

ONEIDA INDIAN NATION
AMENDED ZONING ORDINANCE

Ordinance No. 0-94-05-A

Pursuant to the authority vested in the Oneida Indian Nation (hereafter referred to as the "Nation") by virtue of its sovereignty and inherent powers of self-government, the Nation hereby amends and restates its Zoning Ordinance to provide the standards for the health, safety, morals, and welfare on Nation lands. This Ordinance replaces Nation Ordinance No. 0-94-05.

ARTICLE 1 – DECLARATION OF PURPOSE

1. The Nation is empowered, by the virtue of its sovereign powers of government, to regulate and restrict the height, number and size of buildings and other structures on that portion of Nation lands commonly referred to as the 32 acre Territory (hereinafter referred to as the "Territory"), as well as the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land thereon.

2. It is the intent of the Nation to augment the aesthetic beauty of the Territory and to enhance the health and safety of Territory residents by prohibiting the introduction of additional house trailers on the Territory and by encouraging the removal of existing house trailers, and to increase the size of occupied lots by adding land to them from lots that shall become vacant.

ARTICLE 2 - RULES

1. No person shall bring onto the Territory, or maintain or occupy within its boundaries, any house trailer without the written approval of the Nation. For the purpose of this Ordinance, "house trailer" shall be defined as any enclosed building or structure now or formerly mounted on wheels.

2. The restriction on house trailers established by this Ordinance does not apply to any person currently residing in a house trailer currently maintained on the Territory prior to the date of enactment of this Ordinance. However, no person currently owning or occupying a house trailer on the Territory may transfer, sell, assign, lease, sublease or otherwise dispose of or alienate such house trailer without removing the house trailer from the Territory, except with the written permission of the Men's Council and Clan Mothers.

3. If a new house trailer is brought onto the Territory or is being used, maintained or occupied in violation of this Ordinance, notice of such violation shall be personally served upon the owner and/or occupant of such house trailer, or its transporter.

4. The owner, occupant or transporter of such house trailer shall remove the house trailer from the Territory within twenty-four hours from the date of service of the notice of violation.

5. In the event the owner, occupant or transporter of such house trailer fails or refuses to remove the house trailer within twenty-four hours of the date of service of the notice of violation, the house trailer may be removed by the Nation. Removal and storage will be at the owner or occupant's expense.

6. Residents of the Territory who wish to add to their lots from land on unoccupied lots may apply to the Nation for such purpose, or such action may be taken by the Nation on its own initiative.

7. This Ordinance is not intended to interfere with, abrogate or annul any other rules, regulations, laws or ordinances of the Nation, provided that wherever the requirements of this Ordinance are at a variance with the requirements of any other lawfully adopted Nation rules, regulations, laws or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

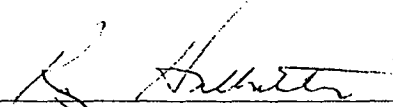
ARTICLE 3 - INTERPRETATION

1. **Sovereign Immunity**. The Nation does not by enacting this Ordinance waive in any respect its sovereign immunity, or that of its agents, in any manner, under any law, for any purpose, nor in any place.
2. **Sole Procedure**. This Ordinance establishes Nation standards for health and safety for structures and public facilities on Nation lands.
3. **Not Subject to Review**. This Nation Ordinance is not subject to review or modification in any state or federal court or by any authority outside the Nation.
4. **Prior Ordinance Repealed**. Upon enactment of this Ordinance, Nation Ordinance 0-94-05 shall be repealed.

ARTICLE 4 - EFFECTIVE DATE

This Ordinance is effective upon enactment.

Enacted as of the 1 day of October, 1999.



Ray Halbritter
Nation Representative(s)