

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 05-13-20-E

Oneida Food Service Law Fine, Penalty, and Licensing Fee Schedule

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Nation Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Food Service law ("Law") was adopted by the Oneida Business Committee through resolution BC-06-13-01-B, and amended by resolutions BC-02-25-15-C and BC-05-13-20-D; and
- WHEREAS,** the Law delegates authority to the Environmental, Health and Safety Department ("Department") within the Nation's Environmental, Health, Safety and Land Division to develop a fine, penalty and licensing fee schedule; and
- WHEREAS,** the Department developed and approved the proposed fine, penalty and licensing fee schedule; and
- WHEREAS,** the Law requires that the fine, penalty and licensing fee schedule be approved by the Oneida Business Committee through resolution.

NOW THEREFORE BE IT RESOLVED, that the Department hereby sets forth the following licensing fee schedule in accordance with the Oneida Food Service law:

LICENSING FEE SCHEDULE			
Food Service Business	Reference	Fee	License Period
Permanent Food Service Establishment – Restaurant with 0-49 Seats	305.7-2(a)(1)	\$120.00	October 1 – September 30
Permanent Food Service Establishment – Restaurant with 50-100 Seats	305.7-2(a)(1)	\$180.00	October 1 – September 30
Permanent Food Service Establishment – Restaurant with 101 or More Seats	305.7-2(a)(1)	\$420.00	October 1 – September 30
Permanent Food Service Establishment – Retail Food Market/Grocery Store	305.7-2(a)(1)	\$210.00	October 1 – September 30
Permanent Food Service Establishment – Retail Food Market/Grocery Store with Restaurant	305.7-2(a)(1)	\$270.00	October 1 – September 30
Permanent Food Service Establishment – Bakery/Confectionary	305.7-2(a)(1)	\$120.00	October 1 – September 30
Permanent Food Service Establishment – Convenience Store/Gas Station	305.7-2(a)(1)	\$120.00	October 1 – September 30
Permanent Food Service Establishment – Catering Business	305.7-2(a)(1)	\$120.00	October 1 – September 30
Permanent Food Service Establishment – Mobile Food Trucks	305.7-2(a)(1)	\$120.00	October 1 – September 30
Permanent Food Service Establishment – Oneida Food Service Program/Other Nonprofit Service Program of the Nation	305.7-1(c)(3)(A)	\$0.00	October 1 – September 30
Temporary Food Service Establishment	305.7-2(b)(1)	\$30.00	Not to Exceed Fourteen (14) Consecutive Days
Independent Food Service Operator	305.7-2(c)(1)	\$90.00	October 1 – September 30

BE IT FURTHER RESOLVED, that the Department sets a fee of \$120.00 to operate a Prepackaged Restaurant pursuant to section 305.8-2 of the Oneida Food Service law.

BE IT FURTHER RESOLVED, that for purposes of the fine and penalty schedule set forth below, the Department adopts the distinction between non-priority and priority violations as used in the most current edition of the United States Public Health Service, Food and Drug Administration’s Food Code (“Federal Food Code”) such that a priority violation consists of a failure to adhere to:

- (1) A “priority item”, which means a provision of the Oneida Food Service law whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard, including, but not limited to, items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling and handwashing; and/or
- (2) A “priority foundation item”, which means a provision of the Oneida Food Service law whose application supports, facilitates or enables one or more priority items, including, but not limited to, items that require the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling.

BE IT FURTHER RESOLVED, that the Department hereby sets forth the following fine and penalty schedule in accordance with the Oneida Food Service law:

FINE AND PENALTY SCHEDULE					
<i>Fines</i>					
Violation	Reference	1st Offense (in a 5-Year Period)	2nd Offense (in a 5-Year Period)	3rd Offense (in a 5-Year Period)	Additional Offenses in a 5-Year Period
Non-Priority	305.8-3 & 305.10	\$50.00	\$125.00	\$225.00	\$275.00
Priority	305.8-3 & 305.10	\$125.00	\$325.00	\$525.00	\$775.00
<i>Penalties</i>					
Violation	Reference	Penalty			
Five or More Priority Violations in a Five-Year Period	305.8-3, 305.9-3 & 305.10	Suspension of license or exemption status for a period of one (1) year and order to close-down food service business or operation, with reinstatement only upon full payment of corresponding fine and related costs.			

BE IT FURTHER RESOLVED, that a fee of one hundred dollars (\$100.00) shall be assessed for a reinspection that is caused by a finding of non-compliance by the Department.

BE IT FURTHER RESOLVED, that, along with the fines and penalties listed above, additional penalties may include other orders, including corrective orders and orders to close-down; suspensions or revocations of licensure or license exemption status; and/or additional costs/fees as provided for by the Oneida Food Service law.

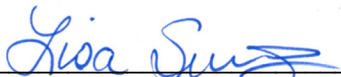
BE IT FURTHER RESOLVED, that criminal charges and referrals may be appropriate in certain cases and are not prohibited.

BE IT FURTHER RESOLVED, that, in the event food service businesses/prepackaged restaurants within the Reservation are forced to close-down or restrict operations because of a proclamation or ratification by the Oneida Business Committee of a public health state of emergency under the Nation's Emergency Management and Homeland Security law, a moratorium on the payment of all licensing fees required by the Oneida Food Service law shall go into effect for a period of six (6) months, beginning on the day of the proclamation or ratification, and any food service businesses/prepackaged restaurants found in violation of an order that is duly issued in response to a public health state of emergency declaration or proclamation shall be subject to enforcement pursuant to the Nation's Emergency Management and Homeland Security law.

BE IT FINALLY RESOLVED, that the Oneida Business Committee hereby adopts this resolution which shall become effective six (6) months following the date of adoption.

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; 9 members were present at a meeting duly called, noticed and held on the 13th day of May, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 1 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."