

Oneida Nation

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Oneida, WI 54155

BC Resolution # 05-27-26-A Solid Waste Disposal Law Citation Schedule

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Recycling and Solid Waste law ("Law") was adopted by the Oneida Business Committee through resolution BC-12-15-95-K and was subsequently amended to the Solid Waste Disposal law through resolution BC-04-22-26-C; and
- WHEREAS,** amendment of this Law has been further necessary to clarify the management and disposal of solid waste requirements and enforcement for violations of the Law; and
- WHEREAS,** the purpose of the Law is to set forth community standards and expectations for the management and disposal of solid waste within the boundaries of the Reservation in order to protect the health, safety, and welfare of the community including by prohibiting methods of solid waste disposal that could have an adverse impact on the community and environment; and
- WHEREAS,** a person who violates a provision of the Law, commits a civil infraction and may be subject to an investigation by the Oneida Police Department; and
- WHEREAS,** the Oneida Police Department is authorized, during the course of an investigation, to obtain a search warrant and conduct inspections, when necessary, to enforce the Law; and
- WHEREAS,** the Oneida Police Department is authorized to take enforcement action via the issuance of citations, in accordance with the Citations law; and
- WHEREAS,** the Oneida Trial Court is granted jurisdiction to adjudicate citations in accordance with the Citations law, including those issued for violations of this Law; and
- WHEREAS,** the Law delegates the Oneida Nation Public Works Division (DPW) and the Land, Environmental, Agriculture and Food Division (LEAF) the authority to administer the provisions of the Law, including to establish a citation schedule assigning penalties to civil infractions of the Law, with final approval occurring by the Oneida Business Committee through resolution; and

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby adopts the following citation schedule to be used for violations of the Solid Waste Disposal law:

FINE AND PENALTY SCHEDULE								
<p>Level Two and Three Violations are “mandatory appearance” offenses. Although a Level One Violation is not considered a mandatory appearance, the issuing officer has the discretion to require an appearance for egregious situations, including repeat offenses. Each day of a violation may be charged as a separate violation; A separate citation for each violation may be issued. Section 405.5-2(c)(1). “Prior Offenses” are those previous offenses for which a conviction has occurred in a one (1) year period. The prosecutor has the discretion to amend a citation, including the fine amount to account for a prior offense.</p>								
Violation	Reference	Level of Offense; Appearance Required (Y/N)	1st	2nd	3 rd	4 th	5 th or more	Penalties ¹

COLLECTION AND DISPOSAL OF SOLID WASTE									
Violation of curbside collection requirements		405.6-1	Level 1 N	\$50	\$100	\$200	\$500	\$1000	<i>All offenses are subject to the following penalties (a separate hearing to determine costs may be required):²</i> <ul style="list-style-type: none"> •Actual Cost of Clean up •Remediation •Any other cost or action
Failure to use approved bin; Storage of solid waste for collection in unapproved container		405.6-2(a)	Level 1 N						
Nuisance	Keeping solid waste in a manner that creates a nuisance to the public health/ safety	405.6-2(b)	Level 1 N						
	Placement of curbside bin/ container in a manner that obstructs/interferes with vehicular movement	405.6-2(c)	Level 1 N						

¹ If solid waste is not properly handled, prepared, contained, stored, or located, the service provider may refuse collection. Sec. 405.10-1. Failure to take corrective action by the next collection requires the service provider to provide notice to DPW for enforcement. However, enforcement is not limited to these instances.

² DPW may perform the work itself and request the actual cost, including staff time, or may contract for the work to be performed.

FINE AND PENALTY SCHEDULE								
Violation	Reference	Level of Offense; Appearance Required (Y/N)	1st	2nd	3 rd	4 th	5 th or more	Penalties
Mixing collectible solid waste with hazardous waste or medical waste	405.6-2(d)	Level 1 N						required to cure the violation
Solid waste stored in a manner that exposes it to adverse/ inclement weather	405.6-2(e)	Level 1 N						
Violation of solid waste separation requirements	405.6-5	Level 1 N						
Animal carcass greater than 100 lbs.	405.7-1(j)	Level 1 N						
Item expressly prohibited by the service provider	405.7-1(p)	Level 1 N						
Failure to secure solid waste during transport	405.6-4(a)	Level 2 Y	\$100	\$200	\$500	\$1000	\$5000	
Commercial Solid waste transport license violation	405.6-4(b)	Level 2 Y						

FINE AND PENALTY SCHEDULE								
Violation	Reference	Level of Offense; Appearance Required (Y/N)	1st	2nd	3 rd	4 th	5 th or more	Penalties

NON-COLLECTABLE SOLID WASTE									
Deposit/ leave unauthorized solid waste	Trees or material that does not constitute "yard waste"; Wood treated with chemical preservatives	405.7-1(k)	Level 2 Y	\$100	\$200	\$500	\$1000	\$5000	<ul style="list-style-type: none"> •Actual Cost of Clean up •Remediation •Any other cost or action required to cure the violation
	Asbestos	405.7-1(d)	Level 2 Y						
	Chemical residue or debris	405.7-1(g)	Level 2 Y						
	Industrial/ Commercial waste	405.7-1(f)	Level 2 Y						
	E-waste	405.7-1(n)	Level 2 Y						
	Sewage	405.7-1(i)	Level 2 Y						
	Sludge	405.7-1(e)	Level 2 Y						

FINE AND PENALTY SCHEDULE								
Violation	Reference	Level of Offense; Appearance Required (Y/N)	1st	2nd	3 rd	4 th	5 th or more	Penalties

Other SMMP prohibited material	405.7-1(0)	Level 2 Y						
Contaminated recyclable material- by medical/ hazardous waste	405.7-1(m)	Level 3 Y	\$500	\$1000	\$1500	\$2000	\$10000	
Explosive Material	405.7-1(l)	Level 3 Y						
Pesticides	405.7-1(b)	Level 3 Y						
Medical waste	405.7-1(c); (h)	Level 3 Y						
Hazardous waste	405.7-1(a)	Level 3 Y						

FINE AND PENALTY SCHEDULE								
Violation	Reference	Level of Offense; Appearance Required (Y/N)	1st	2nd	3 rd	4 th	5 th or more	Penalties

NON-RESIDENTIAL FACILITY – OWNER RESPONSIBILITY								
Failure to provide adequate separate containers for solid waste; or failure to provide a solid waste collection/ delivery service	405.8-1(a)	Level 2 Y	\$100	\$200	\$500	\$1000	\$5000	<ul style="list-style-type: none"> •Actual Cost of Clean up •Remediation •Any other cost or action required to cure the violation
Failure to provide the required notice of the Solid Waste Disposal law and/ or SMMP	405.8-1(b)	Level 2 Y						
Failure to provide the required information pertaining to the required collection/ processing requirements	405.8-1(c)	Level 2 Y						

FINE AND PENALTY SCHEDULE								
Violation	Reference	Level of Offense; Appearance Required (Y/N)	1st	2nd	3 rd	4 th	5 th or more	Penalties

SPECIFIED PROHIBITIONS									
Unauthorized Action	Burn solid waste	405.9-1(a)	Level 3 Y	\$500	\$1000	\$1500	\$2000	\$10000	<ul style="list-style-type: none"> •Actual Cost of Clean up •Remediation •Any other cost or action required to cure the violation
	Dump/ deposit/ throw solid waste from a stopped or moving vehicle	405.9-1(b)	Level 2 Y	\$100	\$200	\$500	\$1000	\$5000	
	Dump/ dispose/ throw/ leave solid waste in a waterway	405.9-1(c)	Level 2 Y						
	Dump/ dispose/ leave solid waste within the Reservation in a bin belonging to another	405.9-1(d)	Level 2 Y						
	Store/ handle/ dump/ deposit/ leave/ throw solid waste in a way that likely to causes a nuisance	405.9-1(e)	Level 2 Y						
	Refuse to comply with solid waste clean up order	405.9-1(f)	Level 2 Y						
	Leave solid waste behind ("Littering"- small scale)	405.9-1(g)	Level 1 N	\$25	\$50	\$100	\$200	\$500	

FINE AND PENALTY SCHEDULE								
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MISCELLANEOUS								
Refusal to allow inspection	405.5-2(b)(1)	Level 2 Y	\$100	\$200	\$500	\$1000	\$5000	<ul style="list-style-type: none"> •Actual Cost of Clean up •Remediation •Any other cost or action required to cure the violation <u>or to compel compliance</u>
Level 1 violation: Considered to have a minimal environmental impact. There may be some clean-up; remediation may or may not be required.								
Level 2 violation: Appears deliberate and/ or has the potential to have a moderate environmental impact. Clean up likely required, with some elevated cost; remediation may or may not be required.								
Level 3 violation: The most severe; may cause significant environmental harm. Clean-up is likely to be involved, time consuming, and costly; remediation may be necessary.								

BE IT FURTHER RESOLVED, on-going violations shall accrue daily penalties/ citations and DPW may take action to cure violation(s) of this law at the expense of the person responsible, including by seeking the actual cost of clean up, remediation, or any other cost or action required to cure the violation; and

BE IT FURTHER RESOLVED, in addition to the fines listed above the Trial Court may require community service, restitution, or any other penalty as deemed appropriate by the Trial Court as provided for by the Solid Waste Disposal law; and

BE IT FURTHER RESOLVED, in addition to the fine amount as provided in the citation schedule above, any citation issued for a violation of this Law shall also include court costs as assessed by the Oneida Nation Judiciary; and

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


BE IT FURTHER RESOLVED, the issuing Oneida Police Department officer shall have the discretion to require a mandatory appearance of the person at the Trial Court for any offense where appearance is not mandatory based on this schedule; and

BE IT FURTHER RESOLVED, the issuance of a citation to any person who has not attained the age of eighteen (18) years shall require the mandatory appearance of the offender and their parent(s), guardian(s), or legal custodian(s) at the Trial Court's citation pre-hearing.

BE IT FINALLY RESOLVED, the Oneida Business Committee hereby adopts this resolution which shall become effective on May 27, 2026.

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; 7 members were present at a meeting duly called, noticed and held on the 27th day of May, 2026; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Liggins, Secretary
Oneida Business Committee

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