

ONEIDA INDIAN NATION ELECTRIC VEHICLE DEALERSHIPS ORDINANCE

Ordinance No.: O-22-04

Pursuant to the authority vested in the Oneida Indian Nation (the “Nation”) by virtue of its sovereignty and inherent powers of self-government, the Nation adopts and enacts this Electric Vehicle Dealerships Ordinance, for the purpose of developing diverse economic enterprises on Nation land and promoting the sale and distribution of electric vehicles on Nation Lands within the Oneida Reservation.

Article I – Definitions

Unless otherwise expressly stated in this Ordinance, the following terms shall have the meanings set forth below:

1. “Electric Vehicle” shall mean a new or used (pre-owned) vehicle powered by electricity stored in a battery or that is generated by the vehicle itself, which battery has a capacity of not less than six kilowatt hours, is capable of powering the vehicle for a distance of at least fifteen miles, and is capable of being recharged.
2. “Electric Vehicle Dealership” shall mean any person or entity that owns or operates a business that involves, among other things, the display, offering for sale, sale, delivery, servicing, or repair (including warranty repair) of Electric Vehicles, and the servicing and repair of such Electric Vehicles, and may include a manufacturer of such Electric Vehicles.
3. “Nation Lands” means the lands possess by the Nation within the exterior boundaries of the Oneida Reservation acknowledged as the reservation of the Oneida Indian Nation in Article II of the Treaty of Canandaigua.

Article II – Findings

1. Climate change is the most critical health, welfare and social issue facing the Nation and all persons on the planet, now and in the foreseeable future, and all persons should see it as their responsibility to take whatever steps are available to them to reduce the emission of greenhouse gasses into the atmosphere.
2. Internal combustion engines that power nearly all of the motor vehicles on the road today generate a very substantial percentage of the daily carbon dioxide emissions into the atmosphere, besides causing local pollution that results in respiratory disease and other ills to the public.
3. The Nation is committed to the development of diverse economic enterprises on Nation land and is also committed to assuring that such enterprises are engaged in activities that are consistent with the environmental and social values of the Nation, including combating climate change and environmental pollution;
4. Promoting the sale and distribution of Electric Vehicles on Nation land would constitute an important step toward accomplishing the goals set by the Council, in that such vehicles hold out the promise of greatly reducing carbon emissions, and an enterprise devoted to selling and servicing such vehicles; and

5. It is in the interest of the Nation to establish procedures that will enable Electric Vehicle dealers established on Nation Lands to carry on their businesses in an orderly fashion, in accordance with Nation law, and to assure that purchasers of Electric Vehicles from such dealers are properly licensed and are assured of fair and ethical treatment.

Article III –Authorized Dealerships

1. The Nation authorizes Electric Vehicle Dealerships to operate on Nation land, subject to the provisions of this Ordinance. An Electric Vehicle Dealership that enters into a lease of Nation Lands may carry on the business of selling or leasing Electric Vehicles, servicing Electric Vehicles whether purchased at a dealership on Nation land or elsewhere, and delivery of such Electric Vehicles.

2. No Electric Vehicle manufacturer or Electric Vehicle Dealership may commence or conduct operations on Nation land without (a) a lease of Nation Lands entered into pursuant to the Business Site Leasing Ordinance (O-14-04 or O-14-05) and (b) obtaining, and maintaining, a business license pursuant to the Business License Ordinance (O-22-02).

3. Any Electric Vehicle manufacturer or Electric Vehicle Dealership conducting business on Nation Lands must comply with all Nation Ordinances, regulations, rules, standards and administrative guidelines.

Article IV – General Provisions

1. This Ordinance, and any rules and regulations promulgated under this Ordinance, shall govern the display, offering for sale or lease, sale or lease and delivery of Electric Vehicles and the servicing and repair or such vehicles by dealerships that are authorized by the Nation to sell and lease Electric Vehicles on Nation Lands.

2. The Nation Representative(s) shall interpret and implement this Ordinance and shall promulgate regulations, standards, rules and administrative guidelines as the Nation Representative(s) deems appropriate in order to carry out the purposes of this Ordinance and to fulfill the Nation's interest in promoting and encouraging the sale of Electric Vehicles on Nation Lands.

3. The Nation does not, by enacting this Ordinance, waive in any respect its sovereign immunity, or that of its agents or officers, in any manner, under any law, for any purpose, or in any place.

4. This Ordinance is not subject to review or modification in any state or federal court or by an authority outside the Nation and is not subject to review or modification in any Nation court. Nothing in this Ordinance shall constitute, or be construed as, the Nation's consent to the extension of jurisdiction by the State of New York or by any municipality over matters coming within the purview of this Ordinance.

5. This Ordinance does not create any right, cause of action or benefit enforceable at law or in equity by any person against the Nation, its agents, its officers or employees, or any other person.

Article V – Effective Date

This Ordinance is effective upon its enactment.

Enacted this 24 day of August, 2022.



Ray Halbritter
Nation Representative(s)