



August Case Law Update September 30, 2012

[A summary of published Wisconsin court opinions decided during the month of September related to planning]

Wisconsin Supreme Court Opinions

[No planning related cases to report]

Wisconsin Court of Appeals Opinions

[No planning related cases to report]

Federal Court Opinions

Indian Trust Land Exempt from Stormwater Management Charges

In *Oneida Tribe of Indians of Wisconsin v. Village of Hobart*, 2012 U.S. Dist. LEXIS 125564, the U.S. District Court for the Eastern District of Wisconsin held that charges imposed under the Village's Stormwater Management Utility Ordinance were an impermissible tax of tribal trust lands. The Oneida Nation owns a significant portion of land interspersed throughout the Village of Hobart. As a sovereign nation, the land held in trust for the Oneida Nation is immune from the Village's taxing and regulatory or zoning powers. The Village argued the charges were a fee for services to manage stormwater in the Village. The federal court disagreed, classifying the charges as an illegal tax.

As stated in the court's opinion, this is an area where there is a need for better intergovernmental cooperation between the Tribe and the Village.