



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA
Business Committee Conference Room-2nd Floor Norbert Hill Center
January 16, 2019 9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. January 2, 2019 LOC Meeting Minutes (pg. 2)
2. January 7, 2019 LOC Special Meeting Minutes (pg.4)

III. Current Business

1. Domestic Animals Amendments (pg. 5)
2. Children's Code (pg. 55)

IV. New Submissions

V. Additions

VI. Administrative Updates

1. Oneida Personnel Commission Update (pg. 64)

VII. Executive Session

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
January 2, 2019
9:00 a.m.

Present: Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King

Excused: David P. Jordan

Others Present: Brandon Wisneski, Clorissa Santiago, Jennifer Falck, Kristen Hooker, Lee Cornelius, Jackie Johnson

I. Call to Order and Approval of the Agenda

Kirby Metoxen called the January 2, 2019 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Daniel Guzman King to approve the agenda; seconded by Jennifer Webster. Motion carried unanimously.

II. Minutes to be Approved

December 19, 2018 LOC Minutes

Motion by Jennifer Webster to approve the December 19, 2018 Legislative Operating Committee meeting minutes and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

III. Current Business

1. Petition Scott Kosbab – Creating a Term Limits Law (1:47-2:27)

Motion by Jennifer Webster to accept the statement of effect for the Petition: Scott Kosbab – Creating a Term Limits Law and forward to the Oneida Business Committee; seconded by Ernest Stevens III. Motion carried unanimously.

2. Employee Protection Policy Amendments (2:29-3:30)

Motion by Jennifer Webster to accept the updated public comment review memorandum; seconded by Daniel Guzman King. Motion carried unanimously.

Subsequent motion by Jennifer Webster to approve the fiscal impact statement memorandum and forward to the Finance Department directing that a fiscal impact statement of the proposed Whistleblower Protection law be prepared for inclusion on the February 6, 2019 Legislative Operating Committee meeting agenda; seconded by Ernest Stevens III. Motion carried unanimously.

3. Petition: G. Powless – Rescinding the Removal Law (3:35-4:4:14)

Motion by Jennifer Webster to accept the statement of effect for the Petition: G. Powless – Rescinding the Removal Law and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.



4. Oneida Personnel Commission Bylaw Amendments (4:20-10:15)

Motion by Ernest Stevens III to accept the Oneida Personnel Commission bylaw amendments and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

IV. New Submissions

1. General Welfare Exclusions Act – Income Exemptions (10:20-11:12)

Motion by Jennifer Webster add the General Welfare Exclusions Act – Income Exemptions to the active files list and assign Jennifer Webster as the sponsor; seconded Ernest Stevens III. Motion carried unanimously.

V. Additions

VI. Administrative Items

VII. Executive Session

VIII. Adjourn

Motion by Daniel Guzman King to adjourn the January 2, 2019 Legislative Operating Committee meeting at 9:11 a.m.; seconded by Ernest Stevens III. Motion carried unanimously.



LEGISLATIVE OPERATING COMMITTEE SPECIAL MEETING MINUTES

Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center

January 7, 2019

1:00 p.m.

Present: Kirby Metoxen, Ernest Stevens III, David P. Jordan

Excused: Jennifer Webster, Daniel Guzman King

Others Present: Maureen Perkins, Brandon Wisneski, Clorissa Santiago, Jennifer Falck, Kristen Hooker, Lee Cornelius, Bonnie Pigman

I. Call to Order and Approval of the Agenda

David P. Jordan called the January 7, 2019 Legislative Operating Committee meeting to order at 1:00 p.m.

Motion by Ernest Stevens III to approve the agenda; seconded by Kirby Metoxen. Motion carried unanimously.

II. Minutes to be Approved

III. Current Business

1. Sanctions and Penalties Law (1:20-26:34)

Motion by Kirby Metoxen to approve the adoption packet for the proposed Sanctions and Penalties Law and forward to the Oneida Business Committee for inclusion on the tentatively scheduled February 24, 2019 General Tribal Council meeting agenda for the General Tribal Council's consideration of adoption; seconded by Ernest Stevens III. Motion carried unanimously.

IV. New Submissions

V. Additions

VI. Administrative Items

VII. Executive Session

VIII. Adjourn

Motion by Kirby Metoxen to adjourn the January 7, 2019 Legislative Operating Committee meeting at 1:26 p.m.; seconded by Ernest Stevens III. Motion carried unanimously.





Legislative Operating Committee
January 16, 2019

Domestic Animals Law Amendments

Submission Date: 9/19/18	Public Meeting: n/a
LOC Sponsor: Jennifer Webster	Emergency Enacted: n/a

Summary: *This is a request to make necessary changes and updates to the law in regard to issues with violations, enforcement and appeals, procedure at hearings, restitution, citations, and viscous and dangerous dogs.*

9/19/18 LOC: Motion by Jennifer Webster to add the Domestic Animals Ordinance to the active files list and assign Jennifer Webster as the Sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

10/5/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Kelly McAndrews, Eric Boulanger, Michelle Myers, Jeff Mears, Vanessa Miller, Steve Linskens, Laura Manthe. The purpose of this work meeting was to begin identifying potential amendments that can be made to the law, and discussing areas that could benefit from further discussion.

10/23/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Kelly McAndrews, Jeff Mears, Vanessa Miller, Steve Linskens, Laura Manthe, Brenda Haen, Eric Krawczyk. The purpose of this work meeting was to finish reviewing the law and discussing potential amendments that could be made.

11/9/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Jeff Mears, Vanessa Miller, Steve Linskens, Jennifer Falck, Eric Boulanger, Michelle Myers. The purpose of this work meeting was to review research that was completed, and discuss parking lot issues. The LRO will update the draft and schedule another work group meeting before the draft is presented to the LOC.

12/13/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Eric Boulanger, Chad Wilson, Laura Manthe, Steve Linskens, Shad Webster, Patrick Pelky. The purpose of this work meeting was to review and discuss the proposed draft of the amendments before the draft is presented to the LOC for consideration.

12/19/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review the proposed draft created by the work group, and determine the next steps for moving forward. Attorney will update the draft, and a legislative analysis will be completed.

Next Steps:

- Accept the draft and the legislative analysis of the amendments to the Domestic Animals law and defer to a work meeting for further consideration.

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

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

<u>304.12. Owner Liability</u>
<u>304.13. Enforcement of Violations</u>

304.1. — Purpose and Policy

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

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

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

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

304.2. — Adoption, Amendment, Repeal

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

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

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

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

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

304.3. — Definitions

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

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

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

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

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

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

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

(e) “Nation” means the Oneida Nation.

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

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

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

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

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

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

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

304.4.— Jurisdiction

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

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

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

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

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80 considered to have consented to the jurisdiction of the Nation:

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

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

87 304.4-2. *Territorial Jurisdiction.* This law extends within the Reservation to all land owned by
88 the Nation and individual ~~Tribal member~~ trust and/or fee land of a member of the Nation.

89
90 **304.5. —Authority**

91 304.5-1. General. This law governs the keeping of all domestic animals which are commonly
92 owned as household pets. Domestic animals include, but are not limited to dogs, cats, ferrets,
93 rabbits, guinea pigs, turtles, birds, pigeons, hamsters, non-venomous reptiles, amphibians, and
94 arachnids.

95 (a) Domestic animals do not include prohibited exotic animals as identified in section
96 304.10-2.

97 304.5-2. Authority of the Oneida Police Department- and Conservation Department. Oneida
98 Police Officers and Conservation Wardens shall have the authority to:

99 (a) investigate complaints involving domestic animals;

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

102 (1) seizing any animal:

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

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

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

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

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

113 ~~304.5-2. General Rulemaking Authority.~~ 304.5-3. Fine, Penalty, and Licensing Fee Schedule.
114 The Environmental, Health ~~and~~, Safety, ~~and Land~~ Division and the Environmental Resource Board
115 are hereby delegated joint ~~rulemaking~~ authority to ~~establish and maintain:~~

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

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

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

120 304.5-4. 304.5-3. Disease Investigation and Quarantine Rulemaking Authority. The
121 Environmental, Health ~~and~~, Safety, ~~and Land~~ Division, the Emergency Management Coordinator,
122 and the Comprehensive Health Division are hereby delegated joint ~~rulemaking~~ authority to

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123 establish ~~rules~~standard operating procedures related to disease investigations and quarantines.

124 ~~304.5-5. 304.5 4.~~Issuance of Licenses. The Environmental, Health ~~and~~, Safety, and Land
125 Division shall make all decisions related to the issuance of a license and/or permit in accordance
126 with this law, unless otherwise noted.

127 304.6. Treatment of Animals

128 304.6-1. Food and Water. An owner shall provide an animal with a daily supply of food and
129 water sufficient to maintain the animal in good health.

130 304.6-2. Shelter. An owner shall meet the minimum standards for indoor and outdoor shelter for
131 an animal. All shelter shall be structurally sound and maintained in good repair to protect the
132 animal from injury and to contain the animal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

304.7.

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

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

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208 (a) License Period. The license year ~~commencees~~shall commence on January 1st and
209 ~~ends~~end on December 31st; of every year.

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

211 (1) the licensing fee; and

212 (2) proof of current rabies vaccination.

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

217 ~~(4)~~—(1) Exception. A dog or cat shall not be required to wear the collar if the
218 dog or cat is:

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

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

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

224 304.67-2. Rabies Vaccinations Required. ~~Rabies~~An owner shall be required to obtain a rabies
225 vaccination is required for any dog or cat five (5) months of age or older.

226 304.7-3. Limit on the Number of Dogs and Cats. An individual may keep no more than two (2)
227 dogs or three (3) cats; and a total of no more than four (4) dogs and cats combined; in a single
228 residential household.

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

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

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

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

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

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

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

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

250 304.7-4. Running at Large. An owner shall not allow a dog or cat to run at large by being any

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251 place except upon the premises of the owner, unless the dog or cat is crated, penned, or on a leash
252 under the control of a person physically able to control the animal.

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

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

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

260 304.7-5. Nuisance. An Oneida Police Officer or Oneida Conservation Warden may pick up and
261 impound a dog or cat that has been found to be a nuisance. A dog or cat shall be found to be a
262 nuisance if the actions of the dog or cat:

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

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

267 304.7-6. Investigations for Suspected Animal Bites. The owner shall notify the Oneida Police
268 Department in the event the owner's cat or dog bites a human or another domestic animal.

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

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

272 (2) Ensure all information provided is correct.

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

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

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

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

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

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

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

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

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

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

297 6-3(2) If the animal does not have current rabies vaccinations, the Oneida Police
298 Officer or Oneida Conservation Warden may order the animal to be euthanized and
299 send the specimen for analysis at the owner's expense.

300 304.7-7. District Quarantine. A district quarantine may be initiated ~~in accordance with the~~
301 ~~quarantine rules and may be initiated by~~ by staff designated by the Environmental, Health ~~and~~,
302 Safety, ~~and Land~~ Division, an Oneida Police Officer, an Oneida Conservation Warden, ~~and/or a~~
303 Public Health Officer.

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

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

312 ~~304.6-4. Dogs and Cats Running at Large. It is unlawful for any dog or cat~~

313 304.8. Livestock

314 304.8-1. An owner shall obtain a conditional use permit from the Oneida Land Commission in
315 order to keep livestock on land zoned residential.

316 304.8-2. Limitations on Livestock. Livestock kept on land zoned residential are subject to the
317 following limitations:

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

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

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

324 304.8-3. Liability for Damage Caused by Livestock. Any person whose livestock escapes from
325 its normal confined area and becomes at large is responsible for any and all damage to persons and
326 property caused by such livestock while it is away from its normal confined area.

327 ~~owner to permit the animal to be at any place except upon the premises of the owner, unless it is~~
328 ~~erated, penned, or on a leash under the control of a person physically able to control the animal.~~
329 ~~In addition, a nuisance dog or cat may be picked up by Oneida Police Officers or Oneida~~
330 ~~Conservation Wardens. For the purposes of this law, a nuisance dog or cat is one whose actions~~
331 ~~result in two (2) or more verified disturbances due to excessive barking and/or running loose or~~
332 ~~one (1) or more verified disturbance due to threatening behavior by a loose dog or cat.~~

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

335 ~~(b) Whenever any Oneida Police Officer, Oneida Conservation Warden, or other person~~
336 ~~designated by the Chief of Police finds any dog or cat running at large, the officer/warden~~

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shall, if possible, pick up, and impound such animal.

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

~~304.~~

304.9. Hens

~~304.9-1.6-5.—Limit on Number of Dogs and Cats. Except as provided in (a), no more than three (3) dogs or three (3) cats; and a total of no more than five (5) dogs and cats combined; may be kept or possessed by a single residential household. For the purposes of this law, each residential lot, excluding residential lots designed as multi-family lots, constitutes a separate residential household. In cases of multi-family lots, each family unit within the lot constitutes a separate household.~~

~~(a) ———Exception: Hen Permit. An owner shall obtain a conditional use permit from the Oneida Land Commission Division in order to keep hens on land zoned residential. An owner shall not keep a rooster on land zoned residential.~~

~~304.9-2. Limit on the Number of Hens Allowed. The limit on the number of dogs and cats a person may keep or possess does not apply to those persons who:~~

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

304.7.—Treatment of Animals

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

~~304.7-2.—Shelter:~~

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

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

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

- ~~(1) Shelter from Sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. "Caged" does not include farm fencing used to confine farm animals.~~
- ~~(2) Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.~~
- ~~(3) ———If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a weather appropriate shelter of suitable the size to accommodate the dog shall be provided of the residential lot.~~

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

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

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larger.

304.9-3. Standards. Minimum space requirements for both indoor and outdoor enclosures:

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

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

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

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

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

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

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

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

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

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

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

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

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

304.9-4. 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.

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417 **304.10. Prohibited Animals**

418 ~~304.8 1. Prohibited Animals.~~ 304.10-1. No person ~~may~~shall bring into, keep, harbor,
419 maintain, offer for sale or barter, act as a custodian, have custody or control of, or release to the
420 wild on the Reservation ~~an exotic~~ prohibited animal.

421 ~~304.8 10-2. Exotic~~Prohibited Animals. ~~The~~Prohibited animals include the following orders and
422 families, whether bred in the wild or in captivity, and any or all hybrids ~~are defined as “Exotic~~
423 Animals”. The animals listed ~~in parentheses~~ are intended to act as examples and are not to be
424 construed as an exhaustive list or limit the generality of each group of animals, unless otherwise
425 specified:

426 (a) Class Mammalia.

427 (1) Order Chiroptera ~~(Any. This includes all~~ bat species).

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

431 (3) Order Carnivora.

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

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

438 (C) Family Ursidae. ~~(All~~ This includes all bears).

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

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

442 (F) Family Hyaenidae. ~~(Hyenas)~~ This includes hyenas.

443 (G) Family Viverridae ~~(Civets. This includes civets,~~ genets, and
444 mongooses).

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

446 (5) Order Marsupialia. ~~(Opossums~~ This includes opossums, kangaroos, wallabies,
447 and sugar gliders).

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

450 (7) Order Primates. ~~(Lemurs~~ This includes lemurs, monkeys, chimpanzees, and
451 gorillas).

452 (8) Order Proboscidae. ~~(Elephants)~~ This includes elephants.

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

456 (b) Class Reptilia.

457 (1) Order Squamata.

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

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- 460 (B) Family Varaidae. (~~Any~~This includes any monitor lizard which will
461 normally grow over two feet in length).
- 462 (C) Family Iguanidae. (~~Only~~This includes green iguanas and rock
463 iguanas, ~~all others allowed~~but does not include all other types of iguanas
464 which are not green or rock iguanas.
- 465 (D) Family Boidae. (~~All~~This includes all species whose adult length may
466 exceed eight (8) feet).
- 467 (E) Family Colubridae. (~~Boomslangs~~This includes boomslangs and
468 African twig snakes).
- 469 (F) Family Elapidae. (~~Coral~~This includes coral snakes, cobras, and
470 mambas).
- 471 (G) Family Nactricidae. (~~Only~~This includes keelback snakes, ~~all others~~
472 ~~allowed~~but does not include all other snakes not keelback.
- 473 (H) Family Viperidae. (~~Copperheads~~This includes copperheads,
474 cottonmouths, and rattlesnakes.
- 475 (2) Order Crocodilia. (~~Crocodiles~~This includes crocodiles, alligators, caimans,
476 and gavials.
- 477 (c) *Class Aves.*
- 478 (1) Order Falconiformes. (~~Eagles~~This includes eagles, hawks, and vultures).
- 479 (2) Order Rheiformes. (~~Rheas~~This includes rheas.
- 480 (3) Order Struthioniformes. (~~Ostriches~~This includes ostriches.
- 481 (4) Order Casuariiformes. (~~Cassowaries~~This includes cassowaries and emus).
- 482 (5) Order Strigiformes. (~~Owls~~This includes owls.
- 483 (d) *Class Arachnida.*
- 484 (1) Order Scorpiones,
- 485 (A) Family Buthidae. This includes scorpions.
- 486 (~~A~~) Arabian fat-tailed scorpion—~~Androctonus crassicauda~~
- 487 (~~B~~) Arizona centruroides scorpion—~~Centruroides exilicauda~~
- 488 (~~C~~) Death stalker—~~Leiurus quinquestriatus~~
- 489 (~~D~~) Egyptian yellow scorpion—~~Androctonus Amoreuxi~~
- 490 (~~E~~) Israeli black scorpion—~~Hottentotta judaicus~~
- 491 (~~F~~) S.A. giant fat-tailed scorpion—~~Parabuthus transvaalicus~~
- 492 (~~G~~) Sinai desert scorpion—~~Androctonus bicolor~~
- 493 (~~H~~) Yellow desert scorpion—~~Androctonus Australia~~
- 494 (2) Order Araneae,
- 495 (A) Family Therididae.
- 496 (~~A~~) This includes the Argentina red widow spider—~~Latrodectus coralinus~~
- 497 (~~B~~) Brown, brown widow spider—~~Latrodectus geometicus~~
- 498 (~~C~~) Red, red-black widow—~~Latrodectus hasselti~~
- 499 (~~D~~) Red widow spider—~~Latrodectus bishop~~
- 500 (~~E~~) Southern, red widow spider, southern black widow spider—
501 ~~Latrodectus mactans~~
- 502 (~~F~~) —, and Western widow—~~Latrodectus Hesperus~~spider.

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

(e) ~~_~~ Class Chilopoda.

(1) ~~_~~ Order Scolopendromorpha,

(A) Family Scolopendridae. This includes centipedes.

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

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

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

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

~~304.810-3. This section does~~ Prohibited Animals Exception. The prohibition of certain animals shall not apply to:

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

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

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

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

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

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

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

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

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

(b) At any time after such identification, the Oneida Police Department and/or Oneida Conservation Department may seek an order from a hearing body the Trial Court as to the care, custody and control of the animal. The Oneida Conservation Department may also request the defendant to post a bond in an amount sufficient to satisfy the costs of holding, housing and/or caring for the animal.

(c) If the hearing body Trial Court finds the animal has been taken, employed, used or possessed in violation of this section, the owner shall be responsible for reimbursing the

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546 Oneida Police Department and/or the Oneida Conservation Department for the cost of
547 holding the animal and any costs incurred in identifying the ~~animals shall be assessed~~
548 ~~against the defendant~~ animal.

549 ~~304.8-5~~ 10-7. *Notice of Release or Escape.* ~~If an animal identified as~~ The owner of a prohibited
550 ~~under this section is~~ animal that has been released or escapes, ~~the owner of the animal~~ shall
551 immediately notify the Oneida Police Department and/or the Oneida Conservation Department
552 and ~~/or the Oneida Police Department and~~ shall be liable for any cost of recapture of the animal.

553 ~~304.10-8-6~~. *Forfeiture of the Prohibited Animal.* ~~Anyone~~ An owner found in violation of this
554 section shall forfeit or surrender the prohibited animal to the Oneida Police Department, Oneida
555 Conservation Department, or designee. Upon such forfeiture or surrender, the ~~Judiciary~~ Trial Court
556 may direct destruction or transfer of the animal to a qualified zoological, educational, or scientific
557 institution or qualified private propagator for safekeeping, with costs assessed against the
558 ~~defendant~~ owner.

559 **304.9. — Regulation of Livestock**

560 ~~304.9-1. Livestock may only be kept on land zoned residential if a conditional use permit is~~
561 ~~received from the Oneida Land Commission, however, not in excess of the following limitations:~~

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

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

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

568 ~~304.9-2. Liability for Damage Caused by Livestock. Any person whose livestock escapes from~~
569 ~~its normal confined area and becomes at large is responsible for any and all damage to persons and~~
570 ~~property caused by such livestock while it is away from its normal confined area.~~

571 ~~304.9-3. Hens. A permit from the Oneida Conservation Department, based on the rules it shall~~
572 ~~develop, is required in order to keep an excess of four (4) hens. Roosters may not be kept.~~

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

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

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

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

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

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

585 **304.10-11. Dangerous Animals**

586 ~~304.10-11-1. Classifying Dangerous Animals. Owners of animals meeting the definition of~~ No
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589 person shall own, keep, possess, return to or harbor a dangerous animal ~~shall comply with the~~
590 ~~requirements contained in section 304.10-2 for harboring dangerous animals.~~

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

593 ~~(1a)~~ (a) approaches or chases a human being or domestic animal in a menacing fashion or
594 apparent attitude of attack, ~~without provocation; or;~~

595 ~~(2b)~~ (b) bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or
596 domestic animal ~~without provocation;~~

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

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

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

602 304.11-2. Dangerous Animal Determination. An Oneida Police Officer or Oneida Conservation
603 Warden may determine an animal to be dangerous whenever, upon investigation, the officer finds
604 that the animal meets the definition of dangerous animal provided in section 304.11-1.

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

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

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

612 304.11-3. Contesting a Dangerous Animal Determination. If the owner wishes to contest the
613 dangerous animal determination, he or she shall file with the Trial Court a written objection to the
614 order within three (3) business days of receipt of the order.

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

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

620 (2) protect its young or another animal;

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

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

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

627 ~~(d) An owner of an animal declared to be dangerous may appeal such declaration in~~
628 ~~accordance with section 304.12-2. All requirements for harboring dangerous animals in~~
629 ~~section 304.10-2 except subsections (d)-(f) apply to the animal pending~~ (b) Pending the
630 outcome of the hearing unless specifically stayed by, the animal shall be securely confined
631 in a humane manner either on the Judiciary.

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632 ~~304.10-2. *Harboring Dangerous Animals.* No person may harbor or keep a dangerous~~
633 ~~animal within premises of the Reservation unless all provisions of this section are complied~~
634 ~~with. Any animal that is determined to be a vicious animal in accordance with section~~
635 ~~304.10-3 may not, under any circumstances, be kept or harbored within owner or caretaker,~~
636 ~~or with a licensed veterinarian. If confined on the Reservation, premises of the owner or~~
637 ~~caretaker, the following requirements shall apply:~~

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

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

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

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

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

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

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

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

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

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

673 ~~(E) The structure shall either have a secure bottom or floor attached to the~~
674 ~~sides of the pen or the sides of the pen shall be embedded in the ground no~~

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675 less than two feet (2')

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

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

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

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

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

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

700 304.11-4. Dangerous Animal Determination Hearing. A hearing on the dangerous animal
701 determination shall be held within ~~thirty (30)~~ fourteen (14) days ~~after the declaration shall provide~~
702 ~~the Environmental Resource Board with~~ of submission of the written proof ~~from a licensed~~
703 ~~veterinarian~~ objection with the Trial Court. At the hearing, the Trial Court shall determine whether
704 the determination that the animal ~~has been spayed or neutered~~ is dangerous should be
705 substantiated.

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

712 (1) The order shall contain the requirement that the owner ~~has procured liability insurance~~
713 ~~in an amount not less than \$1,000,000 for any personal injuries inflicted by the dangerous~~
714 ~~animal. Whenever such a policy is cancelled or not renewed, the insurer shall so notify the~~
715 ~~Environmental Resource Board.~~

716 ~~(f) Microchipping. If declared dangerous by an Oneida Police Officer or Oneida~~
717 ~~Conservation Officer, the owner of the dangerous animal shall provide proof to the~~

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718 ~~Environmental Resource Board that the dangerous animal has had a microchip inserted for~~
719 ~~identification purposes within ten (10) calendars from the date the animal is declared~~
720 ~~dangerous.~~

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

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

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

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

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

746 ~~304.10-3. Vicious Animals. No person may bring or keep within the Reservation any animal that~~
747 ~~is a vicious animal under this section.~~

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

751 ~~(1) Is a dangerous animal in noncompliance with the requirements under Section~~
752 ~~304.10-2;~~

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

755 ~~(3) Without provocation, has inflicted substantial bodily harm on a person on~~
756 ~~public or private property where substantial bodily harm means bodily injury that~~
757 ~~causes a laceration that requires stitches, any fracture of a bone, a concussion, a loss~~
758 ~~or fracture of a tooth or any temporary loss of consciousness, sight or hearing;~~

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

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

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

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

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

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

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

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

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

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

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

~~(c) *Enforcement.* An Oneida Police Officer or Oneida Conservation Warden~~ 604.11-6. Dangerous Animal Exception. The Trial Court may ~~make any inquiries deemed necessary to ensure compliance with this section and may seize~~ provide an exception to the dangerous animal ~~based on the owner's failure to comply.~~

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

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804 satisfactory arrangement for safe keeping of the animal.

805 ~~304.10-4. Investigations for Suspected Domestic Animal Bites. The owner shall notify the Oneida~~
806 ~~Police Department in the event the owner's cat or dog bites a human or another domestic animal.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

840 **304.11-12. Owner Liability for Domestic Animals**

841 ~~304.11-12-1. Owners are~~ **An owner shall be** liable for damages caused by ~~their~~**his or her** domestic
842 animal(s).

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

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

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domestic animal previously caused damages.

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

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

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

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

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

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

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

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

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

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

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

~~(d) — Pursuing Payment of a Citation. The Environmental Resource Board may pursue~~ 304.13-5. Fines. All fines shall be paid to the Trial Court. Cash shall not be accepted for payment of fines. Money received from parties who have failed fines shall be contributed to the General Fund.

(a) Fines shall be paid within ninety (90) days after the order is issued or upheld on final

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890 appeal, whichever is later. If the fine is not paid by this deadline, the Trial Court may seek
891 to ~~make collect~~ the ~~required payments~~ money owed through the Nation's garnishment
892 process contained in the Garnishment law and/or by attaching the judgment to Tribal
893 member's per capita attachment process.

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

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

898
899 End.

900
901 Adopted - BC-~~303~~-13-96-B
902 Amended - BC-06-22-11-G
903 Amended - BC-06-28-17-B
904 Amended - BC- - - -
905

1 **Title 3. Health and Public Safety - Chapter 304**
2 **DOMESTIC ANIMALS**
3 **Kátse?na Olihwa?ke**
4 *matters concerning the pet animals*
5

304.1. Purpose and Policy	304.8. Livestock
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304.6. Treatment of Animals	304.13. Enforcement of Violations
304.7. Dogs and Cats	

1
2 **304.1. Purpose and Policy**

3 304.1-1. *Purpose.* The purpose of this law is to:

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

10 304.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the
11 community by:

- 12 (a) requiring certain basic measures to prevent the spread of disease carried by domestic
13 animals;
14 (b) establishing requirements for licensing domestic animals, and
15 (c) regulating the types of animals which may be kept as domestic animals.
16

17 **304.2. Adoption, Amendment, Repeal**

18 304.2-1. This law was adopted by Oneida Business Committee by resolution BC-03-13-96-B
19 and amended by resolutions BC-06-22-11-G, BC-06-28-17-B, and BC-__-__-__-__.

20 304.2-2. This law may be amended or repealed by the Oneida Business Committee and/or
21 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

22 304.2-3. Should a provision of this law or the application thereof to any person or
23 circumstances be held as invalid, such invalidity does not affect other provisions of this law
24 which are considered to have legal force without the invalid portions.

25 304.2-4. In the event of a conflict between a provision of this law and a provision of another
26 law, the provisions of this law shall control.

27 304.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.
28

29 **304.3. Definitions**

30 304.3-1. This section governs the definitions of words and phrases used within this law. All
31 words not defined herein are to be used in their ordinary and everyday sense.

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

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

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

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

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

41 (e) “Nation” means the Oneida Nation.

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

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

49 (h) “Reservation” means all the property within the exterior boundaries of the
50 Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida
51 7 Stat. 566, and any lands added thereto pursuant to federal law.

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

55 (j) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the
56 judicial system that was established by Oneida General Tribal Council resolution GTC-
57 01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

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

61

62 **304.4. Jurisdiction**

63 304.4-1. *Personal Jurisdiction.* This law applies to:

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

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

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

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

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

78 304.4-2. *Territorial Jurisdiction.* This law extends within the Reservation to all land owned by
79 the Nation and individual trust and/or fee land of a member of the Nation.

80

81 **304.5. Authority**

82 304.5-1. *General.* This law governs the keeping of all domestic animals which are commonly

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83 owned as household pets. Domestic animals include, but are not limited to dogs, cats, ferrets,
84 rabbits, guinea pigs, turtles, birds, pigeons, hamsters, non-venomous reptiles, amphibians, and
85 arachnids.

86 (a) Domestic animals do not include prohibited exotic animals as identified in section
87 304.10-2.

88 304.5-2. *Authority of the Oneida Police Department and Conservation Department.* Oneida
89 Police Officers and Conservation Wardens shall have the authority to:

90 (a) investigate complaints involving domestic animals;

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

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

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

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

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

102 304.5-3. *Fine, Penalty, and Licensing Fee Schedule.* The Environmental, Health, Safety, and
103 Land Division and the Environmental Resource Board are hereby delegated joint authority to
104 develop a fine, penalty, and licensing fee schedule. The fine, penalty, and licensing fee schedule
105 shall be adopted by the Oneida Business Committee by resolution.

106 304.5-4. *Disease Investigation and Quarantine.* The Environmental, Health, Safety, and Land
107 Division, the Emergency Management Coordinator, and the Comprehensive Health Division are
108 hereby delegated joint authority to establish standard operating procedures related to disease
109 investigations and quarantines.

110 304.5-5. *Issuance of Licenses.* The Environmental, Health, Safety, and Land Division shall
111 make all decisions related to the issuance of a license and/or permit in accordance with this law,
112 unless otherwise noted.

113

114 **304.6. Treatment of Animals**

115 304.6-1. *Food and Water.* An owner shall provide an animal with a daily supply of food and
116 water sufficient to maintain the animal in good health.

117 304.6-2. *Shelter.* An owner shall meet the minimum standards for indoor and outdoor shelter
118 for an animal. All shelter shall be structurally sound and maintained in good repair to protect the
119 animal from injury and to contain the animal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

163 304.6-3. *Tethering.* If a kennel or enclosed yard is not available, an owner may tether an
164 unsupervised animal as long as the owner meets the following conditions:

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

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- 168 (1) The use of a choke collar, prong collar head harness, or other similar type of
169 head harness or collar shall be prohibited for the use of tethering.
170 (b) the tether is at least twelve feet (12') long and allows the animal to move in all
171 directions unimpeded;
172 (c) the total weight of the tether does not exceed ten percent (10%) of the animal's body
173 weight;
174 (d) the animal is tethered so as to prevent injury, strangulation, or entanglement, and
175 allows the animal access to water and shelter;
176 (e) the tethered animal is not sick, injured, or nursing;
177 (f) the animal is not tethered on any vacant property or land or with an unoccupied
178 dwelling; and
179 (g) the animal is not tethered in a manner that allows the animal to cross onto public
180 space or property of others.

181 304.6-4. *Mistreatment of Animals.* No person may treat any animal in a manner which causes
182 harm, injury or death. This section does not apply to:

- 183 (a) normal and accepted veterinary and/or care practices; or
184 (b) teaching, research or experimentation conducted at a facility regulated under federal
185 or applicable state law.

186 304.6-5. *Mandatory Reporting.* An employee of the Nation shall report any animal
187 mistreatment witnessed during the regular course of his or her employment with the Nation to
188 the Oneida Police Department and any other appropriate entity.
189

190 **304.7. Dogs and Cats**

191 304.7-1. *License Required.* An owner shall be required to obtain a license for any dog or cat
192 five (5) months of age or older on an annual basis.

193 (a) *License Period.* The license year shall commence on January 1st and end on
194 December 31st of every year.

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

- 196 (1) the licensing fee; and
197 (2) proof of current rabies vaccination.

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

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

- 203 (A) hunting or actively involved in herding or controlling livestock if the
204 animal is under control of its owner;
205 (B) within the owner's residence and/or securely confined in a fenced
206 area; and/or
207 (C) being shown during a competition.

208 304.7-2. *Rabies Vaccinations Required.* An owner shall be required to obtain a rabies
209 vaccination for any dog or cat five (5) months of age or older.

210 304.7-3. *Limit on the Number of Dogs and Cats.* An individual may keep no more than two (2)

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211 dogs or three (3) cats; and a total of no more than four (4) dogs and cats combined; in a single
212 residential household.

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

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

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

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

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

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

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

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

234 304.7-4. *Running at Large.* An owner shall not allow a dog or cat to run at large by being any
235 place except upon the premises of the owner, unless the dog or cat is crated, penned, or on a
236 leash under the control of a person physically able to control the animal.

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

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

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

245 304.7-5. *Nuisance.* An Oneida Police Officer or Oneida Conservation Warden may pick up and
246 impound a dog or cat that has been found to be a nuisance. A dog or cat shall be found to be a
247 nuisance if the actions of the dog or cat:

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

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

252 304.7-6. *Investigations for Suspected Animal Bites.* The owner shall notify the Oneida Police
253 Department in the event the owner's cat or dog bites a human or another domestic animal.

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- 254 (a) The responding Oneida Police Officer or Oneida Conservation Warden shall:
 255 (1) Ascertain whether the domestic animal is properly licensed and has current
 256 vaccinations.
 257 (2) Ensure all information provided is correct.
 258 (3) Contact the Environmental, Health, Safety and Land Division to provide
 259 notification of the domestic animal bite.
 260 (4) If the cat or dog has current rabies vaccinations, order the owner to:
 261 (A) Quarantine the animal for ten (10) days; and
 262 (B) Present the animal for examination by a veterinarian within twenty-
 263 four (24) hours of the bite, on the last day of quarantine and on one (1) day
 264 in between the first twenty-four (24) hours and the tenth (10th) day.
 265 (5) If the cat or dog does not have current rabies vaccination, order the owner to:
 266 (A) Quarantine the animal for ten (10) days or deliver the animal to an
 267 isolation facility at the owner's expense. If a home quarantine is ordered,
 268 the owner shall present the domestic animal for examination by a
 269 veterinarian within twenty-four (24) hours of the bite, on the last day of
 270 quarantine and on one (1) day in between the first twenty-four (24) hours
 271 and the tenth (10th) day; or
 272 (B) Euthanize the animal and send the specimen for analysis at the
 273 owner's expense, if the animal has exhibited any signs of rabies.
 274 (b) Upon expiration of a quarantine period, a veterinarian may extend the quarantine
 275 period. Upon expiration of all quarantine periods, if the veterinarian certifies that the
 276 animal has not exhibited any signs of rabies, the animal may be released from quarantine.
 277 (c) If the veterinarian certifies that the animal has exhibited any signs of rabies the
 278 following shall occur:
 279 (1) If the animal has current rabies vaccinations, the Oneida Police Officer or
 280 Oneida Conservation Warden may order the animal to be euthanized and send the
 281 specimen for analysis, to be paid for by the Nation.
 282 (2) If the animal does not have current rabies vaccinations, the Oneida Police
 283 Officer or Oneida Conservation Warden may order the animal to be euthanized
 284 and send the specimen for analysis at the owner's expense.
 285 304.7-7. *District Quarantine.* A district quarantine may be initiated by staff designated by the
 286 Environmental, Health, Safety, and Land Division, an Oneida Police Officer, an Oneida
 287 Conservation Warden, and/or a Public Health Officer.
 288 (a) If an area is subject to a district quarantine for rabies, all dogs and cats within the
 289 district shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not
 290 confined, tied, leashed or muzzled is a public nuisance and may be impounded. All
 291 Oneida Police Officers and Oneida Conservation Wardens shall cooperate in the
 292 enforcement of the quarantine.
 293 (b) An animal that is immunized against rabies as evidenced by a valid certificate of
 294 rabies vaccination or other evidence is exempt from the district quarantine provisions of
 295 this section.
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297 **304.8. Livestock**

298 304.8-1. An owner shall obtain a conditional use permit from the Oneida Land Commission in
299 order to keep livestock on land zoned residential.

300 304.8-2. *Limitations on Livestock.* Livestock kept on land zoned residential are subject to the
301 following limitations:

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

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

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

308 304.8-3. *Liability for Damage Caused by Livestock.* Any person whose livestock escapes from
309 its normal confined area and becomes at large is responsible for any and all damage to persons
310 and property caused by such livestock while it is away from its normal confined area.

311
312 **304.9. Hens**

313 304.9-1. *Hen Permit.* An owner shall obtain a conditional use permit from the Oneida Land
314 Commission Division in order to keep hens on land zoned residential. An owner shall not keep a
315 rooster on land zoned residential.

316 304.9-2. *Limit on the Number of Hens Allowed.* The number of hens an owner may keep is
317 dependent on the size of the residential lot.

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

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

322 304.9-3. *Standards for Keeping Hens.* An owner shall keep hens in the following manner:

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

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

326 (c) No accessory structure used to keep hens shall be located within twenty-five feet
327 (25') of any principal structure which is not owned by the person permitted to keep the
328 hens.

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

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

332 304.9-4. *Prohibition of Nuisance Hens.* No owner may keep hens that cause any other nuisance
333 associated with unhealthy conditions, create a public health threat, or otherwise interfere with the
334 normal use of property or enjoyment of life by humans or animals.

335
336 **304.10. Prohibited Animals**

337 304.10-1. No person shall bring into, keep, harbor, maintain, offer for sale or barter, act as a
338 custodian, have custody or control of, or release to the wild on the Reservation a prohibited
339 animal.

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340 304.10-2. *Prohibited Animals*. Prohibited animals include the following orders and families,
341 whether bred in the wild or in captivity, and any or all hybrids. The animals listed are intended to
342 act as examples and are not to be construed as an exhaustive list or limit the generality of each
343 group of animals, unless otherwise specified:

344 (a) *Class Mammalia*.

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

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

349 (3) Order Carnivora.

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

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

355 (C) Family Ursidae. This includes all bears.

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

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

359 (F) Family Hyaenidae. This includes hyenas.

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

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

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

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

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

367 (8) Order Proboscidea. This includes elephants.

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

371 (b) *Class Reptilia*.

372 (1) Order Squamata.

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

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

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

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

382 (E) Family Colubridae. This includes boomslangs and African twig

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- 383 snakes.
- 384 (F) Family Elapidae. This includes coral snakes, cobras, and mambas.
- 385 (G) Family Nactricidae. This includes keelback snakes, but does not
- 386 include all other snakes not keelback.
- 387 (H) Family Viperidae. This includes copperheads, cottonmouths, and
- 388 rattlesnakes.
- 389 (2) Order Crocodylia. This includes crocodiles, alligators, caimans, and gavials.
- 390 (c) *Class Aves*.
- 391 (1) Order Falconiformes. This includes eagles, hawks, and vultures.
- 392 (2) Order Rheiformes. This includes rheas.
- 393 (3) Order Struthioniformes. This includes ostriches.
- 394 (4) Order Casuariiformes. This includes cassowaries and emus.
- 395 (5) Order Strigiformes. This includes owls.
- 396 (d) *Class Arachnida*.
- 397 (1) Order Scorpiones,
- 398 (A) Family Buthidae. This includes scorpions.
- 399 (2) Order Araneae,
- 400 (A) Family Therididae. This includes the Argentina red widow spider,
- 401 brown widow spider, red-black widow spider, red widow spider, southern
- 402 black widow spider, and Western widow spider.
- 403 (B) Family Laxoscelidae, This includes the brown recluse spider.
- 404 (e) *Class Chilopoda*.
- 405 (1) Order Scolopendromorpha,
- 406 (A) Family Scolopendridae. This includes centipedes.
- 407 (f) Any Federal or State endangered or threatened species.
- 408 304.10-3. *Prohibited Animals Exception*. The prohibition of certain animals shall not apply to:
- 409 (a) Individuals who are eligible for any grandfather provisions included in this law's
- 410 adopting resolution.
- 411 (b) A zoological park and/or sanctuary, an educational or medical institution, and/or a
- 412 specially trained entertainment organization who receives a permit from the
- 413 Environmental, Health, Safety, and Land Division to own, harbor or possess the
- 414 prohibited animal.
- 415 304.10-4. *Prohibited Animal Permit*. The Environmental, Health, Safety, and Land Division
- 416 may issue a prohibited animal permit if:
- 417 (a) the animal and animal quarters are kept in a clean and sanitary condition and
- 418 maintained to eliminate objectionable odors; and
- 419 (b) the animal is maintained in quarters so constructed as to prevent its escape.
- 420 304.10-5. *Release of Prohibited Animals*. The Environmental, Health, Safety, and Land
- 421 Division, may approve a wildlife refuge and/or sanctuary to release prohibited animals within the
- 422 Reservation without applying for and receiving a prohibited animal permit.
- 423 304.10-6. *Seizure of Prohibited Animals*. An unpermitted prohibited animal may be seized by
- 424 the Oneida Police Department and/or the Oneida Conservation Department.
- 425 (a) A prohibited animal that is seized shall be held by the Oneida Police Department, the

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426 Oneida Conservation Department, or its designee until it can be determined if the animal
427 is an endangered or threatened species.

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

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

435 304.10-7. *Notice of Release or Escape.* The owner of a prohibited animal that has been released
436 or escapes shall immediately notify the Oneida Police Department and/or the Oneida
437 Conservation Department and shall be liable for any cost of recapture of the animal.

438 304.10-8. *Forfeiture of the Prohibited Animal.* An owner found in violation of this section shall
439 forfeit or surrender the prohibited animal to the Oneida Police Department, Oneida Conservation
440 Department, or designee. Upon such forfeiture or surrender, the Trial Court may direct
441 destruction or transfer of the animal to a qualified zoological, educational, or scientific institution
442 or qualified private propagator for safekeeping, with costs assessed against the owner.

443

444 **304.11. Dangerous Animals**

445 304.11-1. *Dangerous Animals.* No person shall own, keep, possess, return to or harbor a
446 dangerous animal. An animal shall be presumed to be dangerous if the animal:

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

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

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

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

454 304.11-2. *Dangerous Animal Determination.* An Oneida Police Officer or Oneida Conservation
455 Warden may determine an animal to be dangerous whenever, upon investigation, the officer
456 finds that the animal meets the definition of dangerous animal provided in section 304.11-1.

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

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

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

464 304.11-3. *Contesting a Dangerous Animal Determination.* If the owner wishes to contest the
465 dangerous animal determination, he or she shall file with the Trial Court a written objection to
466 the order within three (3) business days of receipt of the order.

467 (a) The written objection shall include specific reasons for objecting to or contesting the
468 order. An owner may argue an animal should not be deemed dangerous due to the animal

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469 biting, attacking or menacing any person and/or domestic animal because the animal was
470 acting to:

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

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

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

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

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

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

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

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512 304.11-4. *Dangerous Animal Determination Hearing.* A hearing on the dangerous animal
513 determination shall be held within fourteen (14) days of submission of the written objection with
514 the Trial Court. At the hearing, the Trial Court shall determine whether the determination that the
515 animal is dangerous should be substantiated.

516 (a) If the Trial Court concludes that the determination that the animal is dangerous is
517 substantiated, then the Trial Court shall issue an order that mandates the animal be
518 removed from the Reservation within forty-eight (48) hours of the determination.

519 (1) The order shall contain the requirement that the owner notify the Oneida
520 Police Department within twenty-four (24) hours if the dangerous animal has
521 been sold or been given away. If the dangerous animal has been sold or given
522 away, the owner shall also provide the name, address and telephone number of the
523 new owner of the dangerous animal. If the dangerous animal is sold or given
524 away to a person residing outside the Reservation or to a person or entity that falls
525 outside of the jurisdiction of this law, the owner shall present evidence to the
526 Oneida Police Department showing that he or she has notified the police
527 department or other law enforcement agency of the animal's new residence,
528 including the name, address and telephone number of the new owner. The Oneida
529 Police Department shall forward all such notifications to the Environmental,
530 Health, Safety and Land Division within a reasonable amount of time.

531 (b) The Trial Court may order a dangerous animal to be destroyed. If such an order is
532 issued, the Trial Court shall require the owner submit proof of destruction within five (5)
533 business days from a licensed veterinarian. If the owner does not satisfy these
534 requirements, an Oneida Police Officer and/or an Oneida Conservation Warden shall
535 seize the animal and enforce compliance at the cost of the owner.

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

538 304.11-5. *Appeal of the Trial Court's Decision.* An appeal of the Trial Court's decision on the
539 dangerous animal determination may be appealed to the Nation's Court of Appeals.

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

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

545 604.11-6. *Dangerous Animal Exception.* The Trial Court may provide an exception to the
546 dangerous animal provisions of this law for a law enforcement or military animal upon
547 presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of
548 the animal.

549

550 **304.12. Owner Liability**

551 304.12-1. An owner shall be liable for damages caused by his or her domestic animal.

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

554 (b) *Subsequent Offenses.* The owner shall be liable for two (2) times the full amount of

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555 damages caused by the domestic animal if the owner knew or should have known that the
556 domestic animal previously caused damages.
557

558 **304.13. Enforcement of Violations**

559 304.13-1. *Citations.* Citations for the violation of this law and/or orders issued pursuant to this
560 law may include fines, penalties and conditional orders in accordance with the fine, penalty, and
561 licensing fee schedule.

562 304.13-2. *Citation Pre-Hearing.* All citations shall include a pre-hearing date with the Trial
563 Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30)
564 days after the citation was issued, excluding dangerous animal citations which shall follow the
565 process contained in section 304.11.

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

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

571 304.13-3. *Citation Hearing.* The Trial Court shall schedule a hearing as expeditiously as
572 possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing,
573 for all persons entering a plea contesting the fact that they committed the act for which a citation
574 was issued.

575 304.13-4. *Appeals of the Trial Court's Determinations.* Any person wishing to contest the
576 determination of the Trial Court may appeal to the Nation's Court of Appeals in accordance with
577 the Rules of Appellate Procedure.

578 304.13-5. *Fines.* All fines shall be paid to the Trial Court. Cash shall not be accepted for
579 payment of fines. Money received from fines shall be contributed to the General Fund.

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

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

586 (b) Community service may be substituted for part or all of any fine at the minimum
587 wage rate of the Nation for each hour of community service.
588

589 *End.*

591 Adopted - BC-03-13-96-B

592 Amended – BC-06-22-11-G

593 Amended – BC-06-28-17-B

594 Amended – BC-__-__-__-__

595



AMENDMENTS TO DOMESTIC ANIMALS LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

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

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

1 **SECTION 2. LEGISLATIVE DEVELOPMENT**

- 2 A. The Domestic Animals law was first adopted by the Oneida Business Committee on March 13, 1996.
3 Domestic animals are animals commonly owned as household pets, including, but not limited to, dogs,
4 cats, guinea pigs, hamsters, rabbits, and turtles.
- 5 B. On September 13, 2018, representatives from the Environmental Health, Safety and Land Division,
6 Oneida Police Department, Oneida Community Health Services and Environmental Resources Board
7 submitted a memo to the Legislative Operating Committee in support of amending the Domestic
8 Animals law. The memo noted that the Domestic Animal law is needed to protect public health and
9 safety and proposed changes to Dangerous and Vicious Dogs section, violations, enforcement and
10 citations.
- 11 C. The LOC added the Domestic Animals Law to the Active Files List on September 19, 2018. Since that
12 time, a work group of representatives from Environmental Health Safety and Land Division, Oneida
13 Police Department, Oneida Community Health Services and Environmental Resources Board has met
14 to review the law and suggest amendments. Many of the proposed amendments reflect the feedback
15 and suggestions of this work group.
16

17 **SECTION 3. CONSULTATION AND OUTREACH**

- 18 A. Representatives from the following departments or entities participated in the development of this law
19 and legislative analysis: Oneida Environmental Health and Safety Division, Oneida Comprehensive
20 Health Division – Community Health, Environmental Resource Board, Oneida Police Department, and
21 Oneida Law Office.
- 22 B. The following laws were reviewed in the drafting of this analysis: Garnishment law; Per Capita law;
23 Zoning and Shoreland Protection law; Landlord Tenant law, Hunting, Fishing and Trapping law; Rules
24 of Appellate Procedure. In addition, the following domestic animal laws from other municipalities or
25 tribal nations were reviewed:
- 26 ■ City of Green Bay – Chapter 8 Public Health and Welfare
 - 27 ■ City of De Pere – Chapter 86 Dogs and Other Animals
 - 28 ■ City of Seymour – Chapter 6 Animals
 - 29 ■ Village of Ashwaubenon – Chapter 4 Animals
 - 30 ■ Village of Hobart – Chapter 102 Animals
 - 31 ■ Village of Howard – Chapter 4 Animals
 - 32 ■ Menominee Nation – Chapter 255 Animals
 - 33 ■ Stockbridge-Munsee – Chapter 16 Public Peace and Good Order Ordinance
- 34

35 **SECTION 4. PROCESS**

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

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

48
 49 **SECTION 5. CONTENTS OF THE LEGISLATION**

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

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

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

61
 62 **Chart 1. Adopting Fines, Penalty and Licensing Fee Schedule - Comparison**

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

- 63
- 64 ▪ **Current Status of Rule:** Domestic Animals law Rule No. 1 – Licensing Fees, Fines and
 65 Penalties became effective on 4/25/2018. Rule No. 1 would be repealed upon adoption of this
 66 law. In its place, the Business Committee would need to adopt a resolution setting a new fee,
 67 fine and penalty schedule for the Domestic Animals law.

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

70 Coordinator and the Comprehensive Health Division to develop rules related to disease investigation
 71 and quarantines. For example, the investigation of a dog that is suspected of rabies [see 304.5-4].
 72 ■ **Adoption of Disease Investigation and Quarantine SOPs.** Instead, these same entities will
 73 now establish standard operating procedures (SOPs) regarding disease investigation and
 74 quarantines.
 75

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

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

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

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

- 84 ■ Under the proposed amendments, several new restrictions and guidelines for tethering are
 85 added [see 304.6-3]:
- 86 ○ Tethers must be connected by a buckle type collar or body harness made of leather or nylon.
 - 87 ○ Choke collars and prong collar head harnesses are prohibited.
 - 88 ○ The tether must be at least twelve (12) feet long and allow the animal to move in all
 89 directions.
 - 90 ○ The total weight of the tether must not exceed ten percent (10%) of the animal’s body
 91 weight.
 - 92 ● This is to ensure that the animal can move freely without being weighed down by
 93 a heavy tether or chain.
 - 94 ○ The animal must be tethered to prevent injury, strangulation, or entanglement and allow
 95 the animal to access water and shelter.
 - 96 ○ Animals that are sick, injured, or nursing cannot be tethered.
 - 97 ○ Animals cannot be tethered on vacant property or land with an unoccupied dwelling.

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

122 **D. Dog Kennel Space Requirements.** The space requirements for dog kennels under this law have been

123 reduced. The purpose of adjusting the space requirements is to better match the square-footage of

124 commonly available kennels on the market. The following chart illustrates the changes in kennel

125 space requirements [see 304.6-2(c)(1)]:

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

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

128

129 **E. New Limits on Number of Dogs and Cats.** These amendments establish new limits on the number

130 of dogs and cats that may be kept in a residential household. A residential household is “a residential

131 lot, except for those residential lots designed as multi-family lots, in which each family unit within

132 the lot constitutes a separate household” [see 304.3-1(i)].

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

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

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

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

- 188 ○ **Dangerous Dog.** If an animal is declared “Dangerous,” the owner may keep the dog if they
- 189 follow certain restrictions for leashing, muzzling, confinement, public signage,
- 190 microchipping, and liability insurance. If they are unwilling or unable to follow these
- 191 restrictions, the owner must remove the dog from the reservation or have it euthanized.
- 192 ○ **Vicious Dog.** If the animal is declared “Vicious,” the Trial Court will order the animal to
- 193 be removed from the reservation or destroyed.
- 194 ○ **Determining Dangerous vs. Vicious.** Under the current law, the difference between
- 195 whether a dog must be removed from the reservation or not can depend on minor details
- 196 that must be parsed out by the Trial Court. For example, if a dog bites and lacerates
- 197 someone, but the injury does not require stiches, then the dog is declared “dangerous”
- 198 instead of “vicious” and could potentially be kept on the reservation.
- 199 ○ **Comparison to Neighboring Municipalities.** A review indicates that unlike Oneida, most
- 200 neighboring municipalities do not have separate “dangerous” and “vicious” animal
- 201 designations. Instead, these municipalities have a single “dangerous animal” designation.
- 202 In addition, unlike Oneida, these neighboring municipalities do not allow dogs declared
- 203 “dangerous” to be kept within their boundaries.
- 204 ■ **Elimination of Vicious Animal Designation.** This law eliminates the “Vicious Animal”
- 205 designation and creates a single “Dangerous Animal” designation, with a requirement that any
- 206 animal declared “dangerous” be removed from the reservation or destroyed, pending appeal
- 207 [see 304.11].
- 208 ○ **Effect.** The effect is that owners will not be able to keep dogs declared dangerous on the
- 209 reservation. Eliminating the “Vicious Animal” designation and requiring all animals
- 210 declared “Dangerous” to be removed from the reservation or destroyed is intended to
- 211 increase public safety. This also places Oneida’s laws in line with neighboring
- 212 municipalities and simplifies the process for OPD, Conservation and the Trial Court.
- 213
- 214

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

	Dangerous Animal Declaration	Vicious Animal Declaration
<i>Reasons an Animal Declared Dangerous or Vicious</i>	<ul style="list-style-type: none"> - Approaches or chases a human being or domestic animal in a menacing fashion or apparent attitude of attack, without provocation, or; - Bites, inflicts injury, attacks, or otherwise endangers the safety of a human being or domestic animal without provocation 	<ul style="list-style-type: none"> - An animal previously declared dangerous not in compliance with requirements of the law. - Has killed a domestic animal or pet without provocation on public or private property - Without provocation, has inflicted substantial bodily harm on a person where substantial bodily harm means a bodily injury that causes a laceration that requires stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing. - Is suspected, to be owned, trained or harbored for the purpose of dog fighting. - Has been declared to be a vicious animal and/or ordered to be destroyed in any other jurisdiction.

<i>Can the Owner Keep the Animal on the Reservation?</i>	YES, Owner can keep animal on the reservation if they comply with requirements for leash, muzzle, confinement, posting signs on property, spay and neuter, liability insurance, or microchipping. If the owner is unwilling or unable to comply, the animal must be removed from the reservation or euthanized.	NO, the Judiciary Trial Court will order the animal to be removed from the reservation or destroyed.
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215 **Exception: An animal may not be deemed dangerous if it bites, attacks, or menaces any*
 216 *person or animal to defend its owner or another person from attack, protect its young or*
 217 *another animal, or defend itself against any person or animal which has tormented, assaulted*
 218 *or abused it.*

219
 220 **Chart 6. Proposed Law: Dangerous Animal Declaration Process**

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

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

225
 226 **J. Contesting Dangerous Animal Determination.** Under the current law, owners whose dogs are
 227 declared dangerous automatically receive a pre-hearing date with the Judiciary Trial Court with their
 228 citation. The pre-hearing date is held at least thirty (30) days after the citation is issued [see 304.11-
 229 3].

- 230 ■ **Owner Must Request Hearing.** Under the new law, individuals who wish to contest a
 231 dangerous animal determination must file a written objection to the order within three (3)
 232 business days in order to receive a hearing. If the owner does not file within three (3) days,
 233 they will not receive a hearing and must remove the animal.
- 234 ■ **Date of Hearing.** In addition, the hearing for the dangerous animal determination will now be
 235 held by Trial Court within 14 days of the written objection, rather than 30 days after the
 236 citation. This is to ensure that hearings for dangerous animal are held quickly in the interest of
 237 public safety. In addition, ERB explained that the original 30 day deadline was likely based
 238 on ERB’s hearing schedule prior to hearing authority being transferred to the Oneida Judiciary.
- 239 ■ **Keeping Dangerous Animal Pending Hearing & Appeals.** Owners of a dangerous animal
 240 may keep the animal on the Reservation pending the outcome of hearings and appeals, but

241 only if the animal is confined in accordance with the requirements in this law. These
242 requirements include leash, muzzle, secure confinement, signs warning of dangerous animal
243 on the property, and notifying OPD or Conservation if the animal is at large, unconfined, or
244 attacks another animal or person. If the owner is unable or unwilling to follow these
245 requirements, the animal must be removed from the reservation.

246 **K. *Minor Drafting Changes.*** Minor drafting and formatting changes have been made throughout the
247 law for clarity.
248

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

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

- 252 ▪ *Garnishment law*
- 253 ▪ *Per Capita law*
- 254 ▪ *Rules of Appellate Procedure*

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

- 257 ▪ *Zoning and Shoreland Protection law*
- 258 ▪ *Landlord Tenant law*
- 259 ▪ *Hunting, Fishing and Trapping law*
- 260 ▪ *Emergency Management and Homeland Security law*

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

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

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

274 **C. *Right to Keep More than 4-8 Hens on a Residential Lot.*** Currently, there is no restriction on the
275 number of hens an owner may keep on their residential lot. This law will limit the number of hens to 4
276 or 8 hens per residential lot, depending on the lot size.
277
278

279 **SECTION 8. ENFORCEMENT AND ACCOUNTABILITY**

280 **A. *Enforcement.*** Oneida Police Officers and Conservation Wardens have the authority to investigate
281 complaints involving domestic animals; enforce provisions of this law through appropriate means,
282 including but not limited to seizing any animal that is taken, employed, used, or possessed in violation
283 of this law and/or mistreated, rabid or otherwise in danger or dangerous; issuing citations consistent
284 with the fine and penalty schedule developed in accordance with this law; and using force to stop an
285 immediate threat to public safety caused by an animal [*see 304.5-2*].
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290 **SECTION 9. OTHER CONSIDERATIONS**

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

- 292 ▪ **Oneida Police Department Data.** Between 12/6/2016 to 12/6/2018:
- 293 ○ Number of Animal Calls – 810
- 294 ○ Number of Animal Citations - 33
- 295 ○ Number of Animal Bites – 12
- 296 *Source: Oneida Police Department, communication by email 12/6/2018*
- 297 ▪ **Pet License Data.** Between 1/3/2016 to 12/13/2018:
- 298 ○ Number of Pet Licenses Issued – 348
- 299 ○ *Source: Oneida Environmental, Health Safety and Land Division, communication by email*
- 300 *12/13/2018.*

301

302 **B. Limits on Number of Animals - Comparison to Other Municipalities.** The following comparisons to

303 other municipalities are provided for information.

304

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

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

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Chart 8. Comparison - Limit on Number of Hens.

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

308

309 **C. Fines, Penalties and Licensing Fee Schedule.** Upon the adoption of this law, it will be necessary for

310 the Oneida Business Committee to adopt a resolution setting the fines, penalties and licensing fees

311 under this law. At the time this analysis was drafted, a workgroup consisting of EHSLD, ERB, CHS-

312 CHD, and Oneida Police Department intends to submit a proposed fee schedule to the LOC and BC for

313 consideration.

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

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321

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

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

322

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

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Chart 10. Summary of Current Fine and Penalty Schedule.

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

Failure to post required dangerous animal sign(s)	\$100	\$200	\$300
Failure to spay/neuter required animal	\$150	\$500	\$750
Failure to provide/ provide proof of required liability insurance	\$150	\$500	\$750
Failure to notify of insurance policy cancelation	\$150	\$500	\$750
Failure to microchip required animal	\$150	\$500	\$750
Failure to comply with ongoing notification requirements	\$150	\$500	\$750
Bringing/Keeping a vicious animal	\$750	\$1,500	\$2,500
Failure to provide required proof of destruction	\$150	\$500	\$750
Failure to notify police of animal bite	\$150	\$500	\$750
Failure to quarantine	\$500	\$750	\$1,000
LIABILITY FOR DAMAGE(S)			
Damage caused by animal	\$100	\$200	\$300

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

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D. Uniform Citation and Fee Process. There are several Oneida laws that authorize the issuance of citations and fines. The process for issuing, contesting and appealing citations is included within each individual law.

- Examples of these laws include: Domestic Animals Law; Public Use of Tribal Land Law; Hunting, Fishing and Trapping Law; Recycling and Solid Waste Disposal Law; All-Terrain Vehicle Law, and Water Resources Law.

During the development of the Domestic Animals amendments, there has been discussion that the Nation may benefit from having a uniform citation and fee process that would apply to all citations issued by the Nation, rather than several citation processes within each individual law. The LOC may wish to consider the following:

- *Option 1 - Add Uniform Citation Process to Rules of Civil Procedure.* The Rules of Civil Procedure is currently on the LOC’s Active Files List for amendment. The LOC could direct that a uniform citation process be added to the Rules of Civil Procedure.
- *Option 2 - Create a New Citations Law.* The LOC could add a new Citations Law to the Active Files List, to include a uniform citation process.
- *Option 3 – No Change.* The LOC could determine that no changes are needed, and that each law could continue to reference individual citations processes.
- *Recommendation:* Whether to pursue a uniform citation process is a policy decision for the LOC. Consultation with the impacted departments and entities that administer citations is recommended.

E. Permits for Additional Dogs and Cats. EHSLD will need to create an application process for individuals who wish to keep additional dogs or cats in excess of the limit established in this law. This law does not include guidelines for how EHSLD should approve or reject applications.

- *City of Green Bay Example.* The City of Green Bay has a similar permit process for additional dogs and cats, and their application includes the following information: Veterinary records from the past year and proof of current vaccinations, proof of current animal licenses, and a statement explaining why the individual is seeking to keep extra animals. According to a local news report from 2018, the city of Green Bay rarely turns down requests for a third dog.
- *Recommendation.* EHSLD should consider creating a standard operating procedure and application form for this process. Since EHSLD will have its own discretion, a standard operating procedure will ensure applications are handled uniformly.

- 359 **F. *Communication to Oneida Police Department and Conservation.*** Upon adoption of this law, the
360 separate “dangerous” and “vicious” animal categories will be replaced by a single “dangerous” animal
361 declaration.
- 362 ▪ *Recommendation:* This change in guidelines should be communicated to Oneida Police Officers
363 and Conservation Wardens who are responsible for issuing dangerous animal declarations.
- 364 **G. *Provisions from Other Domestic Animal Laws.*** A review of other Domestic Animals laws identified
365 the following provisions that are not currently included in in the Oneida Domestic Animals Law. These
366 issues did not come up as areas of concern during the development of these amendments. The following
367 is provided as information on animal issues that neighboring municipalities may be addressing.
- 368 ▪ Beekeeping Regulations (*Green Bay Sec 8.09.7 and De Pere Sec 86-7*)
369 ▪ Loud or Persistent Barking or Howling Dogs (*Green Bay Sec 8.08 and Howard Sec 4-29*)
370 ▪ Animal Waste on Property other than Owner (*De Pere 86-5(c)(1)(a) and Howard Sec 4-3*)
- 371 **H. *Fiscal Impact.*** Please refer to the fiscal impact statement for any fiscal impacts.
- 372 ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except
373 emergency legislation [*see Legislative Procedures Act 1 O.C. 109.6-1*].
- 374 ▪ A fiscal impact statement shall be submitted by agencies as directed by the Legislative Operating
375 Committee and may be prepared by any agency who may receive funding if the legislation is
376 enacted; who may administer a program if the legislation is enacted; who may have financial
377 information concerning the subject matter of the legislation; or by the Finance Office, upon request
378 of the Legislative Operating Committee [*see Legislative Procedures Act 1 O.C. 109.6-1(a) and*
379 *(b)*].

380



Legislative Operating Committee January 16, 2019

Children’s Code

Submission Date: 9/17/14	Public Meeting: 5/4/17
LOC Sponsor: Kirby Metoxen	Adopted: 7/26/17

Summary: *The OBC adopted the Children’s Code pursuant to BC Resolution 07-26-17-J and directed that the LOC 1) provide a final implementation plan to the OBC on 9/13/17; 2) provide the OBC with quarterly reports starting after 9/13/17; and 3) conduct a review 1 year after implementation. The Code will become effective 15 months after the adoption of the FY2018 Budget.*

9/6/17 LOC: Motion by Jennifer Webster to add Children’s Code to the active files list with Kirby Metoxen as the sponsor; seconded by Ernest Stevens III. Motion carried unanimously.

Motion by Daniel Guzman King to accept the Children’s Code Implementation Plan as information and forward to the Oneida Business Committee as information; seconded by Ernest Stevens III. Motion carried unanimously.

9/7/17: *Work Meeting.* Present: Clorissa Santiago, Candice Skenandore, Michelle Gordon, Jennifer Berg-Hargrove, Heather Lee, Tsyoshaht Delgado, George Skenandore, Veronica Bruesch. The purpose of this meeting was to continue drafting a proposed memorandum of understanding.

9/12/17 OBC: *Executive Session.* Children’s Code Implementation Plan was discussed with the OBC during Executive Session.

9/13/17 OBC: Motion by Lisa Summers to accept the Children’s Code Implementation Plan as information, seconded by Ernest Stevens III. Motion carried unanimously.

EXECUTIVE SESSION: Motion by Trish King to accept the update and changes as information, seconded by Ernest Stevens III. Motion carried unanimously.

EXECUTIVE SESSION: Motion by Lisa Summers to direct the negotiating team, composed of representatives from the Law Office, Governmental Services, and Intergovernmental Affairs & Communications, to begin negotiations with Outagamie County, seconded by Kirby Metoxen. Motion carried unanimously.

9/19/17: *Presentation and Meeting with Wisconsin Department of Children and Families Secretary Eloise Anderson.* Present: Eloise Anderson (Secretary of DCF), Brad Wassink (Assistant Deputy Secretary of DCF), Stephanie Lozano (DCF Tribal Liaison), Tehassi Hill, Patricia King, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Tana D. Aguirre, Nate King, Jennifer Falck, Candice Skenandore, Clorissa Santiago, Jennifer Berg-Hargrove, Heather Lee, George Skenandore, Tsyoshaht Delgado, Jennifer Hill-Kelly, Melinda Danforth, Jessica Wallenfang. Presentation of the Children’s Code was given, followed by discussion.

9/25/17: *Work Meeting with OBC.* Present: Clorissa Santiago, Candice Skenandore, Jennifer Falck, David P. Jordan, Jennifer Webster, Daniel Guzman King, Kirby Metoxen, Brandon Stevens, Tehassi Hill,

Melinda J. Danforth, Rosa Laster, Lisa Liggins, Laura Laitinen-Warren. Discussion was held regarding talking points regarding the Children's Code in relation to the FY 2018 Budget meeting.

11/1/17 LOC: Motion by Kirby Metoxen approve the 60 day active files list update and continue development of all the items on the active files list; seconded by Ernie Stevens III. Motion carried unanimously.

12/20/17LOC: Motion by Kirby Metoxen to approve the Children's Code Quarterly Update and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

12/27/17OBC: Motion by David P. Jordan to accept the 1st quarter update regarding Children's Code, seconded by Jennifer Webster. Motion carried unanimously.

1/2/18: *Work Meeting.* Present: Clorissa Santiago, George Skenandore, Jennifer Berg-Hargrove, Tana D. Aguirre, Nate King, Michelle Gordon. The 161 Subcommittee met to discuss how to move the 161 agreement negotiations forward. Michelle has made contact with individuals from Brown County and is waiting for a reply, George has made contact with individuals from Outagamie County and is waiting for a reply. George and Michelle have decided on a date of January 15, 2018, to wait for replies, before Nate and Tana will step in and assist with contacting the counties. Michelle and Jennifer will work on further developing the MOA this week. 161 Subcommittee will meet again on February 6, 2018.

2/6/18: *Work Meeting.* Present: Clorissa Santiago, George Skenandore, Jennifer Berg-Hargrove, Tana D. Aguirre, Nate King, Michelle Gordon. The 161 Subcommittee met to provide updates on the progress of the 161s. A draft memorandum of understanding has been completed. An initial negotiation meeting has been scheduled with Outagamie County for February 7, 2018. The group is still waiting to hear back from Brown County, but will take more official action to set up a meeting with Brown County if we do not hear back from Brown County within the next 30 days. 161 group discussed the possibility of designing a transition plan with the counties to better outline the relationship for the first year of implementation. The next implementation goal will be to work on the memorandum of understanding with OPD.

2/7/18: 161 Subcommittee members, Michelle Gordon, George Skenandore, Jennifer Berg-Hargrove, met with representatives from Outagamie County to begin negotiations on the 161 Agreement and memorandum of understanding.

3/16/18: *Work Meeting:* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Clorissa Santiago, Brandon Wisneski, Cathy Bachhuber, Rosa Laster. LOC discussed the upcoming Children's Code quarterly update and some pressing concerns.

3/21/18: EPOLL Conducted for Children's Code Implementation Quarterly Update.

3/28/18 OBC: Motion by Jennifer Webster to accept the Children's Code Implementation quarterly update, seconded by David P. Jordan. Motion carried unanimously.

4/2/18 LOC: Motion by Daniel Guzman King to enter into the record [Children's Code Implementation quarterly update E-Poll]; seconded by Jennifer Webster. Motion carried unanimously.

5/1/18: *Work Meeting.* Present: Clorissa Santiago, George Skenandore, Jennifer Berg-Hargrove, Nate King. The 161 Subcommittee met to provide updates on the progress of the 161s and discuss the various challenges in the implementation of this law.

6/20/18 LOC: Motion by Jennifer Webster to accept the Children's Code Implementation Quarterly Update and forward to the Oneida Business Committee for consideration; seconded by Kirby Metoxen. Motion carried unanimously.

6/27/18 OBC: Motion by Kirby Metoxen to accept the Children's Code Implementation quarterly update, seconded by Lisa Summers. Motion carried unanimously.

Motion by Lisa Summers to send the Children's Code Implementation quarterly update to the July Business Committee Work Session to address the specific items that have been requested for the Business Committee to follow through with, seconded by Jennifer Webster. Motion carried unanimously.

8/1/18: *Work Meeting.* Present: Hon. Robert Collins II, Hon. Marcus Zielinski, Patricia Degrand, Katrina Mungo, Jennifer Berg-Hargrove, Heather Lee, Michelle Gordon, Mike Hoelt, Clorissa Santiago

Kristen Hooker. The purpose of this work meeting was to discuss in detail the progress of the implementation of the Children's Code.

9/19/18 LOC: Motion by Daniel Guzman King to accept the Children's Code Implementation Quarterly Update and forward to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.

9/26/18 OBC: Motion by David P. Jordan to accept the Children's Code Implementation quarterly update, seconded by Jennifer Webster. Motion carried.

10/3/18: *Work Meeting.* Present: Tehassi Hill, Brandon Stevens, Patricia King, Lisa Summers, David P. Jordan, Kirby Metoxen, Daniel Guzman, Jo Anne House, Jennifer Falck, Clorissa N. Santiago, Jennifer Berg-Hargrove, Michelle Gordon, Tsyoshaht Delgado, Hon. Rob Collins II, Katrina Mungo, Rhiannon Metoxen. The purpose of this work meeting was to discuss in detail the current status of the implementation of the Children's Code, and determine if the effective date of the Children's Code should be modified. The group determined the effective date of the Children's Code should be modified to October 1, 2019.

10/17/18 LOC: Motion by Jennifer Webster to accept the resolution titled "Amending Resolution BC-07-26-17-J to Delay the Implementation of the Children's Code" and forward to the Oneida Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

10/24/18 OBC: Motion by Jennifer Webster to adopt resolution 10-24-18-A Amending Resolution BC-07-26-17-J to Delay the Implementation of the Children's Code, seconded by Kirby Metoxen. Motion carried

Next Steps:

- Accept the Children's Code Implementation Quarterly Update and forward to the Oneida Business Committee.



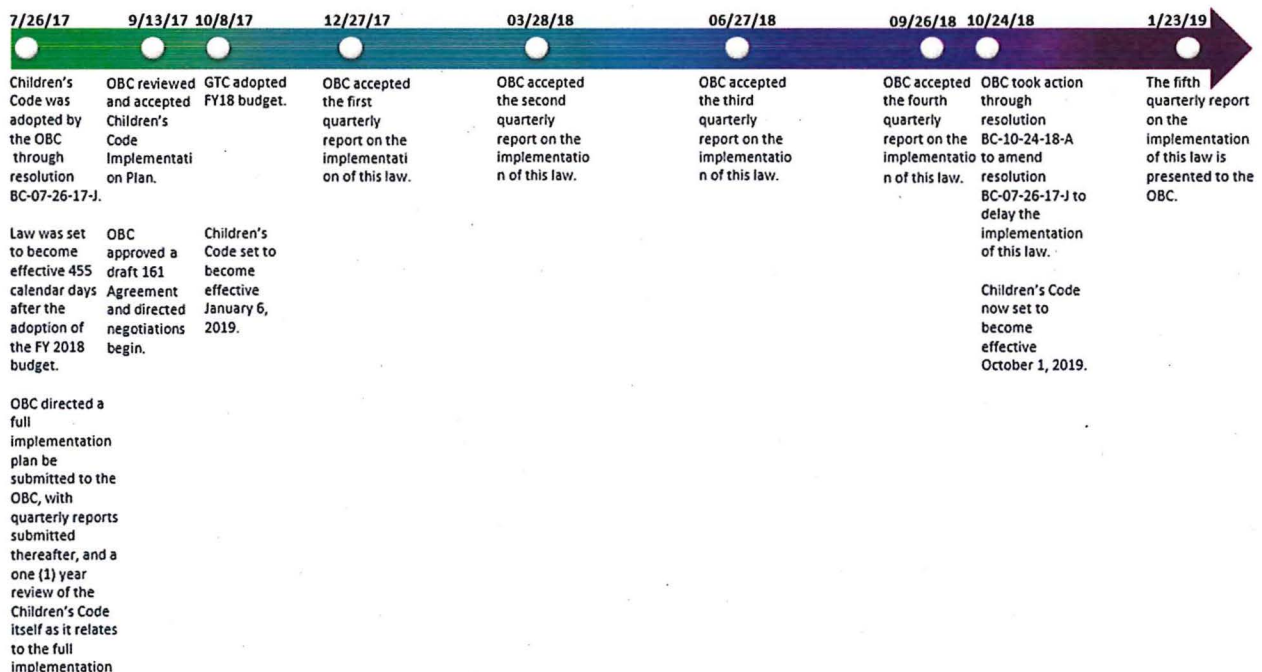
TO: Oneida Business Committee
 FROM: David P. Jordan, LOC Chairperson *DJ*
 DATE: January 23, 2019
 RE: Children's Code Implementation Quarterly Update

The Children's Code was adopted by the Oneida Business Committee (OBC) through resolution BC-07-26-17-J for the purpose of providing for the welfare, care, and protection of Oneida children through the preservation of the family unit, by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation, and acknowledging the customs and traditions of the Nation when raising an Oneida child.

On July 26, 2017, the OBC directed that a full implementation plan be submitted to the OBC, with quarterly reports submitted thereafter, and a one (1) year review of the Children's Code itself as it relates to the full implementation.

On September 13, 2017, the OBC reviewed and accepted the Children's Code Implementation plan. This implementation plan was to be used as a guideline for the affected entities to prepare for the successful implementation of the Children's Code. The implementation plan was not intended to be exhaustive. The OBC was granted the authority to modify the effective date of the Children's Code or implementation plan as it deems necessary to successfully implement the Children's Code.

This memorandum serves as the fifth quarterly update to the OBC on the implementation of the Children's Code.



DELAY OF THE IMPLEMENTATION OF THE CHILDREN'S CODE

Oneida Business Committee resolution BC-07-26-17-J provided that the Children's Code would become effective four hundred and fifty-five (455) calendar days after the adoption of the Fiscal Year 2018 budget. On October 8, 2017, the General Tribal Council adopted the Fiscal Year 2018 budget through resolution GTC-10-08-17-A. In accordance with Oneida Business Committee resolution BC-07-26-17-J, the Children's Code was set to become effective on January 6, 2019.

Resolution BC-07-26-17-J also authorized the Oneida Business Committee to make such modifications and additions to the effective date and implementation plan as it deems necessary to implement the Children's Code in accordance with the proposed timelines in order to ensure that the Children's Code does not become effective until all proper infrastructure is in place. The Oneida Business Committee understood that the implementation of the Children's Code to provide appropriate oversight and protection for the Nation's children requires careful, collaborative, and consistent procedures.

For that reason, the Indian Child Welfare Department, the Oneida Law Office, and the Legislative Reference Office provided the Oneida Business Committee a recommendation to delay implementation of the Children's Code in order to finalize implementation preparation.

The Oneida Business Committee then took action through resolution BC-10-24-18-A to amend resolution BC-07-26-17-J to delay the implementation of the Children's Code.

The Children's Code is now set to become effective on October 1, 2019.

ONEIDA FAMILY COURT

Accomplishments

In accordance with the approved implementation plan, the Oneida Family Court (OFC) was able to complete the following by the time of this fifth quarterly report:

- *Training on the Children's Code.*
 - The Family Court attended a Child Safety Decision-Making Training on October 24, 2018.
 - Judge Collins received a scholarship to attend a judicial skills training on child welfare legal matters hosted by the National American Indian Court Judges Association (NAICJA) and Casey Family Programs on December 3, 2018.
 - Training on the Children's Code and Threats, Vulnerability, and Protective Capacity have been developed and will be presented to the OFC staff by Judge Collins this summer. As the Children's Code is scheduled to go into effect on October 1, 2019, the court does not want to leave a large gap in between training and the effective date of the law.
- *Outreach with County Courts.*
 - During the Child Safety Decision-Making Training on October 24, 2018, the OFC communicated with Brown County Judges regarding Children's Code questions.

- *Guardian Ad Litem Training.*
 - The Family Court has developed an agenda and training materials for a guardian ad litem (GAL) training focused on the Children's Code. Due to the delay in the implementation of the Children's Code, the two previously scheduled guardian ad litem training sessions were postponed as the court does not want there to be a large gap in between training and implementation.
 - The training sessions will be rescheduled in the coming months.
 - The training sessions can accommodate approximately 40 individuals and the court hopes to get 15-20 individuals certified to take GAL assignments.
 - Individuals that are approved to take guardian ad litem appointments in the current caseload will also be offered opportunities to be certified to work on Children's Code cases separate from the two training sessions previously referenced.

Goals

In accordance with the approved implementation plan, the OFC has the following goals:

- *Preparation for Case Transfers.*
 - Resolution BC-07-26-17-J requires that at least sixty (60) days before the Children's Code becomes effective the Legislative Operating Committee and the Indian Child Welfare Department shall hold a work meeting to discuss the number of cases seeking transfer to the Oneida Family Court. The Legislative Operating Committee will then provide this information to the OFC for planning purposes.
 - Once the OFC receives the memorandum from the Legislative Operating Committee regarding the potential number of case transfers, the court will make any necessary adjustments to the preparation that has already started for the upcoming child welfare caseload.

Challenges and Barriers to Implementation

The following matter may serve as a challenge or barrier for the OFC in their efforts to implement the Children's Code:

- *Guardians Ad Litem.*
 - The OFC has made efforts to recruit individuals to attend the training sessions and is hopeful that those people that were signed up for the sessions in October and November 2018 will be able to attend when the sessions are rescheduled for later in 2019.
 - The OFC will provide updates to the Oneida Business Committee if there are any future issues.

ONEIDA INDIAN CHILD WELFARE DEPARTMENT

Accomplishments

In accordance with the approved implementation plan, the Indian Child Welfare Department (ICW) was able to complete the following in time for the fifth quarterly report:

- *Hiring of Parenting Program Coordinator.*

- The Parenting Program Coordinator position for ICW has been filled.
- *Training.*
 - Training for staff continues, both internally through a newly developed orientation and through our partnership with Wisconsin Child Welfare Professional Development System (WCWPDS).
- *Involvement in the Development of 161 Agreements and Memorandums of Understanding.*
 - ICW continues to be involved in the development of 161 Agreements and memorandums of understanding with both Outagamie and Brown counties.
- *Children's Advocacy Center.*
 - ICW has reengaged with the Children's Advocacy Center and were included on their updated Protocol for children's forensic interviewing on December 20, 2018.
- *Collaboration with Brown County.*
 - ICW began holding meetings with Brown County staff on November 14, 2018, for the purpose of collaborating on information and process sharing.
- *Development of Standards.*
 - ICW has continued to assess and develop structure, policy and process to support the Children's Code.
 - ICW has reviewed and edited the Safety Standards.
 - ICW has begun review of Access and Initial Assessment standards.

Goals

In accordance with the approved implementation plan, ICW has the following goals:

- *Hiring of Additional Staff.*
 - ICW currently has a vacant Social Worker/Case Manager position that needs to be filled.
 - This ICW position was posted in November of 2018. Screening and interviews for this position were held in December 2018. One applicant withdrew its application, and the other applicant accepted an offer with another Child Welfare agency. This position will be reposted by the Nation's Human Resources Department in January.
- *Training of Staff and Development of Standards.*
 - ICW would like to continue training all ICW staff, and also develop the necessary internal policies, procedures, and standards to address issues related to the implementation of the Children's Code.
 - ICW is determined to finalize Safety and Access/Initial Assessment Standards, and begin reviewing Ongoing Standards.
- *161 Agreements and Memorandums of Understanding with Brown and Outagamie County.*
 - ICW hopes to finalize a 161 Agreement and memorandum of understanding with both Brown County and Outagamie County that will detail the relationship, roles, payment for placements, communication, and responsibilities.
- *Memorandum of Understanding with the Oneida Police Department.*
 - ICW and the Oneida Police Department hope to finalize the memorandum of understanding that will detail the relationship, roles, communication, and responsibilities of the two departments.

- *Fiscal Year 2020 Budget.*
 - ICW will begin budget preparations and planning for the Fiscal Year 2020 budget.
- *Project Plan Visual.*
 - On January 9, 2019, ICW will begin working with Chad Wilson on preparing a project plan visual.
- *Memorandum of Understanding with Oneida Behavioral Health.*
 - ICW would like to enter into a memorandum of understanding with the Oneida Behavioral Health for urinary analysis services.
- *Acquisition of Contracts.*
 - ICW would like to pursue a contract for the use of supervised visitation services.
 - ICW would like to pursue a contract for a process server.
- *Database Access.*
 - ICW hopes to determine the access to databases available to ICW and determine what ICW will need to case manage successfully.
- *Preparation for On-Call Scheduling.*
 - ICW will soon need to begin preparations for the on-call scheduling that will be necessary for ICW staff upon implementation of the Children's Code.
- *Enrollments Database.*
 - ICW will need to complete the process for access to the Enrollments database.

Challenges and Barriers to Implementation

The following matters have served as a challenge or barrier for ICW in their efforts to implement the Children's Code:

- *Hiring of Additional Staff.*
 - ICW has struggled with filling all vacant positions. A lack of qualified applicants has been a challenge.
- *Time Management.*
 - ICW has been challenged by time management and work loads.
 - ICW still has to maintain all current day to day responsibilities and duties, but also has to prioritize the implementation of the Children's Code and prepare to take on a larger role and more responsibilities once the Children's Code is implemented.

Concerns

ICW has the following concerns for the implementation of the Children's Code:

- *Legal Representation.*
 - ICW has concerns that the department will need more time and commitment from its legal representation in the future in order for the Children's Code to be successful.

161 AGREEMENT NEGOTIATION TEAM

The OBC reviewed the draft 161 Agreement and on September 13, 2017, the OBC made a motion to accept the update and changes to the draft 161 agreement as information, and directed the

negotiating team composed of representatives from the Law Office, Governmental Services, and Intergovernmental Affairs & Communications, to begin negotiations with Outagamie County followed by Brown County.

Accomplishments

The 161 Agreement Negotiation Team has completed the following in time for the fifth quarterly report:

- *Outagamie County Negotiations.*
 - Negotiations with Outagamie County for a memorandum of agreement and a 161 Agreement are complete.
 - The MOU and 161 Agreement will be ready for formal approval from the Oneida Business Committee.
- *Brown County Negotiations.*
 - Negotiations of the 161 Agreement and memorandum of understanding are ongoing.
 - Further discussions and negotiations regarding the matters will be scheduled for the near future.

Goals

In accordance with the approved implementation plan, the 161 Agreement Negotiation Team has the following goals for the next quarter:

- *Outagamie County Negotiations.*
 - Schedule a meeting between leadership in the Nation and leadership in Outagamie County for the final approval and signing of the agreements.
 - The 161 Agreement Negotiation Team is interested in pursuing a formal signing ceremony between the two governments to formally recognize the agreement and the importance of providing support and caring for children and families.
- *Brown County Negotiations.*
 - Successfully negotiate and secure a 161 Agreement and memorandum of understanding with Brown County.

Challenges and Barriers to Implementation

The following matters have served as a challenge or barrier for the 161 Negotiation Team in their efforts to implement the Children's Code:

- *161 Agreement and Memorandums of Understanding.*
 - The process for securing 161 Agreements and memorandums of understanding with both Outagamie County and Brown County has moved forward much slower than anticipated.

Requested Action

Accept the Children's Code Quarterly Update.



TO: Oneida Business Committee
FROM: David P. Jordan, Legislative Operating Committee Chairman *DJ*
DATE: January 23, 2019
RE: Oneida Personnel Commission

On September 26, 2018, the Oneida Business Committee adopted resolution BC-09-26-18-F titled, *“Rescission of the Dissolution of the Oneida Personnel Commission and Related Emergency Amendments in accordance with General Tribal Council’s August 27, 2018 Directive.”*

This resolution formally recognized General Tribal Council’s directive to rescind the actions of the Oneida Business Committee related to the dissolution of the Oneida Personnel Commission, and to rescind the related emergency amendments. As a result, resolution BC-04-11-18-A, which dissolved the Oneida Personnel Commission, was formally repealed and the Oneida Personnel Commission was formally reinstated.

Resolution BC-09-26-18-F provides details on how the Oneida Personnel Commission’s responsibilities will be addressed until such time that the Oneida Personnel Commission is prepared to once again exercise its authority.

Additionally, this resolution directs the Legislative Operating Committee to provide updates on the progress of the Oneida Personnel Commission to the Oneida Business Committee on a bimonthly basis, at the second Oneida Business Committee meeting of the month.

This memorandum serves as the second update on the progress of the Oneida Personnel Commission.

ONEIDA PERSONNEL COMMISSION BYLAWS

On September 12, 2018, the Oneida Business Committee adopted a motion to terminate the appointments of the remaining members of the Oneida Personnel Commission and defer posting the Oneida Personnel Commission vacancies until the updated bylaws are presented and approved by the Oneida Business Committee.

On September 26, 2018, a proposed draft of bylaws was presented to the Oneida Business Committee for consideration. The Oneida Business Committee adopted a motion to defer the Oneida Personnel Commission bylaws to an Oneida Business Committee work meeting for further review and discussion.

On October 16, 2018, the Oneida Personnel Commission bylaws were discussed during the Oneida Business Committee work session. During this meeting the Oneida Business Committee made the decision to defer the Oneida Personnel Commission bylaws to a separate meeting between the

Nation's Secretary, the Legislative Operating Committee Chairman, and the staff of the Legislative Reference Office for more in-depth discussion and consideration of ideas for potential amendments to the bylaws. Additionally, the Oneida Business Committee directed that updated bylaws be brought back to a future Oneida Business Committee work session for consideration.

The Legislative Operating Committee presented an updated draft of the bylaws to the Oneida Business Committee during a work session on November 20, 2018.

On January 2, 2019, the Legislative Operating Committee adopted a motion to accept the Oneida Personnel Commission bylaw amendments and forward to the Oneida Business Committee for consideration.

On January 9, 2019, the Oneida Business Committee adopted the proposed amendments to the Oneida Personnel Commission Bylaws.

Now that the bylaws for the Oneida Personnel Commission have been adopted by the Oneida Business Committee, the vacant positions for the Oneida Personnel Commission can be posted and filled.

Requested Action

Accept this memorandum as an update on the progress of the Oneida Personnel Commission.

January 2019

January 2019						
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February 2019						
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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Dec 30	31	Jan 1, 19	2 9:00am LOC (BC_Conf_Room) - Jennifer A. Falck	3	4	5
6	7 1:00pm FW: Special LOC Meeting (BC_Conf_Room) - Clorissa N. Santiago	8	9	10	11	12
13	14	15	16 9:00am LOC (BC_Conf_Room) - Jennifer A. Falck	17	18	19
20	21 6:00pm GTC (Radisson)	22	23	24 1:30pm LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	25	26
27	28	29	30 9:00am LOC Work Session (BC_Exec_Conf_Room) - Clorissa N. Santiago	31 6:00pm GTC (Radisson)	Feb 1	2

February 2019

February 2019

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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jan 27	28	29	30	31	Feb 1	2
3	4 1:30pm FW: LOC Work Session (BC_Exec_Conf_Room) - Brandon M. Wisneski	5	6 9:00am LOC (BC_Conf_Room) - LOC 9:00am LOC Meeting (BC_Conf_Room) 9:00am LOC Meeting	7	8	9
10	11	12	13	14 1:30pm FW: LOC Work Session (BC_Exec_Conf_Room) - Brandon M. Wisneski	15	16
17	18	19	20 9:30am LOC Meeting (BCCR) - LOC	21	22	23
24 10:00am FW: TENTATIVE GTC meeting - Special (Radisson Hotel & Conf. Center) - TribalSecretary	25	26	27	28	Mar 1	2