

Oneida Nation

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Oneida, WI 54155

BC Resolution # 05-08-19-C Amendments to the Domestic Animals Law

- 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, and BC-06-28-17-B, and
- WHEREAS,** the purpose of the 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 within the Reservation; and establish consequences for damages caused by domestic animals; and
- WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the Oneida Environmental, Health, Safety, and Land Division, Oneida Comprehensive Health Division – Community Health, Environmental Resource Board, Oneida Police Department, and Oneida Law Office to develop the amendments to this Law; and
- WHEREAS,** the amendments to the Law 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; and
- WHEREAS,** the amendments to the Law 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 quarantine; and
- WHEREAS,** the amendments to the Law reduce the space requirements for dog kennels so that the requirements are more inline with commercially available kennels; and
- WHEREAS,** the amendments to the Law provide guidelines and requirements for tethering an animal; and

- WHEREAS,** the amendments to the Law reduce the limit on the number of dogs and cats allowed in a residential household, but allow those individuals who wish to seek an additional animal over the limit the ability to apply for a permit to do so; and
- WHEREAS,** the amendments to the Law require a conditional use permit to keep hens on residential lots, to be approved by the Oneida Land Commission; and
- WHEREAS,** the amendments to the Law limit the number of hens allowed on a residential lot to between six (6) and twelve (12) hens, depending on lot size; and
- WHEREAS,** the amendments to the Law remove the prohibited animals list from the Law and instead have the Oneida Business Committee adopt through resolution which animals are prohibited from being on the Reservation; and
- WHEREAS,** the amendments to the Law eliminate the separate “vicious animal” designation and replace it with a single “dangerous animal” designation; and
- WHEREAS,** the amendments to the Law update the process for the Oneida Police Department and Conservation Department to declare an animal a dangerous animal; and
- WHEREAS,** the amendments to the Law require animals declared “dangerous” to be removed from the Reservation or euthanized, pending appeal; and
- WHEREAS,** the amendments to the Law revise the timelines and requirements to contest a dangerous animal designation; and
- WHEREAS,** the amendments to the Law make other minor drafting revisions; and
- WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the amendments to the Law; and
- WHEREAS,** a public meeting on the proposed amendments to this Law was held on March 11, 2019, in accordance with the Legislative Procedures Act, and the public comment period was held open until March 18, 2019; and
- WHEREAS,** the Legislative Operating Committee accepted, reviewed, and considered the public comments received on April 17, 2019.

NOW THEREFORE BE IT RESOLVED, that the amendments to the Domestic Animals law are hereby adopted and shall be effective on May 22, 2019.

BE IT FURTHER RESOLVED, that Domestic Animals law Rule No. 1 – Licensing Fees, Fines and Penalties is hereby repealed effective May 22, 2019.

BE IT FURTHER RESOLVED, that in accordance with section 304.7-3(a)(1) of the Law, a grandfather provision shall apply to any person who, on the date these amendments become effective, are in compliance with the Domestic Animals law adopted by resolution BC-06-28-17-B and who own, harbor or possess more than two (2) dogs and/or three (3) cats and/or any combination of more than four (4) dogs and cats, provided that all of such animals are properly licensed.

BE IT FINALLY RESOLVED, that in accordance with section 304.10-3(a) of the Law, a grandfather provision shall apply to any person who, on the date these amendments become effective, are in

compliance with the Domestic Animals law adopted by resolution BC-06-28-17-B and who own, harbor, or possess a prohibited animal, provided that a prohibited animal permit was obtained.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 6 members were present at a meeting duly called, noticed and held on the 8th day of May, 2019; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Summers, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."