

# ONEIDA NATION PUBLIC MEETING NOTICE

**Thursday, April 2, 2020, 12:15 pm**

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

Find Public Meeting Materials at

[Oneida-nsn.gov/government/register/public meetings](http://Oneida-nsn.gov/government/register/public%20meetings)

Send Public Comments to

[LOC@oneidanation.org](mailto:LOC@oneidanation.org)

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920-869-4312



## 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 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.

#### The Domestic Animals law amendments will:

1. Remove an incorrect reference to the Nation's territorial jurisdiction as the Nation's territorial jurisdiction is provided by the Constitution and Bylaws of the Oneida Nation and the Nation's Judiciary law;
2. Remove a duplicative provision regarding personal jurisdiction as personal jurisdiction is already provided by the Nation's Judiciary law; and
3. Remove a duplicative provision regarding the citation process as the citation process is provided by the Nation's Citations law.

### PUBLIC COMMENTS PERIOD CLOSSES THURSDAY, APRIL 9, 2020

During the Public Comment Period, anyone 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.

#### PROVIDING EFFECTIVE PUBLIC COMMENTS

Providing public comment is an important way to make your voice heard in decision making. Public comments can strengthen a decision or provide different perspectives. The Legislative Operating Committee wants to hear from you!



**✓ READ THE PUBLIC MEETING MATERIALS:** Before you provide comments familiarize yourself with the legislation. A public meeting packet is made for every public meeting and it includes 1) a notice with the date, time, location, 2) a draft of the proposed legislation, and 3) a plain language review of the legislation and its impact on the Oneida Nation.

**✓ PREPARE YOUR COMMENTS:** When you are familiar with the legislation, start to prepare comments. The LOC is responsible for reviewing every comment received. To get your message across effectively, frame your comment clearly and concisely. Here is an example of how to create an effective comment:

Least Effective Comment	More Effective Comment	Most Effective Comment
This law is not needed in the community.	I do not like how this law limits how many hens you can have.	The amount of hens an owner can keep as provided in section 304.9-3(a) should be increased from 6 to 9 hens.



**Tok<sup>^</sup>ske Kayanl<sup>^</sup>hsla Tsi> Ni>yohuntsya-<sup>†</sup>#**  
*The real/certain laws of the territory of the nation*

**AMENDMENTS TO  
DOMESTIC ANIMALS LAW  
LEGISLATIVE ANALYSIS**

**SECTION 1. EXECUTIVE SUMMARY**

<b>REQUESTER:</b> Legislative Reference Office	<b>SPONSOR:</b> Ernie Stevens III	<b>DRAFTER:</b> Clorissa N. Santiago	<b>ANALYST:</b> Brandon Wisneski
<b>Intent of the Amendments</b>	Technical corrections to remove inaccurate or duplicative references to the Nation's territorial jurisdiction, personal jurisdiction and citations process.		
<b>Purpose</b>	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 with in the Reservation; and establish consequences for damages caused by domestic animals [3 O.C. 304.1-1].		
<b>Affected Entities</b>	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.		
<b>Related Legislation</b>	Judiciary law.		
<b>Public Meeting</b>	A public meeting has not yet been held.		
<b>Fiscal Impact</b>	A fiscal impact statement has not yet been requested.		

**SECTION 2. LEGISLATIVE DEVELOPMENT**

- A.** The Domestic Animals law was first adopted by the Oneida Business Committee on March 13, 1996 and most recently amended on May 8, 2019. Domestic animals are animals commonly owned as household pets, such as cats and dogs.
- B.** Upon a review of the Nation's Code of Laws, the Oneida Law Office and Legislative Operating Committee (LOC) identified references to the Nation's jurisdiction that were either inaccurate or duplicative. In consultation with the Oneida Law Office, the LOC proposes technical amendments to the Domestic Animals law to remove these inaccurate or unnecessary references. The intent of these changes is not to alter how the Domestic Animals law is currently being enforced, but to ensure that all references to jurisdiction in the Nation's Code of Laws are accurate.

**SECTION 3. CONSULTATION AND OUTREACH**

- A.** Representatives from the following departments or entities participated in the development of this law and legislative analysis: Oneida Law Office.
- B.** The following laws were reviewed in the drafting of this analysis: Judiciary law, Curfew law, Oneida Nation Gaming Ordinance, Tribal Environmental Response law, Judiciary Rules of Evidence.

## SECTION 4. PROCESS

A. The amendments to this law have followed the process set forth in the Legislative Procedures Act (LPA).

B. The LOC added the amendments to the Active Files List on February 5, 2020.

## SECTION 5. CONTENTS OF THE LEGISLATION

A. *Deletion of Territorial Jurisdiction Section.* These amendments delete an incorrect reference to the Nation's territorial jurisdiction for this law. The Domestic Animals law incorrectly states that the territorial jurisdiction of this law is limited to land owned by the Nation or individual trust and/or fee land of a member of the Nation.

- *Territorial Jurisdiction.* The Nation's territorial jurisdiction is properly defined in the Constitution and Bylaws of the Oneida Nation and the Nation's Judiciary law (see below).
- *Conclusion.* Since the reference included in the Domestic Animals law is inaccurate, unnecessary, and already located in the Nation's Constitution, it has been deleted for clarity.

*Table 1. Comparison: Territorial Jurisdiction in laws of the Nation.*

<i><u>Deleted Language in Current Domestic Animals law</u></i>	<i><u>Language in Oneida Constitution</u></i>	<i><u>Language in Judiciary law</u></i>
This law extends <u>within the Reservation to all land owned by the Nation and individual trust and/or fee land of a member of the Nation</u> [3 O.C. 304.4-2].	The jurisdiction of the Oneida Nation shall extend to <u>the territory within the present confines of the Oneida Reservation</u> and to such other lands as may be hereafter added thereto within or without said boundary lines under any law of the United States, except as otherwise provided by law [Article 1 – Territory]	“The territorial jurisdiction of the Trial Court shall extend to <u>the Reservation</u> and all lands held in trust by the United States for the benefit of the Tribe within the State of Wisconsin.” [8 O.C. 801.5-3].

B. *Deletion of Personal Jurisdiction Section.* These amendments also delete references to the Nation's personal jurisdiction from this law. The personal jurisdiction of the Nation is already provided for in the Nation's Judiciary law.

- *Personal Jurisdiction.* The Judiciary law already clarifies that the Nation has personal jurisdiction over members of the Oneida Nation, members of other federally-recognized Indian tribes, and any “non-Indians” who have consented to the jurisdiction of the Nation (examples include a contract or lease agreement.)
- *Conclusion.* Since the Nation's personal jurisdiction is already properly defined in the Judiciary law, it has been deleted from this law for clarity.

48 **Table 2. Comparison: Personal Jurisdiction in laws of the Nation.**

<b><u>Deleted</u> Language in Current Domestic Animals law</b>	<b>Language in Judiciary law</b>
<p><i>Personal Jurisdiction.</i> This law applies to:</p> <p>(a) All members of the Nation; the Nation's entities and corporations; and members of other federally-recognized tribes;</p> <p>(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; and</p> <p>(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:</p> <p>(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</p> <p>(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. [3 O.C. 304.4-1].</p>	<p><i>Personal Jurisdiction</i></p> <p>(a) Indians. The Trial Court shall have jurisdiction over all Indians.</p> <p>(b) Non-Indians. The Trial Court shall have jurisdiction over non-Indians who have consented to the jurisdiction of the Tribe or Trial Court or as otherwise consistent with federal law.</p> <p>(1) Consent to Jurisdiction. For purposes of subsection 801.5-4(b) above, a person shall have consented to the jurisdiction of the Trial Court by:</p> <p>(A) entering into a consensual relationship with the Tribe, Tribal entities, Tribal corporations, or Tribal members, including but not limited to contracts or other agreements; or</p> <p>(B) other facts which the Trial Court determines manifest an intent to consent to the authority of the Tribe or the jurisdiction of the Trial Court, including failure to raise an objection to the exercise of personal jurisdiction in a timely manner [8 O.C. 801.5-4].</p>

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50 **C. Updates to Enforcement and Citations Section.** The Citations section of the law has been updated to  
51 reflect the Nation's new Citations law.

- 52     ▪ *Background.* On February 12, 2020, the Oneida Business Committee adopted a Citations law to  
53 establish a consistent process for citations issued for violations of all laws of the Nation. The new  
54 Citations law includes a detailed process regarding prehearings, hearings and appeals.
- 55     ▪ *Conclusion.* Now that these details are included in the Citations law, it is unnecessary to include  
56 the same information in the Domestic Animals law. Therefore, the duplicate citation information  
57 has been deleted. Instead, a reference stating that citations will be processed in accordance with the  
58 procedures in the Citations law has been added [3 O.C. 304.12-1].

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60 **SECTION 6. EXISTING LEGISLATION**

61 **A. References to Territorial Jurisdiction in Other Oneida laws.** The following laws also include  
62 references to the Nation's territorial jurisdiction.

- 63     ▪ Curfew Law [3 O.C. 308.4-3]
  - 64         ○ *Conclusion:* The reference to territorial jurisdiction in the Curfew law is also incorrect and
  - 65         will need to be updated or deleted. The LOC has added the Curfew law to Active Files List
  - 66         for amendments.
- 67     ▪ Judiciary [8 O.C. 801.5-3]
  - 68         ○ *Conclusion.* The reference to territorial jurisdiction in the Judiciary law is correct and no
  - 69         amendments are necessary.
- 70     ▪ Oneida Nation Gaming Ordinance (ONGO) [5 O.C. 501.3-1]
  - 71         ○ *Conclusion.* The reference to territorial jurisdiction in ONGO is correct and no
  - 72         amendments are necessary.
- 73     ▪ Tribal Environmental Response [4 O.C. 401.4-2]
  - 74         ○ *Conclusion.* The reference to territorial jurisdiction in the Tribal Environmental Response
  - 75         law is correct and no amendments are necessary.
- 76     ▪ Judiciary Rules of Evidence [8 O.C. 804.5-2(a)].
  - 77         ○ *Conclusion.* The reference to territorial jurisdiction in the Judiciary Rules of Evidence is
  - 78         correct and no amendments are necessary.

## 80 **SECTION 7. OTHER CONSIDERATIONS**

81 **A. *Fiscal Impact.*** A fiscal impact statement has not yet been requested.

- 82     ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except
- 83     emergency legislation [1 O.C. 109.6-1].
- 84     ▪ A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating
- 85     Committee and may be prepared by any agency who may receive funding if the legislation is
- 86     enacted; who may administer a program if the legislation is enacted; who may have financial
- 87     information concerning the subject matter of the legislation; or by the Finance Office, upon request
- 88     of the Legislative Operating Committee [1 O.C. 109.6-1(a) and (b)].

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**Title 3. Health and Public Safety - Chapter 304****DOMESTIC ANIMALS****K@tse>na Olihwa@ke***matters concerning the pet animals***DOMESTIC ANIMALS**

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

~~304.4. Authority~~  
~~304.5. Treatment of Animals~~  
~~304.6. Dogs and Cats~~  
~~304.7. Livestock~~  
~~304.8. Hens~~  
~~304.9. Prohibited Animals~~  
~~304.10. Dangerous Animals~~  
~~304.11. Owner Liability~~  
~~304.12. 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, BC-06-28-17-B, ~~and BC-05-08-19-C.~~ 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) “Court of Appeals” means the Nation’s Judiciary’s Court of Appeals, which is the court of final appeal within the Nation.
- (b) “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.

(c) “Fine” means a monetary punishment issued to a person violating this law.

(d) “Hen” means a female chicken of the order and family gallus gallus domesticus.

(e) “Husbandry practices” means accepted manner of managing resources, cultivating, and caring for animals including the breeding, feeding, and tending of the animals.

(f) “Judiciary” means 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.

(g) “Livestock” means any equine (i.e. horse, donkey, etc.), bovine (i.e. cow, steer, heifer, etc.), sheep, goat, pig.

(h) “Nation” means the Oneida Nation.

(i) “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.

(j) “Penalty” means a punishment, other than a fine, imposed on a person violating 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.

(k) “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.

(l) “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.

(m) “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.

(n) “Trial Court” means the Trial Court of the Oneida Nation Judiciary.

(o) “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. Authority 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; and~~

~~(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 animals as identified by the prohibited animals resolution provided for in section 304.109-2.

~~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 through 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.



**304.65. Treatment of Animals**

304.65-1. *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.

304.65-2. *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.

304.65-3. *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.

304.65-4. *Mistreatment of Animals.* No person shall 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.

304.65-5. *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**

304.76-1. *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.

304.76-2. *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.

304.76-3. *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 homeowner of the residential household if the homeowner 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.

304.76-4. *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.  
304.76-5. *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.

304.76-6. *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.

304.76-7. *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.

### **304.87. Livestock**

304.87-1. An owner shall obtain a conditional use permit from the Oneida Land Commission in order to keep livestock on land zoned residential.

304.87-2. *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.

304.87-3. *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.

### **304.98. Hens**

304.98-1. *Hen Permit.* An owner shall obtain a conditional use permit from the Oneida Land Commission in order to keep hens on land zoned residential.

304.98-2. *Prohibition of Roosters.* An owner shall not keep a rooster on land zoned residential.

304.98-3. *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 six (6) hens on a residential lot that is smaller than two (2) acres in size.

(b) An owner may keep up to twelve (12) hens on a residential lot two (2) acres in size or larger.

304.98-4. *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.

304.98-5. *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.

**304.109. Prohibited Animals**

304.109-1. 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.

304.109-2. *Prohibited Animals*. The Oneida Business Committee shall provide through the adoption of a resolution which orders and families of animals, whether bred in the wild or in captivity, and any or all hybrids are prohibited from being on the Reservation.

304.109-3. *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.

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

304.109-4. *Prohibited Animal Permit*. The Environmental, Health, Safety, and Land Division may issue a prohibited animal permit if:

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

(b) the animal is maintained in quarters so constructed as to prevent its escape.

304.109-5. *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 prohibited animal permit.

304.109-6. *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.

304.109-7. *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.

**304.1110. Dangerous Animals**

304.1110-1. *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.

304.1110-2. *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 304.1110-1.

- (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.

304.1110-3. *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 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 the Oneida Police Officer or Oneida Conservation Warden issuing the dangerous animal determination.

304.10-4. *Dangerous Animal Determination Hearing.* A hearing on the dangerous animal determination shall be held within fourteen (14) days of submission of the written objection with the Trial Court. At the hearing, the Trial Court shall determine whether the determination that the animal is dangerous should be substantiated.

(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 notify the Oneida Police Department within twenty-four (24) hours if the dangerous animal has 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, Health, Safety, and Land Division within a reasonable amount of time.

(b) 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.

(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 may be appealed to the Nation's Court of Appeals.

(a) An appeal shall be submitted to the Court of Appeals within five (5) business days from the date of the Trial Court's decision.

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

604.11-6. *Dangerous Animal Exception.* The Trial Court may provide an exception to the dangerous animal provisions of this law 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.

### 304.12-11. **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.

### 304.13-12. **Enforcement of Violations**

304.13-1. *Citations.* ~~Citations~~A citation 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. A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

~~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 pre-hearing date that is at least thirty (30) days after the citation was issued.~~(a) The act of contesting a dangerous animal determination shall follow the process contained in section 304.11-10.

~~(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 pre hearing 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~~**304.12-2. Fines. All fines as a result of a citation** shall be paid to the Judiciary. 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)~~**(a)** 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-05-08-19-C

Amended – BC- - - -

**Title 3. Health and Public Safety - Chapter 304**  
**K@tse>na Olihwa@ke**  
*matters concerning the pet animals*  
**DOMESTIC ANIMALS**

304.1. Purpose and Policy  
304.2. Adoption, Amendment, Conflicts  
304.3. Definitions  
304.4. Authority  
304.5. Treatment of Animals  
304.6. Dogs and Cats  
304.7. Livestock

304.8. Hens  
304.9. Prohibited Animals  
304.10. Dangerous Animals  
304.11. Owner Liability  
304.12. Enforcement of Violations

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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, BC-05-08-19-C, 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) “Court of Appeals” means the Nation’s Judiciary’s Court of Appeals, which is the court of final appeal within the Nation.

(b) “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.

(c) “Fine” means a monetary punishment issued to a person violating this law.

- (d) “Hen” means a female chicken of the order and family gallus gallus domesticus.
- (e) “Husbandry practices” means accepted manner of managing resources, cultivating, and caring for animals including the breeding, feeding, and tending of the animals.
- (f) “Judiciary” means 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.
- (g) “Livestock” means any equine (i.e. horse, donkey, etc.), bovine (i.e. cow, steer, heifer, etc.), sheep, goat, pig.
- (h) “Nation” means the Oneida Nation.
- (i) “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.
- (j) “Penalty” means a punishment, other than a fine, imposed on a person violating 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.
- (k) “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.
- (l) “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.
- (m) “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.
- (n) “Trial Court” means the Trial Court of the Oneida Nation Judiciary.
- (o) “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. Authority**

304.4-1. *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 animals as identified by the prohibited animals resolution provided for in section 304.9-2.

304.4-2. *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.

304.4-3. *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 through resolution.

304.4-4. *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.

304.4-5. *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.

### **304.5. Treatment of Animals**

304.5-1. *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.

304.5-2. *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.

304.5-3. *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.



304.5-4. *Mistreatment of Animals.* No person shall 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.

304.5-5. *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**

304.6-1. *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.

304.6-2. *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.

304.6-3. *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 homeowner of the residential household if the homeowner 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.

304.6-4. *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.

304.6-5. *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.

304.6-6. *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.

**304.6-7. 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.

### **304.7. Livestock**

**304.7-1.** An owner shall obtain a conditional use permit from the Oneida Land Commission in order to keep livestock on land zoned residential.

**304.7-2. 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.

**304.7-3. 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.

**304.8. Hens**

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

304.8-2. *Prohibition of Roosters.* An owner shall not keep a rooster on land zoned residential.

304.8-3. *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 to keep up to six (6) hens on a residential lot that is smaller than two (2) acres in size.

(b) An owner may keep up to twelve (12) hens on a residential lot two (2) acres in size or larger.

304.8-4. *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.

304.8-5. *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.

**304.9. Prohibited Animals**

304.9-1. 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.

304.9-2. *Prohibited Animals.* The Oneida Business Committee shall provide through the adoption of a resolution which orders and families of animals, whether bred in the wild or in captivity, and any or all hybrids are prohibited from being on the Reservation.

304.9-3. *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.

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

304.9-4. *Prohibited Animal Permit.* The Environmental, Health, Safety, and Land Division may issue a prohibited animal permit if:

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

(b) the animal is maintained in quarters so constructed as to prevent its escape.

304.9-5. *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 prohibited animal permit.

304.9-6. *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.

304.9-7. *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.

### **304.10. Dangerous Animals**

304.10-1. *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.

304.10-2. *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 304.10-1.

(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.

304.10-3. *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 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 the Oneida Police Officer or Oneida Conservation Warden issuing the dangerous animal determination.

304.10-4. *Dangerous Animal Determination Hearing.* A hearing on the dangerous animal determination shall be held within fourteen (14) days of submission of the written objection with the Trial Court. At the hearing, the Trial Court shall determine whether the determination that the animal is dangerous should be substantiated.

(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 notify the Oneida Police Department within twenty-four (24) hours if the dangerous animal has 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, Health, Safety, and Land Division within a reasonable amount of time.

(b) 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.

(c) The Trial Court may mandate attendance at an additional Trial Court hearing if restitution is appropriate.

304.10-5. *Appeal of the Trial Court's Decision.* An appeal of the Trial Court's decision on the dangerous animal determination may be appealed to the Nation's Court of Appeals.

(a) An appeal shall be submitted to the Court of Appeals within five (5) business days from the date of the Trial Court's decision.

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

604.10-6. *Dangerous Animal Exception.* The Trial Court may provide an exception to the dangerous animal provisions of this law 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.

### **304.11. Owner Liability**

304.11-1. 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.

### **304.12. Enforcement of Violations**

304.12-1. *Citations*. A citation 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. A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

(a) The act of contesting a dangerous animal determination shall follow the process contained in section 304.10.

304.12-2. *Fines*. All fines as a result of a citation shall be paid to the Judiciary. Money received from fines shall be contributed to the General Fund.

(a) 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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