Please refer to the fiscal impact statement for any fiscal impacts.
- Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [*see Legislative Procedures Act 1 O.C. 109.6-1*].
  - A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating Committee and may be prepared by any agency who may receive funding if the legislation is enacted; who may administer a program if the legislation is enacted; who may have financial information concerning the subject matter of the legislation; or by the Finance Office, upon request of the Legislative Operating Committee [*see Legislative Procedures Act 1 O.C. 109.6-1(a) and (b)*].

**Title 3. Health and Public Safety - Chapter 304**  
**DOMESTIC ANIMALS**  
**Kátse?na Olihwa'ke**  
*matters concerning the pet animals*

304.1. Purpose and Policy	304.6. <del>Requirements for Dogs and Cats</del> <u>Treatment of Animals</u>
304.2. Adoption, Amendment, Conflicts	304.7. <del>Treatment of Animals</del> <u>Dogs and Cats</u>
304.3. Definitions	304.8. <del>Prohibited Animals</del> <u>Livestock</u>
304.4. Jurisdiction	304.9. <del>Regulation of Livestock</del> <u>Hens</u>
304.5. <del>Licensing Authority</del> <u>Investigation, Responsibilities and Enforcement Powers</u>	304.10. <del>Dangerous Animals and Vicious</del> <u>Prohibited</u> Animals
	304.11. <del>Violations, Enforcement and Appeals</del> <u>Dangerous Animals</u>

304.12. Owner Liability

304.13. Enforcement of Violations

**304.1. — Purpose and Policy**

304.1-1. *Purpose.* The purpose of this law is to:

- (a) protect the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals;
- (b) set minimum standards for the treatment of animals;
- (c) prohibit certain species of animals from being brought onto the Reservation;
- (d) regulate the keeping of livestock on lots zoned residential within the Reservation; and
- (e) establish consequences for damages caused by domestic animals.

304.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the community by:

- (a) requiring certain basic measures to prevent the spread of disease carried by domestic animals;
- (b) establishing requirements for licensing domestic animals, and
- (c) regulating the types of animals which may be kept as domestic animals.

**304.2. — Adoption, Amendment, Repeal**

304.2-1. This law was adopted by Oneida Business Committee by resolution BC-03-13-96-B and amended by resolutions BC-06-22-11-G ~~and~~ BC-06-28-17-B, and BC- - - -.

304.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

304.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity ~~does~~ shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

304.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

304.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

**304.3. — Definitions**

304.3-1. This section ~~governs~~ shall govern the definitions of words and phrases used within this law. All words not defined herein ~~are to~~ shall be used in their ordinary and everyday sense.

- (a) "District Quarantine" means a rabid or otherwise diseased ~~Domestic Animal~~ domestic animal is suspected or known to be within a discernible area and all such animals reasonably suspected of being infected are subject to enforced isolation for a period of time to limit or prevent the spread of disease or infection and during which time said animals are tested for diseases, including rabies.

~~(b) “Domestic animals” means dogs, cats, ferrets, rabbits, guinea pigs, turtles, birds, pigeons, hamsters, non-venomous reptiles, amphibians, and arachnids, and all other animals commonly owned as household pets, provided that domestic animals specifically excludes exotic animals as identified in section 304.8-2.~~

~~(e)(b) “Fine” means a monetary punishment issued to a person violating this law and/or the rules created pursuant to this law.~~

~~(d) “Judiciary” means the judicial system that was established by Oneida General Tribal Council resolution GTC 01-07-13-B to administer the judicial authorities and responsibilities of the Nation.~~

(c) “Hen” means a female chicken (*Gallus gallus domesticus*).

(d) “Livestock” means any equine (i.e. horse, donkey, etc.), bovine (i.e. cow, steer, heifer, etc.), sheep, goat, pig, ~~or domestic fowl, including game fowl raised in captivity.~~

(e) “Nation” means the Oneida Nation.

(f) “Owner” means any person who owns, harbors, keeps, controls or acts as a caretaker for an animal. Absent evidence of alternative adult ownership, this law presumes that domestic animals are owned by the adult homeowner or renter.

(g) “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law and may include, but is not limited to, the confiscation of wildlife with return of the same at the discretion of the ~~Judiciary~~ Trial Court and restitution.

(h) “Reservation” means all the property within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

~~(i) “Residential household” means a residential lot, except for those residential lots designed as multi-family lots, in which each family unit within the lot constitutes a separate household.~~

~~(j) “Tethering” means the act of fastening an animal to a stationary object while unattended so that the animal can only range within a set radius. Tethering does not include the use of a leash to walk an animal.~~

~~(k) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.~~

~~(l) “Quarantine” means the act of keeping an animal in enforced isolation for a period of time to limit or prevent the spread of disease or infection and during which time said animal is tested for diseases, including rabies.~~

~~(j) “Tribal member” means an enrolled member of the Nation.~~

#### **304.4. — Jurisdiction**

304.4-1. *Personal Jurisdiction.* This law applies to:

(a) All ~~Tribal~~ members of the Nation; the Nation’s entities and corporations; and members of other federally-recognized tribes.

(b) Individuals and businesses leasing, occupying or otherwise using fee land owned by the Nation or by individual ~~Tribal~~ members of the Nation; and/or lands held in trust on

behalf of the Nation or individual ~~Tribal~~ members of the Nation.

(c) Individuals who have consented to the jurisdiction of the Nation or as otherwise consistent with federal law. ~~For the purposes of this subsection, an~~ An individual shall be considered to have consented to the jurisdiction of the Nation:

(1) By entering into a consensual relationship with the Nation, or with the Nation's entities, corporations, or ~~Tribal~~ members of the Nation, including but not limited to contracts or other agreements; or

(2) By other facts which manifest an intent to consent to the authority of the Nation, including failure to raise an objection to the exercise of personal jurisdiction in a timely manner.

304.4-2. *Territorial Jurisdiction.* This law extends within the Reservation to all land owned by the Nation and individual ~~Tribal member~~ trust and/or fee land of a member of the Nation.

### 304.5. —Authority

304.5-1. *General.* This law governs the keeping of all domestic animals which are commonly owned as household pets. Domestic animals include, but are not limited to dogs, cats, ferrets, rabbits, guinea pigs, turtles, birds, pigeons, hamsters, non-venomous reptiles, amphibians, and arachnids.

(a) Domestic animals do not include prohibited exotic animals as identified in section 304.10-2.

304.5-2. *Authority of the Oneida Police Department- and Conservation Department.* Oneida Police Officers and Conservation Wardens shall have the authority to:

(a) investigate complaints involving domestic animals;  
(b) enforce the provisions of this law through appropriate means, including but not limited to:

(1) seizing any animal:

~~(A)-~~ that is taken, employed, used, or possessed in violation of this law;  
and/or

~~(B)-~~ mistreated, rabid or otherwise in danger or dangerous;

(2) issuing citations consistent with the fine and penalty schedule developed ~~according to section 304.5-2, in accordance with this law; and~~

(3) using force, up to and including lethal force, to stop an immediate threat to public safety caused by an animal.

(A) Where lethal force is used, such execution shall be conducted in as humane manner as possible and, to the extent feasible, avoids damage to the animal's head for the purpose of rabies testing.

~~304.5-2. —General Rulemaking Authority.~~ 304.5-3. *Fine, Penalty, and Licensing Fee Schedule.*

The Environmental, Health ~~and~~, Safety, ~~and~~ Land Division and the Environmental Resource Board are hereby delegated joint ~~rulemaking~~ authority to ~~establish and maintain:~~

~~(develop a)~~ A fine and, penalty, and licensing fee schedule;

~~(b)~~ A. The fine, penalty, and licensing fee schedule; and shall be adopted by the Oneida Business Committee by resolution.

~~(c) Other rules as necessary to enforce and implement this law.~~

~~304.5-4. 304.5-3.~~ *Disease Investigation and Quarantine—Rulemaking Authority.* The Environmental, Health ~~and~~, Safety, and Land Division, the Emergency Management Coordinator, and the Comprehensive Health Division are hereby delegated joint ~~rulemaking~~ authority to establish ~~rules~~ standard operating procedures related to disease investigations and quarantines.

~~304.5-5. 304.5-4.~~ *Issuance of Licenses.* The Environmental, Health ~~and~~, Safety, and Land Division shall make all decisions related to the issuance of a license and/or permit in accordance with this law, unless otherwise noted.

### **304.6. Treatment of Animals**

304.6-1. Food and Water. An owner shall provide an animal with a daily supply of food and water sufficient to maintain the animal in good health.

304.6-2. Shelter. An owner shall meet the minimum standards for indoor and outdoor shelter for an animal. All shelter shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.

(a) Minimum indoor standards of shelter. Minimum standards for indoor shelter include the following:

(1) Temperature. The ambient temperature of the indoor shelter shall be compatible with the health of the animal.

(2) Ventilation. Indoor shelter facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.

(b) Minimum outdoor standards of shelter. Minimum standards for outdoor shelter include the following:

(1) Shelter from Sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. Caged does not include farm fencing used to confine livestock.

(2) Climatic Conditions. Natural or artificial shelter appropriate to the local climatic conditions for the animal concerned shall be provided as necessary for the health of the animal.

(3) Adverse Weather. If an animal is tied or confined unattended outdoors under weather conditions which adversely affect the health of the animal, a weather appropriate shelter of suitable size to accommodate the animal shall be provided.

(c) Space Standards. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress, or abnormal behavior patterns.

(1) Dog Kennels. Dog kennels shall meet the following space requirements where, if there are multiple dogs in the same kennel, the base kennel space requirement is based on the size of the largest dog and the additional kennel space requirements are based on the size of each additional dog kept in the kennel:

(A) Dog Size Between One and Thirty-Five Pounds. A dog that weighs between one (1) and thirty-five (35) pounds shall have a required base kennel space of sixty (60) square feet. Required additional kennel space per additional dog of this size is twelve (12) square feet.

(B) *Dog Size Between Thirty-Six and Seventy-Five Pounds.* A dog that weighs between thirty-six (36) and seventy-five (75) pounds shall have a required base kennel space of eighty (80) square feet. Required additional kennel space per additional dog of this size is eighteen (18) square feet.

(C) *Dog Size Seventy-Six Pounds or Greater.* A dog that weighs seventy-six (76) pounds or more shall have a required base kennel space of one hundred (100) square feet. Required additional kennel space per additional dog of this size is twenty-four (24) square feet.

(d) *Sanitation Standards.* An owner shall meet the minimum standards of sanitation for both indoor and outdoor shelter. Minimum sanitation standards require waste matter from the animal to be removed within twenty-four (24) hours of its deposit.

(e) *Shelter Exception for Livestock.* In the case of livestock kept on farms on land zoned agricultural, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.

304.6-3. *Tethering.* If a kennel or enclosed yard is not available, an owner may tether an unsupervised animal as long as the owner meets the following conditions:

(a) the tether is connected to the animal with a buckle type collar or body harness made of nylon or leather not less than one inch (1") in width and at least two inches (2") greater in diameter than the animal's neck or torso;

(1) The use of a choke collar, prong collar head harness, or other similar type of head harness or collar shall be prohibited for the use of tethering.

(b) the tether is at least twelve feet (12') long and allows the animal to move in all directions unimpeded;

(c) the total weight of the tether does not exceed ten percent (10%) of the animal's body weight;

(d) the animal is tethered so as to prevent injury, strangulation, or entanglement, and allows the animal access to water and shelter;

(e) the tethered animal is not sick, injured, or nursing;

(f) the animal is not tethered on any vacant property or land or with an unoccupied dwelling; and

(g) the animal is not tethered in a manner that allows the animal to cross onto public space or property of others.

304.6-4. *Mistreatment of Animals.* No person may treat any animal in a manner which causes harm, injury or death. This section does not apply to:

(a) normal and accepted veterinary and/or care practices; or

(b) teaching, research or experimentation conducted at a facility regulated under federal or applicable state law.

304.6-5. *Mandatory Reporting.* An employee of the Nation shall report any animal mistreatment witnessed during the regular course of his or her employment with the Nation to the Oneida Police Department and any other appropriate entity.

304.7.

~~304.6. — Requirements for Dogs and Cats~~

~~304.7-1. 304.6 1. — License Required. An annual~~ An owner shall be required to obtain a license is required to keep for any dog or cat over five (5) months of age or older on an annual basis.

(a) License Period. The license year ~~commence~~ shall commence on January 1<sup>st</sup> and ~~ends~~ end on December 31<sup>st</sup> of every year.

(b) License Eligibility. To be eligible for a license, the owner shall provide:

(1) the licensing fee; and

(2) proof of current rabies vaccination.

~~(b)-(c)~~ Placement of License Tag. Upon the receipt of a license the owner shall be provided a license tag for the dog or cat. The owner shall securely attach the license tag to the animal's collar and shall require the animal wear the collar at all times, provided that this requirement does not apply to dogs or cats.

~~(1)~~ (1) Exception. A dog or cat shall not be required to wear the collar if the dog or cat is:

(A) hunting or actively involved in herding or controlling livestock if the animal is under control of its owner;

~~(2)~~ (B) within the owner's residence and/or securely confined in a fenced area; and/or

~~(3)~~ (C) being shown during a competition.

~~304.67-2. Rabies Vaccinations Required. Rabies~~ An owner shall be required to obtain a rabies vaccination is required for any dog or cat five (5) months of age or older.

~~304.7-3. Limit on the Number of Dogs and Cats. An individual may keep no more than two (2) dogs or three (3) cats; and a total of no more than four (4) dogs and cats combined; in a single residential household.~~

(a) Exception. The limit on the number of dogs and cats a person may keep or possess does not apply to a person who:

(1) is eligible for any grandfather provisions included in this law's adopting resolution;

(2) keeps or possesses a litter of pups or kittens, or a portion of a litter, for a period not exceeding five (5) months from birth;

(3) resides on property zoned agricultural; and/or

(4) obtains a permit for the additional dog or cat.

(b) Permit for Additional Dogs or Cats. A person may keep more than two (2) dogs or three cats (3) in a single residential household if the owner obtains a permit from the Environmental, Health, Safety, and Land Division for the additional animal. The application for the permit must be signed by the owner and contain the signature of the landowner of the residential household if the landowner is not the applicant.

(1) By seeking a permit for an additional dog or cat the owner agrees that he or she shall reduce the number of licensed dogs or cats on the premises if there are two (2) or more nuisance complaints against the residential household within one (1) calendar year caused by, or related to, the number of dogs or cats housed on the premises.

(2) If two (2) or more nuisance complaints are received against the residential

household due to the number of dogs or cats housed on the premises, the owner shall reduce the number of animals within thirty (30) days.

304.7-4. *Running at Large.* An owner shall not allow a dog or cat to run at large by being any place except upon the premises of the owner, unless the dog or cat is crated, penned, or on a leash under the control of a person physically able to control the animal.

(a) A stray dog or cat running at large may be referred to the Oneida Police Department or Oneida Conservation Department.

(b) When an Oneida Police Officer or Oneida Conservation Warden finds a dog or cat running at large, the officer and/or warden shall, if possible, pick up and impound such animal.

(c) Whenever any impounded animal bears an identification mark, such as a collar with identification tags or license tag, the owner shall be notified as soon as reasonably possible.

304.7-5. *Nuisance.* An Oneida Police Officer or Oneida Conservation Warden may pick up and impound a dog or cat that has been found to be a nuisance. A dog or cat shall be found to be a nuisance if the actions of the dog or cat:

(a) resulted in two (2) or more verified disturbances due to excessive barking and/or other noise by the animal, or the animal running at large; and/or

(b) resulted in one (1) or more verified disturbance due to threatening behavior by the animal running at large.

304.7-6. *Investigations for Suspected Animal Bites.* The owner shall notify the Oneida Police Department in the event the owner's cat or dog bites a human or another domestic animal.

(a) The responding Oneida Police Officer or Oneida Conservation Warden shall:

(1) Ascertain whether the domestic animal is properly licensed and has current vaccinations.

(2) Ensure all information provided is correct.

(3) Contact the Environmental, Health, Safety and Land Division to provide notification of the domestic animal bite.

(4) If the cat or dog has current rabies vaccinations, order the owner to:

(A) Quarantine the animal for ten (10) days; and

(B) Present the animal for examination by a veterinarian within twenty-four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty-four (24) hours and the tenth (10<sup>th</sup>) day.

(5) If the cat or dog does not have current rabies vaccination, order the owner to:

(A) Quarantine the animal for ten (10) days or deliver the animal to an isolation facility at the owner's expense. If a home quarantine is ordered, the owner shall present the domestic animal for examination by a veterinarian within twenty-four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty-four (24) hours and the tenth (10<sup>th</sup>) day; or

(B) Euthanize the animal and send the specimen for analysis at the owner's expense, if the animal has exhibited any signs of rabies.

(b) Upon expiration of a quarantine period, a veterinarian may extend the quarantine period. Upon expiration of all quarantine periods, if the veterinarian certifies that the

animal has not exhibited any signs of rabies, the animal may be released from quarantine.

(c) If the veterinarian certifies that the animal has exhibited any signs of rabies the following shall occur:

(1) If the animal has current rabies vaccinations, the Oneida Police Officer or Oneida Conservation Warden may order the animal to be euthanized and send the specimen for analysis, to be paid for by the Nation.

(2) If the animal does not have current rabies vaccinations, the Oneida Police Officer or Oneida Conservation Warden may order the animal to be euthanized and send the specimen for analysis at the owner's expense.

**304.7-7. District Quarantine.** A district quarantine may be initiated ~~in accordance with the quarantine rules and may be initiated by~~ by staff designated by the Environmental, Health and Safety, and Land Division, an Oneida Police Officer, an Oneida Conservation Warden, and/or a Public Health Officer.

(a) If an area is subject to a ~~District Quarantine~~ district quarantine for rabies, all dogs and cats within the district shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is a public nuisance and may be impounded. All Oneida Police Officers and Oneida Conservation Wardens shall cooperate in the enforcement of the ~~Quarantine~~ quarantine.

(b) An animal that is immunized against rabies as evidenced by a valid certificate of rabies vaccination or other evidence is exempt from the district quarantine provisions of this section.

~~304.6-4.~~ Dogs

### **304.8. Livestock**

**304.8-1.** An owner shall obtain a conditional use permit from the Oneida Land Commission in order to keep livestock on land zoned residential.

**304.8-2. Limitations on Livestock.** Livestock kept on land zoned residential are subject to the following limitations:

(a) One (1) large animal per one (1) acre. Examples of large animals include, but are not limited to, horses, cows, and pigs.

(b) One (1) small animal per one-half (½) acre. Examples of small animals include, but are not limited to, goats, and sheep.

(c) One (1) goat or sheep per recorded lot under one-half (½) acre when setback requirements can be met.

**304.8-3. Liability for Damage Caused by Livestock at Large.** Any person whose livestock escapes from its normal confined area and becomes at large is responsible for any and all damage to persons and property caused by such livestock while it is away from its normal confined area. ~~and Cats Running at Large. It is unlawful for any dog or cat owner to permit the animal to be at any place except upon the premises of the owner, unless it is crated, penned, or on a leash under the control of a person physically able to control the animal. In addition, a nuisance dog or cat may be picked up by Oneida Police Officers or Oneida Conservation Wardens. For the purposes of this law, a nuisance dog or cat is one whose actions result in two (2) or more verified disturbances due to excessive barking and/or running loose or one (1) or more verified disturbance due to threatening behavior by a loose dog or cat.~~

~~(a) Stray dogs and cats shall be referred to the Oneida Police Department or Oneida Conservation Department.~~

~~(b) Whenever any Oneida Police Officer, Oneida Conservation Warden, or other person designated by the Chief of Police finds any dog or cat running at large, the officer/warden shall, if possible, pick up, and impound such animal.~~

~~(c) Whenever any impounded animal bears an identification mark, such as a collar with identification tags or license tag, the owner shall be notified as soon as reasonably possible.~~

~~304.~~

### **304.9. Hens**

304.9-1. Hen Permit. An owner shall obtain a conditional use permit from the Oneida Land Commission Division in order to keep hens on land zoned residential.

304.9-2. Prohibition of Roosters. An owner shall not keep a rooster on land zoned residential.

304.9-3. 6-5. Limit on Number of Dogs and Cats. Except as provided in (a), no more than three (3) dogs or three (3) cats; and a total of no more than five (5) dogs and cats combined; may be kept or possessed by a single residential household. For the purposes of this law, each residential lot, excluding residential lots designed as multi-family lots, constitutes a separate residential household. In cases of multi-family lots, each family unit within the lot constitutes a separate household.

~~(a) Exception.~~ Limit on the Number of Hens Allowed. The limit on the number of dogs and cats a person may keep or possess does not apply to those persons who:

- ~~(1) are eligible for any grandfather provisions included this law's adopting resolution(s);~~
- ~~(2) keep or possess a litter of pups or kittens or a portion of a litter for a period not exceeding five (5) months from birth; and/or~~
- ~~(3) reside~~ hens an owner may keep is dependent on a farm.

### **304.7. Treatment of Animals**

~~304.7 1. Food and Water.~~ No owner may refuse or neglect to provide an animal with a daily supply of food and water sufficient to maintain the animal in good health.

~~304.7 2. Shelter.~~

~~(a) Minimum indoor standards of shelter:~~

- ~~(1) The ambient temperature shall be compatible with the health of the animal.~~
- ~~(2) Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.~~

~~(b) Minimum outdoor standards of shelter:~~

~~(1) Shelter from Sunlight.~~ When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. "Caged" does not include farm fencing used to confine farm animals.

~~(2) Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.~~

~~(3) If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a weather appropriate shelter of suitable the size to~~

accommodate the dog shall be provided of the residential lot.

~~(e) Space~~(a) An owner may keep up to four (4) hens on a residential lot that is two (2) acres in size or smaller.

(b) An owner may keep up to eight (8) hens on a residential lot two (2) acres in size or larger.

304.9-4. Standards. Minimum space requirements for both indoor and outdoor enclosures:

~~(1) The housing facilities~~Keeping Hens. An owner shall be structurally sound and maintained~~keep hens in good repair to protect the animals from injury and to contain the animals.~~

~~(2) Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns. Specifically, dog kennels shall meet the following space requirements where, if there are multiple dogs in the same kennel, the base kennel space requirement is based on the size of the largest dog and the additional kennel space requirements are based on the size of each additional dog kept in the kennel manner:~~

DOG SIZE (LBS)	REQUIRED BASE KENNEL SPACE	REQUIRED ADDITIONAL KENNEL SPACE PER ADDITIONAL DOG
1-35 lbs	80 Sq. Ft.	12 Sq. Ft.
36-75 lbs	100 Sq. Ft.	18 Sq. Ft.
76 lbs or more	120 Sq. Ft.	24 Sq. Ft.

~~(d) Sanitation Standards. Minimum standards of sanitation for both indoor and outdoor enclosures require excreta to be removed within twenty four (24) hours of its deposit. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.~~

~~304.7-3. Mistreatment of Animals. No person may treat any animal in a manner which causes harm, injury or death. This section does not apply to:~~

~~(a) normal and accepted veterinary and/or care practices; or~~

~~(b) teaching, research or experimentation conducted at a facility regulated under federal or applicable state law.~~

~~304.7-4. Criminal Reporting. In addition to taking civil action under this law, any employee of the Nation shall report animal mistreatment to the Oneida Police Department.~~

304.8.(a) No person shall keep a hen over eight (8) weeks of age in a principal structure.

(b) Hens shall be kept within a structure such as a coop or fenced area used exclusively to keep hens and shall provide at least four (4) square feet of space per hen.

(c) No accessory structure used to keep hens shall be located within twenty-five feet (25') of any principal structure which is not owned by the person permitted to keep the hens.

(d) No accessory structure used to keep hens shall be located in a front or side yard.

(e) All hens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases amongst birds or to humans.

304.9-5. *Prohibition of Nuisance Hens.* No owner may keep hens that cause any other nuisance associated with unhealthy conditions, create a public health threat, or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

**304.10. Prohibited Animals**

~~304.8-1.~~ *Prohibited Animals.* 304.10-1. No person ~~may~~shall bring into, keep, harbor, maintain, offer for sale or barter, act as a custodian, have custody or control of, or release to the wild on the Reservation ~~an exotic~~a prohibited animal.

304.810-2. ~~Exotic~~Prohibited Animals. ~~The~~Prohibited animals include the following orders and families, whether bred in the wild or in captivity, and any or all hybrids ~~are defined as "Exotic Animals"~~. The animals listed ~~in parentheses~~ are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

(a) *Class Mammalia.*

- (1) *Order Chiroptera* ~~(Any. This includes all bat species).~~
- (2) *Order Artiodactyla* ~~(Hippopotamuses. This includes hippopotamuses, giraffes, camels, and deer)~~Excluding, but does not include domestic cattle, swine, sheep, goats, alpaca, and llama as exotic animals.
- (3) *Order Carnivora.*
  - (A) *Family Felidae.* ~~(Lions)~~This includes lions, tigers, cougars, leopards, ocelots, and servals)Excluding, but does not include domestic cats as exotic animals.
  - (B) *Family Canidae* ~~(Wolves. This includes wolves, wolf hybrids, coyotes, coyote hybrids, foxes, and jackals)~~Excluding, but does not include domestic dogs as exotic animals.
  - (C) *Family Ursidae.* ~~(All)~~This includes all bears).
  - (D) *Family Mustelidae.* ~~(Weasels)~~This includes weasels, skunks, martins, and minks)Excluding, but does not include ferrets as exotic animals.
  - (E) *Family Procyonidae.* ~~(Raccoons. This includes raccoons, and coatis).~~
  - (F) *Family Hyaenidae.* ~~(Hyenas)~~This includes hyenas.
  - (G) *Family Viverridae* ~~(Civets. This includes civets, genets, and mongooses).~~
- (4) *Order Edentatia.* ~~(Anteaters)~~This includes anteaters, armadillos, and sloths).
- (5) *Order Marsupialia.* ~~(Opossums)~~This includes opossums, kangaroos, wallabies, and sugar gliders).
- (6) *Order Perissodactyla.* ~~(Rhinoceroses. This includes rhinoceroses, and tapirs)~~Excluding, but does not include horses, goats, and mules as exotic animals.
- (7) *Order Primates.* ~~(Lemurs)~~This includes lemurs, monkeys, chimpanzees, and gorillas).
- (8) *Order Proboscidae.* ~~(Elephants)~~This includes elephants.
- (9) *Order Rodentia.* ~~(Squirrels)~~This includes squirrels, beavers, porcupines, and prairie dogs)Excluding, but does not include guinea pigs, rats, mice, gerbils, and hamsters as exotic animals.

(b) Class Reptilia.

(1) Order Squamata.

(A) Family Helodermatidae. ~~(This includes Gila Monsters monsters~~ and Mexican beaded lizards).

(B) Family Varanidae. ~~(Any~~ This includes any monitor lizard which will normally grow over two feet in length).

(C) Family Iguanidae. ~~(Only~~ This includes green iguanas and rock iguanas, ~~all others allowed~~) but does not include all other types of iguanas which are not green or rock iguanas.

(D) Family Boidae. ~~(All~~ This includes all species whose adult length may exceed eight (8) feet).

(E) Family Colubridae. ~~(Boomsnangs~~ This includes boomslangs and African twig snakes).

(F) Family Elapidae. ~~(Coral~~ This includes coral snakes, cobras, and mambas).

(G) Family Natricidae. ~~(Only~~ This includes keelback snakes, ~~all others allowed~~) but does not include all other snakes not keelback.

(H) Family Viperidae. ~~(Copperheads~~ This includes copperheads, cottonmouths, and rattlesnakes).

(2) Order Crocodilia. ~~(Crocodiles~~ This includes crocodiles, alligators, caimans, and gavials).

(c) Class Aves.

(1) Order Falconiformes. ~~(Eagles~~ This includes eagles, hawks, and vultures).

(2) Order Rheiformes. ~~(Rheas)~~ This includes rheas.

(3) Order Struthioniformes. ~~(Ostriches)~~ This includes ostriches.

(4) Order Casuariiformes. ~~(Cassowaries)~~ This includes cassowaries and emus).

(5) Order Strigiformes. ~~(Owls)~~ This includes owls.

(d) Class Arachnida.

(1) Order Scorpiones,

(A) Family Buthidae. This includes scorpions.

~~(A) Arabian fat tailed scorpion — Androctonus crassicauda~~

~~(B) Arizona centruroides scorpion — Centruroides exilicauda~~

~~(C) Death stalker — Leiurus quinquestriatus~~

~~(D) Egyptian yellow scorpion — Androctonus Amoreuxi~~

~~(E) Israeli black scorpion — Hottentotta judaicus~~

~~(F) S.A. giant fat tailed scorpion — Parabuthus transvaalicus~~

~~(G) Sinai desert scorpion — Androctonus bicolor~~

~~(H) Yellow desert scorpion — Androctonus Australia~~

(2) Order Araneae,

(A) Family Therididae.

~~(A) This includes the~~ Argentina red widow spider — ~~Latrodectus coralinus~~

~~(B) Brown, brown~~ widow spider — ~~Latrodectus geometicus~~

~~(C) Red, red-black~~ widow — ~~Latrodectus hasselti~~

~~(D) Red widow spider—Lactrodectus bishop~~

~~(E) Southern, red widow spider, southern~~ black widow spider—  
~~Lactrodectus mactans~~

~~(F) —, and Western widow —Lactrodectus Hesperus spider.~~

~~(3) — Order Araneae, (B) Family Laxoscelidae, Brown~~ This includes the brown recluse spider—Loxoseeles reclusa.

(e) Class Chilopoda.

(1) Order Scolopendromorpha,

(A) Family Scolopendridae. This includes centipedes.

~~(A) Amazon giant banded centipede—Scolopendra giganea~~

~~(B) Arizona tiger centipede—Scolopendra virdis~~

~~(C) Florida keys centipede—Solopendra alternans~~

(f) Any Federal or State endangered or threatened species.

304.8 10-3. This section does Prohibited Animals Exception. The prohibition of certain animals shall not apply to:

(a) Individuals who are eligible for any grandfather provisions included in this law's adopting resolution ~~(s).~~

(b) Zoological parks A zoological park and/or sanctuary, an educational or medical institution, and/or a specially trained entertainment organizations organization who receive receives a permit from the Oneida Conservation Department—Environmental, Health, Safety, and Land Division to own, harbor or possess the animals. prohibited animal.

~~(1) — 304.10-4. Prohibited Animal Permit.~~ The Environmental, Health ~~and~~, Safety, ~~and~~ Land Division may issue a prohibited animal permit ~~under this section~~ if:

~~(A) — a~~ the animals animal and animal quarters are kept in a clean and sanitary condition and maintained to eliminate objectionable odors; and

~~(B) — b~~ the animals are animal is maintained in quarters so constructed as to prevent their its escape.

~~(2) If approved by the Oneida Conservation Department, wildlife refuges/sanctuaries may release~~ 304.10-5. Release of Prohibited Animals. The Environmental, Health, Safety, and Land Division, may approve a wildlife refuge and/or sanctuary to release prohibited animals within the Reservation without applying for and receiving a permit as otherwise required under this Section.

~~304.8 4. — Seized Animals. Any animal seized as a prohibited animal permit.~~

304.10-6. Seizure of Prohibited Animals. An unpermitted prohibited animal may be seized by the Oneida Police Department and/or the Oneida Conservation Department.

(a) A prohibited animal that is seized shall be held by the Oneida Police Department, the Oneida Conservation Department, or its designee until that animal is identified to ascertain whether it can be determined if the animal is an “endangered or threatened species” pursuant applicable laws.

(b) At any time after such identification, the Oneida Police Department and/or Oneida Conservation Department may seek an order from a hearing body the Trial Court as to the care, custody and control of the animal. The Oneida Conservation Department may also

request the defendant to post a bond in an amount sufficient to satisfy the costs of holding, housing and/or caring for the animal.

(c) If the ~~hearing body~~ Trial Court finds the animal has been taken, employed, used or possessed in violation of this section, the owner shall be responsible for reimbursing the Oneida Police Department and/or the Oneida Conservation Department for the cost of holding the animal and any costs incurred in identifying the ~~animals shall be assessed against the defendant~~ animal.

304.8-510-7. *Notice of Release or Escape.* ~~If an animal identified as~~ The owner of a prohibited ~~under this section is~~ animal that has been released or escapes, ~~the owner of the animal~~ shall immediately notify the Oneida Police Department and/or the Oneida Conservation Department and ~~or the Oneida Police Department and~~ shall be liable for any cost of recapture of the animal.

304.10-8-6. *Forfeiture of the Prohibited Animal.* ~~Anyone~~ An owner found in violation of this section shall forfeit or surrender the prohibited animal to the Oneida Police Department, Oneida Conservation Department, or designee. Upon such forfeiture or surrender, the ~~Judiciary~~ Trial Court may direct destruction or transfer of the animal to a qualified zoological, educational, or scientific institution or qualified private propagator for safekeeping, with costs assessed against the ~~defendant~~ owner.

### 304.9. — Regulation of Livestock

~~304.9-1. Livestock may only be kept on land zoned residential if a conditional use permit is received from the Oneida Land Commission, however, not in excess of the following limitations:~~

~~(a) One (1) large animal per one (1) acre. Examples of large animals include, but are not limited to horses, cows and pigs.~~

~~(b) One (1) small animal per one half (1/2) acre. Examples of small animals include, but are not limited to goats and sheep.~~

~~(c) One (1) goat or sheep per recorded lot under one half (1/2) acre when setback requirements can be met.~~

~~304.9-2. Liability for Damage Caused by Livestock. Any person whose livestock escapes from its normal confined area and becomes at large is responsible for any and all damage to persons and property caused by such livestock while it is away from its normal confined area.~~

~~11304.9-3. Hens. A permit from the Oneida Conservation Department, based on the rules it shall develop, is required in order to keep an excess of four (4) hens. Roosters may not be kept.~~

~~(a) Persons keeping hens shall keep them in the following manner:~~

~~(1) No person may keep a hen over eight (8) weeks of age in a principal structure.~~

~~(2) Hens shall be kept within a structure such as a coop or fenced area used exclusively to keep hens and shall provide at least four (4) square feet per chicken.~~

~~(3) No accessory structure used to keep hens may be located within twenty five feet (25') of any principal structure which is not owned by the person licensed to possess the hens.~~

~~(4) No accessory structure used to keep hens may be located in a front or side yard.~~

~~(b) In addition to compliance with the requirements of this section, no person may keep hens that cause any other nuisance associated with unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by~~

~~humans or animals.~~

**304.10. Dangerous Animals**

~~304.10-11-1. *Classifying Dangerous Animals.* Owners of animals meeting the definition of No person shall own, keep, possess, return to or harbor a dangerous animal shall comply with the requirements contained in section 304.10-2 for harboring dangerous animals.~~

~~(a) — For the purposes of this law, an. An animal is shall be presumed to be dangerous if it the animal:~~

~~(+a) approaches or chases a human being or domestic animal in a menacing fashion or apparent attitude of attack, without provocation; or;~~

~~(2b) bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or domestic animal without provocation.;~~

~~(b) An animal may not be deemed a dangerous animal if it bites, attacked or menaces any person or animal to:~~

~~(c) is suspected to be owned, trained or harbored for the purpose of dog fighting; and/or~~

~~(d) has been declared to be a dangerous animal and/or ordered to be destroyed in any other jurisdiction.~~

304.11-2. *Dangerous Animal Determination.* An Oneida Police Officer or Oneida Conservation Warden may determine an animal to be dangerous whenever, upon investigation, the officer finds that the animal meets the definition of dangerous animal provided in section 304.11-1.

(a) Upon making a determination that an animal is dangerous, the Oneida Police Officer or Oneida Conservation Warden shall issue a written order with an accompanying citation declaring the animal to be dangerous.

(b) The citation and order shall be personally delivered to the apparent owner or custodian of the dangerous animal.

(c) Upon receipt of the written order and accompanying citation the owner shall remove the dangerous animal from the Reservation within three (3) business days.

304.11-3. *Contesting a Dangerous Animal Determination.* If the owner wishes to contest the dangerous animal determination, he or she shall file with the Trial Court a written objection to the order within three (3) business days of receipt of the order.

(a) The written objection shall include specific reasons for objecting to or contesting the order. An owner may argue an animal should not be deemed dangerous due to the animal biting, attacking or menacing any person and/or domestic animal because the animal was acting to:

(1) defend its owner or another person from an attack by a person or animal;

(2) protect its young or another animal;

(3) defend itself against any person or animal which has tormented, assaulted or abused it; and/or

(4) defend its owner's property against trespassers.

~~(e) An Oneida Police Officer or Oneida Conservation Warden may, in his or her discretion, declare an animal dangerous, provided that, a citation for a violation of this section may be issued without having previously received such a declaration.~~

~~(d) An owner of an animal declared to be dangerous may appeal such declaration in~~

632 accordance with section 304.12-2. All requirements for harboring dangerous animals in  
633 section 304.10-2 except subsections (d)-(f) apply to the animal pending b) Pending the  
634 outcome of the hearing ~~unless specifically stayed by~~, the animal shall be securely confined  
635 in a humane manner either on the Judiciary.

636 304.10-2. *Harboring Dangerous Animals.* No person may harbor or keep a dangerous  
637 animal within premises of the Reservation unless all provisions of this section are complied  
638 with. Any animal that is determined to be a vicious animal in accordance with section  
639 304.10-3 may not, under any circumstances, be kept or harbored within owner or caretaker,  
640 or with a licensed veterinarian. If confined on the Reservation, premises of the owner or  
641 caretaker, the following requirements shall apply:

642 (a) 1) Leash and Muzzle. No ~~person keeping or possessing~~ owner shall permit a dangerous  
643 ~~animal may permit such~~ animal to go outside its kennel or pen unless the animal is securely  
644 ~~leashed~~ restrained with a leash no longer than four feet (4') in length.

645 (1) ~~No person may permit a dangerous animal to be kept on a chain, rope or other~~  
646 ~~type of leash outside its kennel or pen unless~~ by a person who is at least sixteen  
647 (16) years of age ~~or older~~ who is in physical control of the leash, competent to  
648 govern the animal and capable of physically controlling and restraining the animal  
649 ~~is in physical control of the.~~ The owner shall not leash.

650 (2) ~~The~~ an animal ~~may not be leashed to~~ inanimate objects such as ~~trees, posts and~~  
651 ~~buildings.~~

652 (3) ~~A dangerous~~ a tree, post, or building. When the animal is on a leash outside the  
653 animal's kennel ~~must be muzzled, the owner shall muzzle the animal~~ in a humane  
654 way by a commercially available muzzling device sufficient to prevent the animal  
655 from biting ~~persons or other animals.~~ ~~The Environmental Health and Safety~~  
656 ~~Division, with approval of the Environmental Resource Board, may provide a~~  
657 ~~written exception excusing an otherwise dangerous animal from being muzzled. If~~  
658 ~~such a written exception is issued, it shall be carried by the animal's owner at all~~  
659 ~~times.~~ a person or other animal.

660 (b) 2) Confinement. Except when leashed and muzzled ~~as provided in subsection (a)~~  
661 ~~above,~~ all the owner shall ensure the dangerous ~~animals shall be~~ animal is securely confined  
662 indoors or in a securely enclosed and locked pen or kennel that is located on the premises  
663 of the owner and constructed in a manner that does not allow the animal to exit the pen or  
664 kennel on its own volition.

665 (1) ~~Confinement Outdoors.~~ ~~When constructed in an open yard, the pen or kennel~~  
666 The owner shall, ~~at a minimum, be constructed to conform to the requirements of~~  
667 ~~this subsection.~~

668 (A) ~~The pen or kennel shall be child proof from the outside and~~ not permit  
669 an animal ~~proof from the inside.~~

670 (B) ~~A strong metal double fence with adequate space between fences (at~~  
671 ~~least two feet (2')) shall be provided so that a child cannot reach into the~~  
672 ~~animal enclosure.~~

673 (C) ~~The pen, kennel or structure shall have secure sides and a secure top~~  
674 ~~attached to all sides.~~

~~(D) A structure used to confine a dangerous animal shall be locked with a key or combination lock when the animal is within the structure.~~

~~(E) The structure shall either have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than two feet (2')~~

~~(F) All structures erected to house dangerous animals shall comply with the requirements of all applicable laws and rules of the Nation.~~

~~(G) All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.~~

~~(2) Confinement Indoors. No dangerous animal may~~ to be kept on a porch, patio, or in any part of a house or structure on the premises of the owner that would allow the animal to exit the building on its own volition. ~~No dangerous~~ The owner shall not permit the animal ~~may~~ to be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

~~(e) 3) Signs.~~ The owner of a dangerous animal shall display, in prominent places on his or her premises near all entrances to the premises, signs in letters of not less than two inches (2") high warning that there is a dangerous animal on the property. A similar sign ~~is required to~~ shall be posted on the kennel or pen of the animal. In addition, the owner shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.

~~(d) Spay and Neuter Requirement. If declared~~ 4) Notification. The owner of a dangerous animal shall notify the Oneida Police Department and/or the Oneida Conservation Department immediately if the animal is at large, is unconfined, has attacked another animal, or has attacked a person.

(c) If an owner or caretaker fails to follow the requirements for harboring a dangerous animal pending a hearing, the animal may be impounded by an the Oneida Police Officer or Oneida Conservation Officer, Warden issuing the owner dangerous animal determination.

304.11-4. Dangerous Animal Determination Hearing. A hearing on the dangerous animal determination shall be held within thirty (30) fourteen (14) days after the declaration shall provide the Environmental Resource Board with of submission of the written proof from a licensed veterinarian objection with the Trial Court. At the hearing, the Trial Court shall determine whether the determination that the animal has been spayed or neutered is dangerous should be substantiated.

~~(e) Liability Insurance. If declared dangerous by an Oneida Police Officer or Oneida Conservation Officer, the owner of the dangerous animal shall present proof to the Environmental Resource Board.~~ (a) If the Trial Court concludes that the determination that the animal is dangerous is substantiated, then the Trial Court shall issue an order that mandates the animal be removed from the Reservation within forty-eight (48) hours of the determination.

(1) The order shall contain the requirement that the owner has procured liability insurance in an amount not less than \$1,000,000 for any personal injuries inflicted by the dangerous

animal. Whenever such a policy is cancelled or not renewed, the insurer shall so notify the Environmental Resource Board.

(f) ~~Microchipping.~~ If declared dangerous by an Oneida Police Officer or Oneida Conservation Officer, the owner of the dangerous animal shall provide proof to the Environmental Resource Board that the dangerous animal has had a microchip inserted for identification purposes within ten (10) calendars from the date the animal is declared dangerous.

(g) ~~Ongoing Notification Requirements.~~ After an animal has been declared dangerous, the owner shall have an ongoing duty to notify the Oneida Police Department:

(1) immediately if the dangerous animal is at large, is unconfined, has attacked another animal or has attacked a human being; and

(2) within twenty-four (24) hours if ~~at~~the dangerous animal has ~~died~~, been sold or been given away. If the dangerous animal has been sold or given away, the owner shall also provide the name, address and telephone number of the new owner of the dangerous animal. If the dangerous animal is sold or given away to a person residing outside the Reservation or to a person or entity that falls outside of the jurisdiction of this law, the owner shall present evidence to the Oneida Police Department showing that he or she has notified the police department or other law enforcement agency of the animal's new residence, including the name, address and telephone number of the new owner. The Oneida Police Department shall forward all such notifications to the Environmental ~~Resource Board~~, Health, Safety and Land Division within a reasonable amount of time.

(h) ~~Waiver by the Environmental Resource Board.~~ Upon request of an owner, the Environmental Resource Board may waive any requirement specified in subsections (a)-(f) that the Environmental Resource Board deems to be unnecessary for a particular dangerous animal. The Environmental Resource Board may waive the provisions of subsections (a)-(f) for a law enforcement or military animal upon presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.

(i) ~~Euthanasia.~~ If the owner of an animal that has been designated a dangerous animal is unwilling or unable to comply with the regulations for keeping the animal in accordance with this section, he or she may have the animal humanely euthanized by an animal shelter, the humane society or a licensed veterinarian.

~~304.10-3. Vicious Animals.~~ No person may bring or keep within the Reservation any animal that is a vicious animal under this section.

(a) ~~Declaration of Vicious Animal.~~ An Oneida Police Officer, Oneida Conservation Warden and/or the Judiciary Trial Court may declare an animal to be a vicious animal if the animal:

(1) Is a dangerous animal in noncompliance with the requirements under Section 304.10-2;

(2) Has killed a domestic animal or pet without provocation on public or private property;

(3) Without provocation, has inflicted substantial bodily harm on a person on public or private property where substantial bodily harm means bodily injury that

causes a laceration that requires stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing;

(4) Is suspected to be owned, trained or harbored for the purpose of dog fighting; and/or

(5) Has been declared to be a vicious animal and/or ordered to be destroyed in any other jurisdiction.

~~(b) Mandatory Hearing.~~ The owner of an animal declared to be a vicious animal shall attend a mandatory pre-hearing with the Judiciary Trial Court, the date for which shall be included on the declaration of vicious animal. At the pre-hearing it may be determined that mandatory attendance at Judiciary Trial Court hearing is also required if restitution is appropriate. The pre-hearing and any hearings are subject to the requirements contained in section 304.12-2.

~~(1) All requirements for harboring dangerous animals in section 304.10-2 except subsections (d) (f) apply to the said animal pending the outcome of the Judiciary Trial Court's pre-hearing and/or hearing.~~

~~(2) At the pre-hearing, the Judiciary Trial Court may require the animal to be impounded pending the result of the hearing.~~

~~(3) The Judiciary Trial Court may order a vicious animal to be destroyed if it finds it was so declared based on section 304.10-3(a)(3). If such an order is issued, the Judiciary~~  
The Trial Court may order a dangerous animal to be destroyed. If such an order is issued, the Trial Court shall require the owner submit proof of destruction within five (5) business days from a licensed veterinarian. If the owner does not satisfy these requirements, an Oneida Police Officer and/or an Oneida Conservation Warden shall seize the animal and enforce compliance at the cost of the owner.

~~(4) If the declaration of vicious animal is upheld upon appeal, the Judiciary Trial Court shall order the animal to be removed from the Reservation. Such order shall include the notification requirements contained in section 304.10-2(g) and provide the owner with a reasonable timeframe for removing the animal from the Reservation, provided that the timeframe may not exceed thirty (30) days after the date of the Judiciary Trial Court's decision.~~

~~(5) If the owner further appeals the~~ (c) The Trial Court may mandate attendance at an additional Trial Court hearing if restitution is appropriate.

304.11-5. Appeal of the Trial Court's Decision. An appeal of the Trial Court's decision on the dangerous animal determination of the Judiciary Trial Court may be appealed to the Judiciary Nation's Court of Appeals, he or she shall submit the.

(a) An appeal shall be submitted to the Court of Appeals within five (5) business days from the date of the Judiciary Trial Court's decisions, ~~which is a shorter timeframe than required for all other appeals under this law.~~ Trial Court's decision.

(b) Upon an appeal to the Judiciary Court of Appeals, the ~~requirement to~~ order to remove the animal from the Reservation or any order to destroy an animal is stayed pending the outcome of the appeal.

~~(c) Enforcement. An Oneida Police Officer or Oneida Conservation Warden~~ 604.11-6. Dangerous Animal Exception. The Trial Court may make any inquiries deemed necessary

to ensure compliance with this section and may seize provide an exception to the dangerous  
animal based on the owner's failure to comply.

(d) ~~Waiver.~~ The Judiciary may waive the provisions of this section~~law~~ for a law  
enforcement or military animal upon presentation by the ~~animal's~~animal's owner or handler of a  
satisfactory arrangement for safe keeping of the animal.

~~304.10 4. Investigations for Suspected Domestic Animal Bites. The owner shall notify the Oneida  
Police Department in the event the owner's cat or dog bites a human or another domestic animal.~~

(a) ~~The responding Oneida Police Officer or Oneida Conservation Warden shall:~~

(1) ~~Ascertain whether the domestic animal is properly licensed and has current  
vaccinations.~~

(2) ~~Ensure all information provided is correct.~~

(3) ~~Contact the Environmental, Health and Safety Division to notify them of the  
domestic animal bite.~~

(4) ~~If the cat or dog has current rabies vaccinations, order the owner to:~~

(A) ~~Quarantine the animal for ten (10) days; and~~

(B) ~~Present the animal for examination by a veterinarian within twenty four  
(24) hours of the bite, on the last day of quarantine and on one (1) day in  
between the first twenty four (24) hours and the tenth (10<sup>th</sup>) day.~~

(5) ~~If the cat or dog does not have current rabies vaccination, order the owner to:~~

(A) ~~Quarantine the animal for ten (10) days or deliver the animal to an  
isolation facility at the owner's expense. If a home quarantine is ordered,  
the owner shall present the domestic animal for examination by a  
veterinarian within twenty four (24) hours of the bite, on the last day of  
quarantine and on one (1) day in between the first twenty four (24) hours  
and the tenth (10<sup>th</sup>) day; or~~

(B) ~~Euthanize the animal and send the specimen for analysis at the owner's  
expense, if the animal has exhibited any signs of rabies.~~

(b) ~~Upon expiration of a quarantine period, a veterinarian may extend the quarantine  
period. Upon expiration of all quarantine periods, if the veterinarian certifies that the  
animal has not exhibited any signs of rabies, the animal may be released from quarantine.~~

(c) ~~If the veterinarian certifies that the animal has exhibited any signs of rabies the  
following shall occur:~~

(1) ~~If the animal has current rabies vaccinations, the Oneida Police Officer or  
Oneida Conservation Warden may order the animal to be euthanized and send the  
specimen for analysis, to be paid for by the Nation.~~

(2) ~~If the animal does not have current rabies vaccinations, the Oneida Police  
Officer or Oneida Conservation Warden may order the animal to be euthanized and  
send the specimen for analysis at the owner's expense.~~

### **304.11 12. Owner Liability for Domestic Animals**

~~304.11 12-1. Owners are~~An owner shall be liable for damages caused by ~~their~~this or her domestic  
animal(s).

(a) *First Offense.* The owner is liable for the full amount of damages caused by the domestic animal.

(b) *Subsequent Offenses.* The owner shall be liable for two (2) times the full amount of damages caused by the domestic animal if the owner knew or should have known that the domestic animal previously caused damages.

**304.12. — Violations, 13. Enforcement and Appeals of Violations**

~~304.12~~13-1. — *Citations.* Citations for the violation of this law and/or orders issued pursuant to this law may include fines, penalties and conditional ~~and other~~ orders in accordance with the fine, penalty, and licensing fee schedule ~~developed under section 304.5-2. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.~~

~~(a) Any order issued pursuant to this law that is not complied with may be physically enforced by Oneida Police Officers or Oneida Conservation Wardens at the Owner's expense.~~

~~(b) The Oneida Police Department, by means of Oneida Police Officers and Oneida Conservation Wardens, is authorized to take any appropriate action to prevent or remove a violation of this Law.~~

~~304.12~~13-2. — *Citation Pre-Hearing and Appeals of Contested Actions.* All citations, ~~orders and declarations issued pursuant to this law~~ shall include a pre-hearing date with the Judiciary Trial Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30) days after the citation was issued. excluding dangerous animal citations which shall follow the process contained in section 304.11.

(a) Persons wishing to contest a citation shall appear at the prehearing, at which time the Judiciary Trial Court shall accept pleas which either contest or admit committing the act for which the citation was issued. The Judiciary

(b) In addition to scheduling requested hearings, the Trial Court may also make conditional orders at the prehearing which are effective until the matter is resolved.

304.13-3. Citation Hearing. The Trial Court shall schedule a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. ~~In addition to scheduling requested hearings, the Judiciary may also make conditional orders at the prehearing which are effective until the matter is resolved.~~

~~(a) Community Service. Community service may be substituted for monetary fines at the Judiciary's discretion, provided that, if so substituted, the Judiciary shall use the rate of one (1) hour per ten dollars (\$10) of the fine.~~

~~(b) Allocation of Citation Revenue. All citations shall be paid to the Environmental Resource Board or its designee, the proceeds of which shall be contributed to General Fund.~~

~~(c) Appealing the Decision of the Judiciary~~ 304.13-4. Appeals of the Trial Court's Determinations. Any person wishing to contest the ~~determination of the Judiciary Trial Court~~ may appeal to the Judiciary Nation's Court of Appeals in accordance with the Rules of Appellate Procedure.

~~(d) — Pursuing Payment of a Citation. The Environmental Resource Board may pursue~~

304.13-5. *Fines.* All fines shall be paid to the Trial Court. Cash shall not be accepted for payment of fines. Money received from ~~parties who have failed~~ fines shall be contributed to the General Fund.

(a) Fines shall be paid within ninety (90) days after the order is issued or upheld on final appeal, whichever is later. If the fine is not paid by this deadline, the Trial Court may seek to ~~make~~ collect the ~~required payments~~ money owed through the ~~Nation's~~ garnishment process contained in the Garnishment law and/or by attaching the judgment to Tribal member's per capita attachment process.

(1) The ninety (90) day deadline for payment pursuant to the Per Capita law of fines may be extended if an alternative payment plan is approved by the Trial Court.

(b) Community service may be substituted for part or all of any fine at the minimum wage rate of the Nation for each hour of community service.

*End.*

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Adopted - BC-~~303~~-13-96-B  
Amended – BC-06-22-11-G  
Amended – BC-06-28-17-B  
Amended – BC- - - -

**Title 3. Health and Public Safety - Chapter 304**  
**DOMESTIC ANIMALS**  
**Kátse?na Olihwa'ke**  
*matters concerning the pet animals*

304.1. Purpose and Policy	304.8. Livestock
304.2. Adoption, Amendment, Conflicts	304.9. Hens
304.3. Definitions	304.10. Prohibited Animals
304.4. Jurisdiction	304.11. Dangerous Animals
304.5. Authority	304.12. Owner Liability
304.6. Treatment of Animals	304.13. Enforcement of Violations
304.7. Dogs and Cats	

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**304.1. Purpose and Policy**

304.1-1. *Purpose.* The purpose of this law is to:

- (a) protect the health, safety, and welfare of the community by requiring certain basic measures to prevent the spread of disease carried by domestic animals;
- (b) set minimum standards for the treatment of animals;
- (c) prohibit certain species of animals from being brought onto the Reservation;
- (d) regulate the keeping of livestock on lots zoned residential within the Reservation; and
- (e) establish consequences for damages caused by domestic animals.

304.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the community by:

- (a) requiring certain basic measures to prevent the spread of disease carried by domestic animals;
- (b) establishing requirements for licensing domestic animals, and
- (c) regulating the types of animals which may be kept as domestic animals.

**304.2. Adoption, Amendment, Repeal**

304.2-1. This law was adopted by Oneida Business Committee by resolution BC-03-13-96-B and amended by resolutions BC-06-22-11-G, BC-06-28-17-B, and BC-\_\_-\_\_-\_\_.

304.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

304.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

304.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

304.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

**304.3. Definitions**

304.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "District Quarantine" means a rabid or otherwise diseased domestic animal is suspected or known to be within a discernible area and all such animals reasonably suspected of being infected are subject to enforced isolation for a period of time to limit or prevent the spread of disease or infection and during which time said animals are tested for diseases, including rabies.

(b) "Fine" means a monetary punishment issued to a person violating this law.

(c) "Hen" means a female chicken (*Gallus gallus domesticus*).

(d) "Livestock" means any equine (i.e. horse, donkey, etc.), bovine (i.e. cow, steer,

heifer, etc.), sheep, goat, pig.

(e) "Nation" means the Oneida Nation.

(f) "Owner" means any person who owns, harbors, keeps, controls or acts as a caretaker for an animal. Absent evidence of alternative adult ownership, this law presumes that domestic animals are owned by the adult homeowner or renter.

(g) "Penalty" means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law and may include, but is not limited to, the confiscation of wildlife with return of the same at the discretion of the Trial Court and restitution.

(h) "Reservation" means all the property within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(i) "Residential household" means a residential lot, except for those residential lots designed as multi-family lots, in which each family unit within the lot constitutes a separate household.

(j) "Tethering" means the act of fastening an animal to a stationary object while unattended so that the animal can only range within a set radius. Tethering does not include the use of a leash to walk an animal.

(k) "Trial Court" means the Trial Court of the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

(l) "Quarantine" means the act of keeping an animal in enforced isolation for a period of time to limit or prevent the spread of disease or infection and during which time said animal is tested for diseases, including rabies.

#### **304.4. Jurisdiction**

304.4-1. *Personal Jurisdiction.* This law applies to:

(a) All members of the Nation; the Nation's entities and corporations; and members of other federally-recognized tribes.

(b) Individuals and businesses leasing, occupying or otherwise using fee land owned by the Nation or by individual members of the Nation; and/or lands held in trust on behalf of the Nation or individual members of the Nation.

(c) Individuals who have consented to the jurisdiction of the Nation or as otherwise consistent with federal law. An individual shall be considered to have consented to the jurisdiction of the Nation:

(1) By entering into a consensual relationship with the Nation, or with the Nation's entities, corporations, or members of the Nation, including but not limited to contracts or other agreements; or

(2) By other facts which manifest an intent to consent to the authority of the Nation, including failure to raise an objection to the exercise of personal jurisdiction in a timely manner.

304.4-2. *Territorial Jurisdiction.* This law extends within the Reservation to all land owned by the Nation and individual trust and/or fee land of a member of the Nation.

**304.5. Authority**

304.5-1. *General.* This law governs the keeping of all domestic animals which are commonly owned as household pets. Domestic animals include, but are not limited to dogs, cats, ferrets, rabbits, guinea pigs, turtles, birds, pigeons, hamsters, non-venomous reptiles, amphibians, and arachnids.

(a) Domestic animals do not include prohibited exotic animals as identified in section 304.10-2.

304.5-2. *Authority of the Oneida Police Department and Conservation Department.* Oneida Police Officers and Conservation Wardens shall have the authority to:

(a) investigate complaints involving domestic animals;

(b) enforce the provisions of this law through appropriate means, including but not limited to:

(1) seizing any animal that is taken, employed, used, or possessed in violation of this law and/or mistreated, rabid or otherwise in danger or dangerous;

(2) issuing citations consistent with the fine and penalty schedule developed in accordance with this law; and

(3) using force, up to and including lethal force, to stop an immediate threat to public safety caused by an animal.

(A) Where lethal force is used, such execution shall be conducted in as humane manner as possible and, to the extent feasible, avoids damage to the animal's head for the purpose of rabies testing.

304.5-3. *Fine, Penalty, and Licensing Fee Schedule.* The Environmental, Health, Safety, and Land Division and the Environmental Resource Board are hereby delegated joint authority to develop a fine, penalty, and licensing fee schedule. The fine, penalty, and licensing fee schedule shall be adopted by the Oneida Business Committee by resolution.

304.5-4. *Disease Investigation and Quarantine.* The Environmental, Health, Safety, and Land Division, the Emergency Management Coordinator, and the Comprehensive Health Division are hereby delegated joint authority to establish standard operating procedures related to disease investigations and quarantines.

304.5-5. *Issuance of Licenses.* The Environmental, Health, Safety, and Land Division shall make all decisions related to the issuance of a license and/or permit in accordance with this law, unless otherwise noted.

**304.6. Treatment of Animals**

304.6-1. *Food and Water.* An owner shall provide an animal with a daily supply of food and water sufficient to maintain the animal in good health.

304.6-2. *Shelter.* An owner shall meet the minimum standards for indoor and outdoor shelter for an animal. All shelter shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.

(a) *Minimum indoor standards of shelter.* Minimum standards for indoor shelter include the following:

- 125 (1) *Temperature.* The ambient temperature of the indoor shelter shall be  
126 compatible with the health of the animal.
- 127 (2) *Ventilation.* Indoor shelter facilities shall be adequately ventilated by natural  
128 or mechanical means to provide for the health of the animal at all times.
- 129 (b) *Minimum outdoor standards of shelter.* Minimum standards for outdoor shelter  
130 include the following:
- 131 (1) *Shelter from Sunlight.* When sunlight is likely to cause heat exhaustion of an  
132 animal tied or caged outside, sufficient shade by natural or artificial means shall  
133 be provided to protect the animal from direct sunlight. Caged does not include  
134 farm fencing used to confine livestock.
- 135 (2) *Climatic Conditions.* Natural or artificial shelter appropriate to the local  
136 climatic conditions for the animal concerned shall be provided as necessary for  
137 the health of the animal.
- 138 (3) *Adverse Weather.* If an animal is tied or confined unattended outdoors under  
139 weather conditions which adversely affect the health of the animal, a weather  
140 appropriate shelter of suitable size to accommodate the animal shall be provided.
- 141 (c) *Space Standards.* Enclosures shall be constructed and maintained so as to provide  
142 sufficient space to allow each animal adequate freedom of movement. Inadequate space  
143 may be indicated by evidence of debility, stress, or abnormal behavior patterns.
- 144 (1) *Dog Kennels.* Dog kennels shall meet the following space requirements  
145 where, if there are multiple dogs in the same kennel, the base kennel space  
146 requirement is based on the size of the largest dog and the additional kennel space  
147 requirements are based on the size of each additional dog kept in the kennel:
- 148 (A) *Dog Size Between One and Thirty-Five Pounds.* A dog that weighs  
149 between one (1) and thirty-five (35) pounds shall have a required base  
150 kennel space of sixty (60) square feet. Required additional kennel space  
151 per additional dog of this size is twelve (12) square feet.
- 152 (B) *Dog Size Between Thirty-Six and Seventy-Five Pounds.* A dog that  
153 weighs between thirty-six (36) and seventy-five (75) pounds shall have a  
154 required base kennel space of eighty (80) square feet. Required additional  
155 kennel space per additional dog of this size is eighteen (18) square feet.
- 156 (C) *Dog Size Seventy-Six Pounds or Greater.* A dog that weighs seventy-  
157 six (76) pounds or more shall have a required base kennel space of one  
158 hundred (100) square feet. Required additional kennel space per additional  
159 dog of this size is twenty-four (24) square feet.
- 160 (d) *Sanitation Standards.* An owner shall meet the minimum standards of sanitation for  
161 both indoor and outdoor shelter. Minimum sanitation standards require waste matter from  
162 the animal to be removed within twenty-four (24) hours of its deposit.
- 163 (e) *Shelter Exception for Livestock.* In the case of livestock kept on farms on land zoned  
164 agricultural, nothing in this section shall be construed as imposing shelter requirements or  
165 standards more stringent than normally accepted husbandry practices.
- 166 304.6-3. *Tethering.* If a kennel or enclosed yard is not available, an owner may tether an  
167 unsupervised animal as long as the owner meets the following conditions:

(a) the tether is connected to the animal with a buckle type collar or body harness made of nylon or leather not less than one inch (1") in width and at least two inches (2") greater in diameter than the animal's neck or torso;

(1) The use of a choke collar, prong collar head harness, or other similar type of head harness or collar shall be prohibited for the use of tethering.

(b) the tether is at least twelve feet (12') long and allows the animal to move in all directions unimpeded;

(c) the total weight of the tether does not exceed ten percent (10%) of the animal's body weight;

(d) the animal is tethered so as to prevent injury, strangulation, or entanglement, and allows the animal access to water and shelter;

(e) the tethered animal is not sick, injured, or nursing;

(f) the animal is not tethered on any vacant property or land or with an unoccupied dwelling; and

(g) the animal is not tethered in a manner that allows the animal to cross onto public space or property of others.

304.6-4. *Mistreatment of Animals.* No person may treat any animal in a manner which causes harm, injury or death. This section does not apply to:

(a) normal and accepted veterinary and/or care practices; or

(b) teaching, research or experimentation conducted at a facility regulated under federal or applicable state law.

304.6-5. *Mandatory Reporting.* An employee of the Nation shall report any animal mistreatment witnessed during the regular course of his or her employment with the Nation to the Oneida Police Department and any other appropriate entity.

### **304.7. Dogs and Cats**

304.7-1. *License Required.* An owner shall be required to obtain a license for any dog or cat five (5) months of age or older on an annual basis.

(a) *License Period.* The license year shall commence on January 1<sup>st</sup> and end on December 31<sup>st</sup> of every year.

(b) *License Eligibility.* To be eligible for a license, the owner shall provide:

(1) the licensing fee; and

(2) proof of current rabies vaccination.

(c) *Placement of License Tag.* Upon the receipt of a license the owner shall be provided a license tag for the dog or cat. The owner shall securely attach the license tag to the animal's collar and shall require the animal wear the collar at all times.

(1) *Exception.* A dog or cat shall not be required to wear the collar if the dog or cat is:

(A) hunting or actively involved in herding or controlling livestock if the animal is under control of its owner;

(B) within the owner's residence and/or securely confined in a fenced area; and/or

(C) being shown during a competition.

304.7-2. *Rabies Vaccinations Required.* An owner shall be required to obtain a rabies vaccination for any dog or cat five (5) months of age or older.

304.7-3. *Limit on the Number of Dogs and Cats.* An individual may keep no more than two (2) dogs or three (3) cats; and a total of no more than four (4) dogs and cats combined; in a single residential household.

(a) *Exception.* The limit on the number of dogs and cats a person may keep or possess does not apply to a person who:

(1) is eligible for any grandfather provisions included in this law's adopting resolution;

(2) keeps or possesses a litter of pups or kittens, or a portion of a litter, for a period not exceeding five (5) months from birth;

(3) resides on property zoned agricultural; and/or

(4) obtains a permit for the additional dog or cat.

(b) *Permit for Additional Dogs or Cats.* A person may keep more than two (2) dogs or three cats (3) in a single residential household if the owner obtains a permit from the Environmental, Health, Safety, and Land Division for the additional animal. The application for the permit must be signed by the owner and contain the signature of the landowner of the residential household if the landowner is not the applicant.

(1) By seeking a permit for an additional dog or cat the owner agrees that he or she shall reduce the number of licensed dogs or cats on the premises if there are two (2) or more nuisance complaints against the residential household within one (1) calendar year caused by, or related to, the number of dogs or cats housed on the premises.

(2) If two (2) or more nuisance complaints are received against the residential household due to the number of dogs or cats housed on the premises, the owner shall reduce the number of animals within thirty (30) days.

304.7-4. *Running at Large.* An owner shall not allow a dog or cat to run at large by being any place except upon the premises of the owner, unless the dog or cat is crated, penned, or on a leash under the control of a person physically able to control the animal.

(a) A stray dog or cat running at large may be referred to the Oneida Police Department or Oneida Conservation Department.

(b) When an Oneida Police Officer or Oneida Conservation Warden finds a dog or cat running at large, the officer and/or warden shall, if possible, pick up and impound such animal.

(c) Whenever any impounded animal bears an identification mark, such as a collar with identification tags or license tag, the owner shall be notified as soon as reasonably possible.

304.7-5. *Nuisance.* An Oneida Police Officer or Oneida Conservation Warden may pick up and impound a dog or cat that has been found to be a nuisance. A dog or cat shall be found to be a nuisance if the actions of the dog or cat:

(a) resulted in two (2) or more verified disturbances due to excessive barking and/or other noise by the animal, or the animal running at large; and/or

(b) resulted in one (1) or more verified disturbance due to threatening behavior by the

animal running at large.

304.7-6. *Investigations for Suspected Animal Bites.* The owner shall notify the Oneida Police Department in the event the owner's cat or dog bites a human or another domestic animal.

(a) The responding Oneida Police Officer or Oneida Conservation Warden shall:

(1) Ascertain whether the domestic animal is properly licensed and has current vaccinations.

(2) Ensure all information provided is correct.

(3) Contact the Environmental, Health, Safety and Land Division to provide notification of the domestic animal bite.

(4) If the cat or dog has current rabies vaccinations, order the owner to:

(A) Quarantine the animal for ten (10) days; and

(B) Present the animal for examination by a veterinarian within twenty-four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty-four (24) hours and the tenth (10<sup>th</sup>) day.

(5) If the cat or dog does not have current rabies vaccination, order the owner to:

(A) Quarantine the animal for ten (10) days or deliver the animal to an isolation facility at the owner's expense. If a home quarantine is ordered, the owner shall present the domestic animal for examination by a veterinarian within twenty-four (24) hours of the bite, on the last day of quarantine and on one (1) day in between the first twenty-four (24) hours and the tenth (10<sup>th</sup>) day; or

(B) Euthanize the animal and send the specimen for analysis at the owner's expense, if the animal has exhibited any signs of rabies.

(b) Upon expiration of a quarantine period, a veterinarian may extend the quarantine period. Upon expiration of all quarantine periods, if the veterinarian certifies that the animal has not exhibited any signs of rabies, the animal may be released from quarantine.

(c) If the veterinarian certifies that the animal has exhibited any signs of rabies the following shall occur:

(1) If the animal has current rabies vaccinations, the Oneida Police Officer or Oneida Conservation Warden may order the animal to be euthanized and send the specimen for analysis, to be paid for by the Nation.

(2) If the animal does not have current rabies vaccinations, the Oneida Police Officer or Oneida Conservation Warden may order the animal to be euthanized and send the specimen for analysis at the owner's expense.

304.7-7. *District Quarantine.* A district quarantine may be initiated by staff designated by the Environmental, Health, Safety, and Land Division, an Oneida Police Officer, an Oneida Conservation Warden, and/or a Public Health Officer.

(a) If an area is subject to a district quarantine for rabies, all dogs and cats within the district shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is a public nuisance and may be impounded. All Oneida Police Officers and Oneida Conservation Wardens shall cooperate in the enforcement of the quarantine.

(b) An animal that is immunized against rabies as evidenced by a valid certificate of

rabies vaccination or other evidence is exempt from the district quarantine provisions of this section.

#### **304.8. Livestock**

304.8-1. An owner shall obtain a conditional use permit from the Oneida Land Commission in order to keep livestock on land zoned residential.

304.8-2. *Limitations on Livestock.* Livestock kept on land zoned residential are subject to the following limitations:

(a) One (1) large animal per one (1) acre. Examples of large animals include, but are not limited to, horses, cows, and pigs.

(b) One (1) small animal per one-half (½) acre. Examples of small animals include, but are not limited to, goats, and sheep.

(c) One (1) goat or sheep per recorded lot under one-half (½) acre when setback requirements can be met.

304.8-3. *Liability for Damage Caused by Livestock at Large.* Any person whose livestock escapes from its normal confined area and becomes at large is responsible for any and all damage to persons and property caused by such livestock while it is away from its normal confined area.

#### **304.9. Hens**

304.9-1. *Hen Permit.* An owner shall obtain a conditional use permit from the Oneida Land Commission Division in order to keep hens on land zoned residential.

304.9-2. *Prohibition of Roosters.* An owner shall not keep a rooster on land zoned residential.

304.9-3. *Limit on the Number of Hens Allowed.* The number of hens an owner may keep is dependent on the size of the residential lot.

(a) An owner may keep up to four (4) hens on a residential lot that is two (2) acres in size or smaller.

(b) An owner may keep up to eight (8) hens on a residential lot two (2) acres in size or larger.

304.9-4. *Standards for Keeping Hens.* An owner shall keep hens in the following manner:

(a) No person shall keep a hen over eight (8) weeks of age in a principal structure.

(b) Hens shall be kept within a structure such as a coop or fenced area used exclusively to keep hens and shall provide at least four (4) square feet of space per hen.

(c) No accessory structure used to keep hens shall be located within twenty-five feet (25') of any principal structure which is not owned by the person permitted to keep the hens.

(d) No accessory structure used to keep hens shall be located in a front or side yard.

(e) All hens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases amongst birds or to humans.

304.9-5. *Prohibition of Nuisance Hens.* No owner may keep hens that cause any other nuisance associated with unhealthy conditions, create a public health threat, or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.

**304.10. Prohibited Animals**

304.10-1. No person shall bring into, keep, harbor, maintain, offer for sale or barter, act as a custodian, have custody or control of, or release to the wild on the Reservation a prohibited animal.

304.10-2. *Prohibited Animals*. Prohibited animals include the following orders and families, whether bred in the wild or in captivity, and any or all hybrids. The animals listed are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

(a) *Class Mammalia*.

(1) Order Chiroptera. This includes all bat species.

(2) Order Artiodactyla. This includes hippopotamuses, giraffes, camels, and deer, but does not include domestic cattle, swine, sheep, goats, alpaca, and llama as exotic animals.

(3) Order Carnivora.

(A) Family Felidae. This includes lions, tigers, cougars, leopards, ocelots, and servals, but does not include domestic cats as exotic animals.

(B) Family Canidae. This includes wolves, wolf hybrids, coyotes, coyote hybrids, foxes, and jackals, but does not include domestic dogs as exotic animals.

(C) Family Ursidae. This includes all bears.

(D) Family Mustelidae. This includes weasels, skunks, martins, and minks, but does not include ferrets as exotic animals.

(E) Family Procyonidae. This includes raccoons, and coatis.

(F) Family Hyaenidae. This includes hyenas.

(G) Family Viverridae. This includes civets, genets, and mongooses.

(4) Order Edentata. This includes anteaters, armadillos, and sloths.

(5) Order Marsupialia. This includes opossums, kangaroos, wallabies, and sugar gliders.

(6) Order Perissodactyla. This includes rhinoceroses, and tapirs, but does not include horses, goats, and mules as exotic animals.

(7) Order Primates. This includes lemurs, monkeys, chimpanzees, and gorillas.

(8) Order Proboscidea. This includes elephants.

(9) Order Rodentia. This includes squirrels, beavers, porcupines, and prairie dogs, but does not include guinea pigs, rats, mice, gerbils, and hamsters as exotic animals.

(b) *Class Reptilia*.

(1) Order Squamata.

(A) Family Helodermatidae. This includes Gila monsters and Mexican beaded lizards.

(B) Family Varanidae. This includes any monitor lizard which will normally grow over two feet in length.

(C) Family Iguanidae. This includes green iguanas and rock iguanas, but does not include all other types of iguanas which are not green or rock

- 382 iguanas.
- 383 (D) Family Boidae. This includes all species whose adult length may
- 384 exceed eight (8) feet.
- 385 (E) Family Colubridae. This includes boomslangs and African twig
- 386 snakes.
- 387 (F) Family Elapidae. This includes coral snakes, cobras, and mambas.
- 388 (G) Family Nactricidae. This includes keelback snakes, but does not
- 389 include all other snakes not keelback.
- 390 (H) Family Viperidae. This includes copperheads, cottonmouths, and
- 391 rattlesnakes.
- 392 (2) Order Crocodilia. This includes crocodiles, alligators, caimans, and gavials.
- 393 (c) *Class Aves*.
- 394 (1) Order Falconiformes. This includes eagles, hawks, and vultures.
- 395 (2) Order Rheiformes. This includes rheas.
- 396 (3) Order Struthioniformes. This includes ostriches.
- 397 (4) Order Casuariiformes. This includes cassowaries and emus.
- 398 (5) Order Strigiformes. This includes owls.
- 399 (d) *Class Arachnida*.
- 400 (1) Order Scorpiones,
- 401 (A) Family Buthidae. This includes scorpions.
- 402 (2) Order Araneae,
- 403 (A) Family Therididae. This includes the Argentina red widow spider,
- 404 brown widow spider, red-black widow spider, red widow spider, southern
- 405 black widow spider, and Western widow spider.
- 406 (B) Family Laxoscelidae. This includes the brown recluse spider.
- 407 (e) *Class Chilopoda*.
- 408 (1) Order Scolopendromorpha,
- 409 (A) Family Scolopendridae. This includes centipedes.
- 410 (f) Any Federal or State endangered or threatened species.
- 411 304.10-3. *Prohibited Animals Exception*. The prohibition of certain animals shall not apply to:
- 412 (a) Individuals who are eligible for any grandfather provisions included in this law's
- 413 adopting resolution.
- 414 (b) A zoological park and/or sanctuary, an educational or medical institution, and/or a
- 415 specially trained entertainment organization who receives a permit from the
- 416 Environmental, Health, Safety, and Land Division to own, harbor or possess the
- 417 prohibited animal.
- 418 304.10-4. *Prohibited Animal Permit*. The Environmental, Health, Safety, and Land Division
- 419 may issue a prohibited animal permit if:
- 420 (a) the animal and animal quarters are kept in a clean and sanitary condition and
- 421 maintained to eliminate objectionable odors; and
- 422 (b) the animal is maintained in quarters so constructed as to prevent its escape.
- 423 304.10-5. *Release of Prohibited Animals*. The Environmental, Health, Safety, and Land
- 424 Division, may approve a wildlife refuge and/or sanctuary to release prohibited animals within the

Reservation without applying for and receiving a prohibited animal permit.

304.10-6. *Seizure of Prohibited Animals.* An unpermitted prohibited animal may be seized by the Oneida Police Department and/or the Oneida Conservation Department.

(a) A prohibited animal that is seized shall be held by the Oneida Police Department, the Oneida Conservation Department, or its designee until it can be determined if the animal is an endangered or threatened species.

(b) At any time after such identification, the Oneida Police Department and/or Oneida Conservation Department may seek an order from the Trial Court as to the care, custody and control of the animal.

(c) If the Trial Court finds the animal has been taken, employed, used or possessed in violation of this section, the owner shall be responsible for reimbursing the Oneida Police Department and/or the Oneida Conservation Department for the cost of holding the animal and any costs incurred in identifying the animal.

304.10-7. *Notice of Release or Escape.* The owner of a prohibited animal that has been released or escapes shall immediately notify the Oneida Police Department and/or the Oneida Conservation Department and shall be liable for any cost of recapture of the animal.

304.10-8. *Forfeiture of the Prohibited Animal.* An owner found in violation of this section shall forfeit or surrender the prohibited animal to the Oneida Police Department, Oneida Conservation Department, or designee. Upon such forfeiture or surrender, the Trial Court may direct destruction or transfer of the animal to a qualified zoological, educational, or scientific institution or qualified private propagator for safekeeping, with costs assessed against the owner.

### **304.11. Dangerous Animals**

304.11-1. *Dangerous Animals.* No person shall own, keep, possess, return to or harbor a dangerous animal. An animal shall be presumed to be dangerous if the animal:

(a) approaches or chases a human being or domestic animal in a menacing fashion or apparent attitude of attack;

(b) bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or domestic animal;

(c) is suspected to be owned, trained or harbored for the purpose of dog fighting; and/or

(d) has been declared to be a dangerous animal and/or ordered to be destroyed in any other jurisdiction.

304.11-2. *Dangerous Animal Determination.* An Oneida Police Officer or Oneida Conservation Warden may determine an animal to be dangerous whenever, upon investigation, the officer finds that the animal meets the definition of dangerous animal provided in section 304.11-1.

(a) Upon making a determination that an animal is dangerous, the Oneida Police Officer or Oneida Conservation Warden shall issue a written order with an accompanying citation declaring the animal to be dangerous.

(b) The citation and order shall be personally delivered to the apparent owner or custodian of the dangerous animal.

(c) Upon receipt of the written order and accompanying citation the owner shall remove the dangerous animal from the Reservation within three (3) business days.

304.11-3. *Contesting a Dangerous Animal Determination.* If the owner wishes to contest the

dangerous animal determination, he or she shall file with the Trial Court a written objection to the order within three (3) business days of receipt of the order.

(a) The written objection shall include specific reasons for objecting to or contesting the order. An owner may argue an animal should not be deemed dangerous due to the animal biting, attacking or menacing any person and/or domestic animal because the animal was acting to:

- (1) defend its owner or another person from an attack by a person or animal;
- (2) protect its young or another animal;
- (3) defend itself against any person or animal which has tormented, assaulted or abused it; and/or
- (4) defend its owner's property against trespassers.

(b) Pending the outcome of the hearing, the animal shall be securely confined in a humane manner either on the premises of the owner or caretaker, or with a licensed veterinarian. If confined on the premises of the owner or caretaker, the following requirements shall apply:

(1) *Leash and Muzzle*. No owner shall permit a dangerous animal to go outside its kennel or pen unless the animal is securely restrained with a leash no longer than four feet (4') in length by a person who is at least sixteen (16) years of age who is in physical control of the leash, competent to govern the animal and capable of physically controlling and restraining the animal. The owner shall not leash an animal to inanimate objects such as a tree, post, or building. When the animal is on a leash outside the animal's kennel, the owner shall muzzle the animal in a humane way by a commercially available muzzling device sufficient to prevent the animal from biting a person or other animal.

(2) *Confinement*. Except when leashed and muzzled the owner shall ensure the dangerous animal is securely confined indoors or in a securely enclosed and locked pen or kennel that is located on the premises of the owner and constructed in a manner that does not allow the animal to exit the pen or kennel on its own volition. The owner shall not permit an animal to be kept on a porch, patio, or in any part of a house or structure on the premises of the owner that would allow the animal to exit the building on its own volition. The owner shall not permit the animal to be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

(3) *Signs*. The owner of a dangerous animal shall display, in prominent places on his or her premises near all entrances to the premises, signs in letters of not less than two inches (2") high warning that there is a dangerous animal on the property. A similar sign shall be posted on the kennel or pen of the animal. In addition, the owner shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.

(4) *Notification*. The owner of a dangerous animal shall notify the Oneida Police Department and/or the Oneida Conservation Department immediately if the animal is at large, is unconfined, has attacked another animal, or has attacked a

511 person.  
512 (c) If an owner or caretaker fails to follow the requirements for harboring a dangerous  
513 animal pending a hearing, the animal may be impounded by the Oneida Police Officer or  
514 Oneida Conservation Warden issuing the dangerous animal determination.  
515 304.11-4. *Dangerous Animal Determination Hearing.* A hearing on the dangerous animal  
516 determination shall be held within fourteen (14) days of submission of the written objection with  
517 the Trial Court. At the hearing, the Trial Court shall determine whether the determination that the  
518 animal is dangerous should be substantiated.  
519 (a) If the Trial Court concludes that the determination that the animal is dangerous is  
520 substantiated, then the Trial Court shall issue an order that mandates the animal be  
521 removed from the Reservation within forty-eight (48) hours of the determination.  
522 (1) The order shall contain the requirement that the owner notify the Oneida  
523 Police Department within twenty-four (24) hours if the dangerous animal has  
524 been sold or been given away. If the dangerous animal has been sold or given  
525 away, the owner shall also provide the name, address and telephone number of the  
526 new owner of the dangerous animal. If the dangerous animal is sold or given  
527 away to a person residing outside the Reservation or to a person or entity that falls  
528 outside of the jurisdiction of this law, the owner shall present evidence to the  
529 Oneida Police Department showing that he or she has notified the police  
530 department or other law enforcement agency of the animal's new residence,  
531 including the name, address and telephone number of the new owner. The Oneida  
532 Police Department shall forward all such notifications to the Environmental,  
533 Health, Safety and Land Division within a reasonable amount of time.  
534 (b) The Trial Court may order a dangerous animal to be destroyed. If such an order is  
535 issued, the Trial Court shall require the owner submit proof of destruction within five (5)  
536 business days from a licensed veterinarian. If the owner does not satisfy these  
537 requirements, an Oneida Police Officer and/or an Oneida Conservation Warden shall  
538 seize the animal and enforce compliance at the cost of the owner.  
539 (c) The Trial Court may mandate attendance at an additional Trial Court hearing if  
540 restitution is appropriate.  
541 304.11-5. *Appeal of the Trial Court's Decision.* An appeal of the Trial Court's decision on the  
542 dangerous animal determination may be appealed to the Nation's Court of Appeals.  
543 (a) An appeal shall be submitted to the Court of Appeals within five (5) business days  
544 from the date of the Trial Court's decision.  
545 (b) Upon an appeal to the Court of Appeals, the order to remove the animal from the  
546 Reservation or any order to destroy an animal is stayed pending the outcome of the  
547 appeal.  
548 604.11-6. *Dangerous Animal Exception.* The Trial Court may provide an exception to the  
549 dangerous animal provisions of this law for a law enforcement or military animal upon  
550 presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of  
551 the animal.  
552  
553 **304.12. Owner Liability**

304.12-1. An owner shall be liable for damages caused by his or her domestic animal.  
(a) *First Offense*. The owner is liable for the full amount of damages caused by the domestic animal.  
(b) *Subsequent Offenses*. The owner shall be liable for two (2) times the full amount of damages caused by the domestic animal if the owner knew or should have known that the domestic animal previously caused damages.

### **304.13. Enforcement of Violations**

304.13-1. *Citations*. Citations for the violation of this law and/or orders issued pursuant to this law may include fines, penalties and conditional orders in accordance with the fine, penalty, and licensing fee schedule.

304.13-2. *Citation Pre-Hearing*. All citations shall include a pre-hearing date with the Trial Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30) days after the citation was issued, excluding dangerous animal citations which shall follow the process contained in section 304.11.

(a) Persons wishing to contest a citation shall appear at the prehearing, at which time the Trial Court shall accept pleas which either contest or admit committing the act for which the citation was issued.

(b) In addition to scheduling requested hearings, the Trial Court may also make conditional orders at the prehearing which are effective until the matter is resolved.

304.13-3. *Citation Hearing*. The Trial Court shall schedule a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued.

304.13-4. *Appeals of the Trial Court's Determinations*. Any person wishing to contest the determination of the Trial Court may appeal to the Nation's Court of Appeals in accordance with the Rules of Appellate Procedure.

304.13-5. *Fines*. All fines shall be paid to the Trial Court. Cash shall not be accepted for payment of fines. Money received from fines shall be contributed to the General Fund.

(a) Fines shall be paid within ninety (90) days after the order is issued or upheld on final appeal, whichever is later. If the fine is not paid by this deadline, the Trial Court may seek to collect the money owed through the Nation's garnishment and/or per capita attachment process.

(1) The ninety (90) day deadline for payment of fines may be extended if an alternative payment plan is approved by the Trial Court.

(b) Community service may be substituted for part or all of any fine at the minimum wage rate of the Nation for each hour of community service.

*End.*

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Adopted - BC-03-13-96-B  
Amended – BC-06-22-11-G  
Amended – BC-06-28-17-B  
Amended – BC-\_\_-\_\_-\_\_-\_\_



# Oneida Nation

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Oneida, WI 54155

## BC Resolution # \_\_\_\_\_ Domestic Animals Law Fine, Penalty and Licensing Fee Schedule

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Domestic Animals law ("the Law") was adopted by the Oneida Business Committee through resolution BC-03-13-96-B, and the amended by resolutions BC-06-22-11-G, BC-06-28-17-B, and BC-\_\_\_\_-\_\_\_\_-\_\_\_\_; and
- WHEREAS,** the Law delegates joint authority to the Environmental, Health, Safety, and Land Division and the Environmental Resource Board to develop a fine, penalty, and licensing fee schedule; and
- WHEREAS,** the Environmental, Health, Safety, and Land Division Director approved the proposed fine, penalty, and licensing fee schedule on \_\_\_\_\_; and
- WHEREAS,** the Environmental Resource Board approved the proposed fine, penalty, and licensing fee schedule on \_\_\_\_\_; and
- WHEREAS,** the fine, penalty, and licensing fee schedule is required to be adopted by the Oneida Business Committee through resolution.

**NOW THEREFORE BE IT RESOLVED,** that the Environmental, Health, Safety, and Land Division and the Environmental Resource Board hereby set forth the following licensing and permit fee schedule in accordance with the Domestic Animals law:

LICENSING AND PERMIT FEE SCHEDULE				
License/Permit Type	Reference	Fee (per animal)	License/Permit Period	Location to Obtain License/Permit
Cat License	304.7-1	\$5 if spayed or neutered; or \$25	January 1 – December 31	LBDC or Oneida Conservation
Dog License	304.7-1	\$5 if spayed or neutered; or \$25	January 1 – December 31	LBDC or Oneida Conservation
Additional Dog/Cat Permit	304.7-3(b)	\$5 if spayed or neutered; or \$25	January 1 – December 31	LBDC or Oneida Conservation
Prohibited Animal Permit	304.10-4	\$_____	January 1 – December 31	LBDC or Oneida Conservation

Conditional Use Permit – Livestock and Hens on Residential Areas	304.8-1 and 304.9-1	\$ _____	Permit expires when permittee resides at an address different address than permit	Oneida Zoning Department
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**BE IT FURTHER RESOLVED**, that the Environmental, Health, Safety, and Land Division and the Environmental Resource Board hereby set forth the following fine and penalty schedule in accordance with the Domestic Animals law:

<b>FINE AND PENALTY SCHEDULE</b>				
<b>Violation</b>	<b>Reference</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>3<sup>rd</sup> Offense and Up</b>
<b><i>TREATMENT OF ANIMALS</i></b>				
Failure to provide food and water	304.6-1	\$75	\$150	\$500
Failure to comply with shelter standards	304.6-2(a) 304.6-2(b)	\$75	\$150	\$500
Failure to comply with space standards	304.6-2(c)	\$75	\$150	\$500
Failure to comply with sanitation standards	304.6-2(d)	\$75	\$150	\$500
Failure to comply with tethering standards	304.6-3	\$75	\$150	\$500
Mistreatment of animals	304.6-4	\$500	\$1,000	\$2,000
<b><i>DOGS AND CATS</i></b>				
Failure to obtain license	304.7-1	\$25	\$50	\$100
Improperly placed/ no attached license	304.7-1(c)	\$25	\$50	\$100
No current rabies vaccination	304.7-2	\$75	\$150	\$500
Exceeding limit of allowed animals (per animal)	304.7-3	\$25	\$50	\$100
Animal running at large	304.7-4	\$75	\$150	\$500
Nuisance animal	304.7-5	\$75	\$150	\$500
Failure to notify an animal bite	304.7-6	\$150	\$500	\$750
Failure to comply with ordered quarantine	304.7-6	\$150	\$500	\$750
Failure to obey district quarantine	304.7-7	\$150	\$500	\$750
<b><i>LIVESTOCK</i></b>				
Failure to obtain conditional use permit	304.8-1	\$75	\$150	\$500
Violates limitations on livestock based on lot size	304.8-2	\$75	\$150	\$500
Livestock at large	304.8-3	\$150	\$500	\$750
<b><i>HENS</i></b>				
Failure to obtain conditional use permit	304.9-1	\$75	\$150	\$500
Prohibited keeping of rooster	304.9-2	\$75	\$150	\$500
Exceeding limit of allowed hens	304.9-3			
Violation of standards for keeping hens	304.9-4	\$75	\$150	\$500
Nuisance hens	304.9-5	\$75	\$150	\$500
<b><i>PROHIBITED ANIMAL</i></b>				
Possessing a prohibited animal	304.10-1	\$250	\$500	\$1,000
Failure to obtain prohibited animal permit	304.10-4	\$250	\$500	\$1,000
Failure to provide notice of release/escape	304.10-7	\$250	\$500	\$1,000
<b><i>DANGEROUS ANIMAL</i></b>				
Possessing a dangerous animal	304.11-1	\$500	\$1,000	\$2,000

Failure to remove animal from the Reservation	304.11-2(c)	\$500	\$1,000	\$2,000
	304.11-4(a)			
Failure to follow leash/muzzle requirements for dangerous animal	304.11-3(b)(1)	\$500	\$1,000	\$2,000
Failure to follow confinement requirements for dangerous animal	304.11-3(b)(2)	\$500	\$1,000	\$2,000
Failure to post required signs for dangerous animal	304.11-3(b)(3)	\$500	\$1,000	\$2,000
Failure to comply with notification requirements for dangerous animal	304.11-3(b)(4)	\$550	\$1,000	\$2,000
	304.11-4(a)(1)			
Failure to submit proof of destruction of animal	304.11-4(b)	\$150	\$300	\$500

**BE IT FURTHER RESOLVED**, that in addition to the fines listed above additional penalties may include seizure or impoundment of animal, restitution, costs, damages, dangerous animal determination, and destruction of animal as provided for by the Domestic Animals law.

**BE IT FURTHER RESOLVED**, criminal charges and referrals may be appropriate in certain cases and are not prohibited.

**BE IT FURTHER RESOLVED**, the issuance of a citation for a third offense or more on the fine and penalty schedule shall require the mandatory appearance of the offender at the Trial Court's citation pre-hearing.

**BE IT FURTHER RESOLVED**, the issuance of a citation for the mistreatment of animals shall require the mandatory appearance of the offender at the Trial Court's citation pre-hearing.

**BE IT FINALLY RESOLVED**, this resolution is hereby adopted and shall be effective \_(same effective date of law)\_.