



**SHINGLE SPRINGS BAND OF MIWOK INDIANS
PEACE & PROTECTION CODE**

PEACE AND PROTECTION CODE
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TITLE 1. GENERAL PROVISIONS

ARTICLE 1 – AUTHORITY

By virtue of inherent sovereign authority, the Shingle Springs Band of Miwok Indians (“Tribe”) has the power and the right to protect the health, safety, and welfare of all Tribal members and other individuals or property on the Tribe’s territory. It is the policy of the Tribe to enhance the quality of life on the Shingle Springs Rancheria and strengthen its self-governance by, among other means, maintaining the peace and providing for the fair and prompt disposition of civil violations on the Reservation. This Code is enacted pursuant to Article VI, Section (a) of the Tribe’s Articles of Association, which empowers the Shingle Springs Tribal Council to pass laws and codes; with the intention that all persons on lands subject to the Tribe’s jurisdiction be entitled to the quiet enjoyment of lawful activities, and that this Code will be applied fairly and without bias or prejudice.

ARTICLE 2 – JURISDICTION

- A. Unless expressly stated otherwise, the provisions of this Code shall apply to the entire territory of the Shingle Springs Rancheria, and to all Tribal Members anywhere in Shingle Springs Rancheria Territory.
- B. The Tribal Court shall have jurisdiction over violations of this Code.

ARTICLE 3 – SEVERABILITY

If any section or provision of this Code, or its application to any person, legal entity, or circumstance, is found invalid by a tribunal of competent jurisdiction, the remainder of the Code, or the application of the provisions to other persons, legal entities, or circumstances, shall not be affected.

ARTICLE 4 – SOVEREIGN IMMUNITY

The Tribe’s immunity is not waived by this code, or by any action of its law enforcement officers or any other Tribal Officer or employee acting pursuant to this Code. The Tribe’s sovereign immunity shall continue to extend to its law enforcement officers and other tribal officers and employees acting pursuant to this Code and in the course and scope of their duties, to the extent permitted by the Shingle Springs Band of Miwok Indians and applicable federal law.

ARTICLE 5 – AMENDMENTS

This Code may be amended by a majority vote of the Tribal Council at any duly called regular or special meeting.

ARTICLE 6 – FORMS

Forms or other documents needed to fully implement this Code may be created and revised at the direction of the Tribal Chairperson, or his or her designee, as necessary to fully implement this Code without need for amendment to this Code.

ARTICLE 7 – PRIOR ENACTMENTS

Any and all prior enactments of the Tribal Council which are inconsistent with the provisions of this Code are hereby rescinded.

ARTICLE 8 – EFFECTIVE DATE

This Code shall become effective upon adoption by the Tribal Council of the Shingle Springs Band of Miwok Indians.

ARTICLE 9 – DEFINITIONS

Section 1. Definitions and Terms:

For the purpose of this Code, the following words shall have the following meaning:

- A. **“Alcohol”** means ethyl alcohol, ethanol, hydrated oxide of ethyl, or spirits of wine, in any form, and regardless of source or the process used for its production.
- B. **“Alcoholic Beverage”** means any liquid or solid that contains alcohol in an amount not less than one-half of one percent by volume and that is fit for human consumption, either alone or when diluted, mixed, or combined with any other substance(s).
- C. **“Applicant”** shall mean the person seeking to obtain a Permit for possession of an exotic animal from the Tribe.
- D. **“Assault”** shall mean any of the following; knowingly or purposely causing bodily harm to another, negligently causing bodily harm to another (with or without a weapon), knowingly or purposely making physical contact of an insulting or provoking nature with an individual, or Aids, assists, commands, or counsels another to commit assault.
- E. **“At Large”** shall mean an animal not under restraint by leash
- F. **“Battery”** shall mean the act of making actual intentional unwanted contact with someone, with intent to harm, or contact in a "rude and offensive manner" even if the injury is slight.

- G. **“Beer”** means any alcoholic beverage obtained by the fermentation of an infusion or decoction, or both, of barley, malt, hops or any other similar product(s), including any cereal(s) or carbohydrates or products prepared therefrom, or any combination thereof, in potable water, with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human consumption, and includes products such as ale, stout, brown, porter and lager, but not sake (also known as rice wine).
- H. **“Bottle”** means any container, irrespective of the material from which the container is made, that contains liquor.
- I. **“Casino”** shall mean the Red Hawk Casino owned by the Shingle Springs Band of Miwok Indians.
- J. **“Code”** shall mean this Peace and Protection Code.
- K. **“Citation”** is a ticket for an infraction.
- L. **“Civil Harassment”** shall mean unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner.
- M. **“Civil Harassment Restraining Order”** shall mean an order enjoining a party from being on the Shingle Springs Rancheria. Or any order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the petitioner on the Rancheria, or committing any of these by other electronic means, including, but not limited to, email, text, social networking. Or an order enjoining a party from specified behavior on the Rancheria that the court determines is necessary to effectuate any of the orders described above.
- N. **“Cultural Customs and Traditions”** shall mean those beliefs and practices that have been part of the cultural history of the Shingle Springs Band of Miwok Indians.
- O. **“Dogs”** shall mean any canine, male or female, fixed or not, licensed or not, of any age, size or disposition.

P. **“Domestic Violence/Abuse”** means the occurrence of one or more of the following acts by a person against a Family or Household Member, but does not include acts of self-defense:

1. Attempting to cause or causing physical harm or bodily injury to another Family or Household Member, which shall include, but is not limited to attempting to cause or causing physical pain, serious illness, or an impairment of a physical condition.
2. Placing a Family or Household Member in fear of the infliction of physical harm, bodily injury or assault, which shall include but is not limited to, harassment, psychological abuse, or the utterance of verbal threats, which causes a person to reasonably fear physical harm, bodily injury or death.
3. Attempting to cause or causing “emotional distress” to a Family or Household Member. “Emotional distress” occurs when another person’s actions cause severe emotional suffering as a result of engaging in conduct that Respondent knows, or has reason to know, would cause the Petitioner or the person on whose behalf the petition is filed, emotional distress and does in fact cause emotional distress to the person. Examples of conduct which may cause emotional distress include but are not limited to:
 - a. Creating a disturbance at a person’s place of employment, residence, school, or other place occupied by the person;
 - b. Repeatedly telephoning, e-mailing, texting, or faxing, to a person’s place of employment or residence, or otherwise seeking to communicate with the person, either directly or indirectly through a third party;
 - c. Repeatedly keeping a person under surveillance by remaining physically or electronically present outside a person’s residence, school, place of employment, vehicle or other place occupied by the person;
 - d. Improperly concealing a juvenile child from a person with sole or joint custody of the juvenile, repeatedly threatening to improperly remove the person’s juvenile child from the jurisdiction or from his or her physical care, repeatedly threatening to conceal the person’s juvenile child or making a threat following an actual attempted improper removal or concealment, unless the removal was made or attempted removal was made while fleeing from an incident, or pattern of Domestic Violence.
 - e. Threatening physical force, confinement, or restraint.
 - f. Keeping a person from practicing their spiritual and cultural beliefs.

4. Causing a Family or Household Member to engage involuntarily in sexual activity by force, threat of force or duress;
5. Willfully violating a court order intended to protect a Family or Household Member.

Q. **“Driver’s License”** means a State or Federally issued license to operate a Vehicle.

R. **“Driving”** shall mean being in actual physical control of an operable Vehicle while it is moving.

S. **“Drug Paraphernalia”** shall mean any equipment, products, and materials of any kind that are used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a Narcotic.

T. **“Eviction”** shall mean to expel a person, including, but not limited to, a tenant, from land, a building, the Rancheria, etc.

U. **“Exotic Animal”** shall mean any reptile, amphibian, poisonous or constructive animal, or other animal not natural to the Rancheria, including but not limited to, snake of any kind, and lizard, egg, offspring, or any dead body of any of them. Dogs and domestic cats shall not be included in this Code.

V. **“Family or Household Member”** means:

1. Persons who are current or former spouses;
2. Persons, including teenagers, who are dating or who have dated. For purposes of this section, dating means a dating relationship wherein the parties are romantically involved in a relationship generally over time and on a continuous basis;
3. Persons who live together or who have lived together;
4. Persons who are engaged in or who have engaged in a sexual relationship;
5. Persons who are related by blood or adoption;
6. Persons who are part of an extended family of the victim or abuser and who commonly interact with the victim or the abuser;
7. Persons who are related or formerly related by marriage as recognized by the state law or tribal tradition;

- 8. Persons who have a child in common;
 - 9. Persons who have a biological, legal or step parent relationship;
 - 10. Indian custodians;
 - 11. Juvenile children of a person in a relationship that is described in subsection 1 through 10 above.
- W. **“Firearm”** shall mean any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.
- X. **“Fraud”** shall mean a knowing misrepresentation of the truth or concealment of a material fact, whether by words or conduct, to induce another to act to his or her detriment or result in personal gain or advantage for oneself or another.
- Y. **“Infraction”** shall mean a violation of this Code.
- Z. **“Injunction”** shall mean an order from the Tribal Council, the Tribal Court, or any officers duly authorized by either entity, to cease and desist for engaging in a particular behavior or activity deemed a violation of this Code.
- AA. **“Intoxicating Liquor or Drug”** means any lawful or unlawful substance which actually impairs any person’s ability to operate a Vehicle.
- BB. **“Juvenile”** means an individual who is less than eighteen (18) years old.
- CC. **“Liquor”** means any alcoholic beverage, as defined in this Article.
- DD. **“Machinegun”** shall mean any weapon which shoots, is designated to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.
- EE. **“Minor”** means an individual who is less than twenty-one (21) years old.
- FF. **“Narcotics”** shall mean a drug or controlled substance, illegal or prescribed that adversely affects the brain or central nervous systems as a stimulant (excited) or a depressant (dulled senses). A narcotic can include, but is not limited to, cocaine, methamphetamines, opiates, marijuana, ecstasy, some household chemicals (i.e. glue, aerosol paint), and illegally obtained or abused prescription drugs.

- GG. **“Nuisance”** shall mean an act (intentional or unintentional), animal, object, or practice that interferes with another's rights or interests by being offensive, annoying, dangerous, obstructive, or unhealthful.
- HH. **“Operator”** is the person who is driving a Vehicle.
- II. **“Owner”** for purposes of the Animal Control Title shall mean a person who possesses, has title to, or an interest in, harbors, or has control, custody, or possession of an animal. For purposes of the Traffic Title shall mean a person who holds the legal title of a Vehicle or who is entitled to the immediate possession of a Vehicle in the event the Vehicle is the subject of a conditional sale or lease agreement.
- JJ. **“Ordered Action”** shall mean an order by the Tribal Council, the Tribal Court, or any officers dually authorized by either entity to comply with the terms of this Code.
- KK. **“Package”** means any container or receptacle used for holding liquor.
- LL. **“Passenger”** shall mean any rider of a Vehicle who is not the Operator, whether inside, atop, hanging onto or being drawn by the Vehicle.
- MM. **“Pedestrian”** means any person on foot or in a wheelchair.
- NN. **“Permit”** shall mean an official certificate of permission
- OO. **“Police Officer”** means any sworn Tribal, Local (city/county/state) or other type of law enforcement officer possessing peace officer powers, within his or her jurisdiction, having the ability and/or duty to effect an arrest or issue citations within the boundaries of the Rancheria.
- PP. **“Private Property”** means any area within the Rancheria not open to the general public where the use and enjoyment of which is restricted by custom, law, ordinance, resolution or agreement to one or more persons. Private property includes any private driveway, yard, etc.
- QQ. **“Public Area”** shall mean any location on the Rancheria open to the general public, Tribal employees, or Tribal membership, including but not limited to, tribal government offices or buildings, common spaces, and the Casino.
- RR. **“Public Roadway”** shall mean any street or designated parking area situated within the boundaries of the Rancheria which is not considered Private Property.
- SS. **“Rancheria”** shall mean all land, air, and water located within the borders of land owned in fee or trust by the Shingle Springs Band of Miwok Indians.

- TT. **“Reservation”** shall mean all land, air and water located within the borders of land owned in fee or trust by the Shingle Springs Band of Miwok Indians.
- UU. **“Restricted Access”** shall mean an order by the Tribal Council or Tribal Court to restrict someone for an amount of time or indefinitely from all or a portion of the Rancheria, including the Red Hawk Casino.
- VV. **“Sale”** and **“Sell”** means the transfer for consideration of any kind, including by means of exchange or barter.
- WW. **“Spirits”** means any alcoholic beverage which has an alcohol content that exceeds twenty-four percent of the total volume of that alcoholic beverage.
- XX. **“Theft”** shall mean the unlawful taking and carrying away of the personal property of another, without the consent of the owner, and with the intent to deprive the owner of the property permanently.
- YY. **“Tribal Business Operations/Entities”** shall mean any business entities of the Tribe, including, but not limited to, the Red Hawk Casino and the Shingle Springs Tribal Health Clinic.
- ZZ. **“Tribal Council”** shall mean the duly elected and recognized body as defined in Article III of the Articles of Association.
- AAA. **“Tribal Court”** shall mean the Shingle Springs Band of Miwok Indians Tribal Court.
- BBB. **“Tribal Enforcement”** shall mean public safety programs sanctioned by the Tribal Council and/or the Tribal Police Department. Tribal Enforcement also refers to the fair application of approved Tribal Law through community education, awareness programs, verbal or written warnings, and by way of citation or affidavit into Tribal Court.
- CCC. **“Tribal Land”** shall mean the Shingle Springs Rancheria or other territory over which the Tribe has jurisdiction.
- DDD. **“Tribal Member”** shall mean an individual enrolled member of the Shingle Springs Band of Miwok Indians.
- EEE. **“Tribal Police”** shall mean the Shingle Springs Band of Miwok Indians Tribal Police.
- FFF. **“Tribe”** shall mean the Shingle Springs Band of Miwok Indians.

- GGG. **“Vicious Animal”** shall mean any dog or other animal, which has attacked or acts like it would attack, bite, harm or aggressively confront any person or other animal with or without provocation. Vicious Animals in which the Chairman or his designated representative consider “vicious” and cannot catch have authority to terminate by any means necessary, including, but not limited to using firearms.
- HHH. **“Vehicle”** shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a road, street, highway or waterway. The term includes both motorized Vehicles and self-propelled conveyances including but not limited to, automobiles, vans, trucks, motorcycles, motorized bicycles, bicycles, tricycles, all-terrain vehicles, quads, snowmobiles, lawnmowers, tractors and other heavy equipment and any and all similar vehicles with the exception of wheelchairs, scooters and roller skates/blades.
- III. **“Wine”** means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other suitable agricultural products containing not more than twenty-four percent of alcohol by volume, and includes all imitation, other than standard, or artificial product sold as wine, including vermouth, port, sherry, muscatel, angelica and sake or other products referred to as rice wine, regardless of whether such products have been fortified with wine spirits, so long as such product does not contain more than twenty-four percent of alcohol by volume.

TITLE 2. ANIMAL CONTROL

PART 1 – DOMESTIC ANIMALS

ARTICLE 1 – PURPOSE

The purpose of this title is to provide proper control of all animals within the boundaries of Shingle Springs Rancheria by establishing standards and procedures so as to preserve the health and safety of persons and animals. These laws herein shall also set limits and guidelines within which animals shall not be allowed to run at large.

ARTICLE 2 – ADMINISTRATION

Section 1. The Shingle Springs Tribal Council shall administer the provisions of this Title.

Section 2. The duties of the Tribal Police shall be as follow:

- A. To enforce the provisions of this Title;
- B. To take up and Transfer to Animal Control all animals found to be in violation of the provisions of this Title;
- C. To remove and dispose of the carcass of any animal found on roads or other public place on the Shingle Springs Rancheria;
- D. To keep such records as may be required.

ARTICLE 3 – PROHIBITIONS

Section 1. Dogs

For the purpose of this Title, all dogs within the borders of the Shingle Springs Rancheria shall be effectively kept behind a fence or kennel belonging to the owner of such dog, or be effectively restrained by a leash, chain, strap or cord (not exceeding eight feet (8') in length) attached to a collar or harness of such dog and held by some person or made fast to some stationary object, or unless accompanied by or under the control and direction of the owner, member of the immediate family of the owner or custodian of such animal, so as to be effectively restrained by command.

Any person who has accepted the responsibility of ownership of any dog(s) shall, if proven, be liable for any damages to life and property of others caused by such animal.

Section 2. Animals Running at Large

No owner shall permit his animal, wild or domestic, except a domestic cat, to run at large within the Shingle Springs Rancheria. All animals must be confined to a dog run, kennel, inside a fence, or on an 8' leash.

Section 3. Trespassing

No owner outside the exterior boundaries of the Shingle Springs Rancheria shall permit his animal, except a domestic cat, to trespass on the Shingle Springs Rancheria. Animals are to be "Picked Up" and Transported to Animal Control.

Section 4. Noise

No owner shall permit his animal to habitually make a loud noise or act in a manner as to constitute a public nuisance. Any person who has dog(s) that act in such a manner as to disturb the peace and/or quiet of others in the surrounding neighborhood shall, upon proper notice of a complaint served by a duly appointed officer, directing him/her to quiet or secure said dog(s) be required to do so. If the owner fails to act in accordance with such a complaint, he or she shall be in violation of this Title and may be subject to the penalties and fines contained herein.

Section 5. Vaccinations

No owner shall have a dog within the Shingle Springs Rancheria unless such dog has been vaccinated against rabies. All dogs shall be vaccinated for rabies at three months of age, at one year of age, and every third year thereafter. A copy of the vaccination documentation shall be kept on file at the Tribal Police Office.

Section 6. Vicious Animals

No person shall keep, harbor or maintain an animal determined to be vicious as this presents a health and safety concern within the Shingle Springs Rancheria. An animal is deemed to be vicious when it attacks in an unprovoked, aggressive manner and inflicts severe injury on a human being.

ARTICLE 4 – PENALTIES

Section 1. Fees/Fines

Any dogs kept in violation of Title 2 Article 3, will be declared a public nuisance and may be seized or impounded until disposition is made at a court hearing.

The owner of said dog(s) shall also be subject to a fine and be responsible for all costs associated with responding, capturing, assuming control over, and providing temporary shelter for said animal.

Section 2. Termination of Animal

Any vicious animal who is repeatedly at large and attempts have been made to impound may be terminated by order of the Chairman or his designee.

Section 3. Impoundment

Tribal Police shall take possession of all stray animals and transfer them to County animal control;

- A. Taking possession. Any authorized resident of the Shingle Springs Rancheria who finds any animal which has strayed or is running at large on his/her assigned parcel, may take and retain possession of the animal, provided he/she notifies the Tribal Police at the time the animal is taken into possession and surrendered the animal to the Tribal Police. Any stray animal located in the common or Tribal Activity areas of the Rancheria shall be impounded and transferred to animal control.
- B. Disposition. Animals impounded are to be transferred to Animal Control and it is the responsibility of the animal's owner to contact Animal Control to obtain their animal. The Rancheria will not assist once the animal goes to Animal Control.
- C. Penal Code 597.1. The Tribe adopts California Penal Code 597.1, which would allow El Dorado County Animal Control Officers to immediately seize an animal when the officer has reasonable grounds to believe that very prompt action is required to protect the health or safety of the animal or the health or safety of others.

PART 2. EXOTIC ANIMALS

ARTICLE 1 – PURPOSE

Tribal members, residents, and visitors to the Rancheria have and likely will continue to bring onto the Rancheria exotic animals. Therefore, it is necessary to the preservation of the peace and the protection for the Tribe's people, property, governmental institutions, Rancheria territory, and business enterprises that the Tribe take legislative action to regulate the permitting of exotic animals as pets or for any other reasons and to provide for appropriate sanctions for such conduct in the most timely and efficient manner.

An exotic pet is considered a rare or unusual animal pet, or an animal kept within a human household, which is generally thought of as a wild species not typically as a pet.

ARTICLE 2 – RULES AND REGULATIONS FOR EXOTIC ANIMALS

Section 1. Permit Required for Possession on Rancheria

All individuals must possess a permit for possession of an exotic animal on the Rancheria.

Section 2. Possession of Exotic Animal on Rancheria

- A. Exotic Animals may be possessed at residences on the Rancheria by permit only.
- B. Exotic Animals may not be brought into any public area as defined in Article 1.
- C. All Exotic Animals must be kept in appropriate containers or cages as to insure the safety of all Rancheria residents and visitors.
- D. Tribal Police may, at any time, require to see the permit for possession of the exotic animal and/or inspect the container or cage of the animal to ensure the safety of all Rancheria residents and visitors.

ARTICLE 3 – PERMIT FOR EXOTIC ANIMAL

Section 1. Permit Request for the Possession of All Exotic Animal

All persons on the Rancheria must obtain a permit for the possession of all exotic animals.

Section 2. Permit Process

- A. Individuals interested in obtaining a permit for the possession of an exotic animal must submit to the Tribal Police a completed permit application.
- B. The Tribal Police Chief shall review all applications for permits and issue permits.
- C. The Tribal Police Chief shall inform the Applicant of its decision by mail within five business days of its decision and will issue a Permit if approved at that time.

Section 3. Application for Permit

- A. An application for permit shall contain the following information.
 - 1. Full contact information of the applicant, including but not limited to, name, address, telephone number.
 - 2. Complete information regarding the exotic animal, including but not limited to, the type of animal, age of animal, and where animal was obtained from.
 - 3. Address of residence wherein Applicant will be containing animal.
 - 4. Description of cage, container, or home for the exotic animal.
- B. An application for permit may be filed on behalf of a juvenile, a person who is mentally incompetent, or anyone else who is in need of assistance, by a parent, guardian, relative, or a member of the Tribal Council, but only if that parent,

guardian, relative, or member of the Tribal Council is willing to be jointly responsible for the exotic animal.

- C. The burden of proof rests upon the applicant to establish every element of his/her eligibility for the permit under this Title.

ARTICLE 4 – VIOLATIONS AND PENALTIES OF TITLE

Section 1. Specific Violations

Any violation of this Title, as listed below, will be considered violations per se and the exotic animal may be removed from the Rancheria by Tribal Police, or their designee, immediately and relocated to a reasonably safe location, including a containment facility owned and operated by El Dorado County officials.

- A. Failure to Obtain a Permit.
- B. Failure to maintain an appropriate container or cage for the exotic animal to ensure the safety of all Rancheria residents and visitors.
- C. The finding of an exotic animal in any public area, whether with its owner or not.
- D. Failure to cooperate with the Tribal Council, its designee, or Tribal Security in providing permit or inspections as requested.

Section 2. Prosecution or Remedy for Violations

- A. All individuals who violate any Section of this Title shall be prosecuted or held in violation of this Title.
- B. At its reasonable discretion, Tribal Police have the authority to dispose of any exotic animal, including removal, containment, or lethal force of the animal that is posing an imminent threat of harm to persons or property in a public area.

TITLE 3. DOMESTIC VIOLENCE

ARTICLE 1 – PURPOSE

The purpose of this Domestic Violence Title (hereinafter “Title”) is to recognize that Domestic Violence and abuse, including physical, mental and emotional abuse, stalking and date violence, are serious offenses against society, the Shingle Spring Band of Miwok Indians (hereinafter “Tribe”), the Tribal community, and families. Further, this Title will provide the victim of Domestic Violence protection from further abuse. The strength of the Tribe is founded on healthy families. Families damaged by abuse must be healed by the immediate intervention of law enforcement, prosecution, education, counseling, and other appropriate services in order to restore justice and wellness to families. Violent behavior will not be excused or tolerated within the territory of the Shingle Springs Band of Miwok Indians. This Title is a beginning point towards a violence-free Tribe and society.

ARTICLE 2 – TRIBAL COURT JURISDICTION

Section 1. Tribal Court

The Shingle Springs Band of Miwok Indians Tribal Court shall have jurisdiction under this Title:

- A. Over all cases where a person commits an act of Domestic Violence or violates a Temporary Restraining Order, Emergency Order or Protective Order on the Tribe’s Rancheria and one of the parties is a Tribal Member; and
- B. Over all cases where a person is seeking a protection order:
 - 1. for an act of Domestic Violence that occurred on the Tribe’s Rancheria, and
 - 2. one or both parties are tribal members.
- C. To recognize and enforce a valid Protection Order of another court of competent jurisdiction.

ARTICLE 3 – DUTIES OF TRIBAL POLICE DEPARTMENT

Section 1. Protecting Victims of Domestic Violence

- A. A Tribal Police Department Officer who responds to an allegation of Domestic Violence shall use all “Reasonable Means” to protect the victim and others that are present from further violence and may make an arrest pursuant to applicable tribal, state and/or federal authority and transport the aggressor to an appropriate detention facility or law enforcement agency or detain the aggressor until the appropriate local law enforcement authority can take custody of the aggressor.
- B. “Reasonable Means” as used in this section includes but are not limited to:

1. Taking any lawful action necessary to provide for the safety of the victim;
2. Confiscating any weapon involved in the alleged Domestic Violence;
3. Transporting or obtaining transportation for the victim and any child(ren) to a shelter or any other place of safety;
4. Assisting the victim in removing essential personal effects;
5. Assisting the victim and any child(ren) in obtaining medical treatment, including obtaining transportation to a medical facility;
6. Giving the victim immediate and adequate notice of the rights of victims and/or the remedies and services available to victims of Domestic Violence;
7. Issuing an Emergency Protection Order as provided for under Article 5, Section 1 of this Title;
8. Enforcing a valid order for protection issued by a tribal or state court;
9. Providing victim, where requested by victim, with the Tribal Services Department's emergency contact information or tribal Domestic Violence resource information;
10. Requesting the assistance of a Domestic Violence Advocate from the Domestic Violence Response Team, if one is active.

Section 2. Notice to Victims of Domestic Violence

- A. As part of the notice required under Section 1, B6, the Tribal Police Officer shall give, in addition to verbal notification, written notice to the adult victim substantially as follows:

"If you are the victim of domestic violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the Tribal Police Officer assist in providing for your safety, including asking for an emergency order for protection that will provide for your immediate protection. You may also request that the officer assist you in obtaining your essential personal effects and locating and taking you to a safe place, including but not limited to a shelter, a family member's or friend's residence, or a similar place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you in obtaining medical treatment. You may request a copy of the police report at no cost from the Tribal Police Department.

Please be advised that the Tribe may choose to issue a tribal citation against the person who has committed the domestic violence against you, and/or refer the matter to a state prosecutor and/or the United States Attorney office who may, if appropriate, file a criminal complaint against your assailant.

You also have the right to file a petition requesting a Temporary Protection Order, which is a temporary order, for up to 30 days, for protection from domestic violence which could include any of the following orders:

1. An order enjoining your abuser from threatening to commit or committing further acts of domestic violence;
2. An order prohibiting your abuser from harassing, annoying, telephoning, contacting or otherwise communicating with you, directly or indirectly through Family members, relations by marriage, friends, and co-workers;
3. An order removing your abuser from the residence regardless of ownership or lease on record;
4. An order directing your abuser to stay away from your or any other designated Household/Family Member's place of residence, school, place of employment, or any other specified place frequented by you;
5. An order prohibiting your abuser from using or possessing any firearm or other weapon specified by the court;
6. An order granting you possession and use of an automobile and other essential personal effects, regardless of ownership;

The forms you need to obtain an order for protection are available from the Tribal Court, Tribal Services Department, Health and Wellness Center, Tribal Administrative Office or Tribal Police. You also have the right to seek reimbursement for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other expenses for injuries sustained and damage to your property. This can be done through Tribal or State court.

The Temporary Protection Order is valid for up to 30 days, during which time you should consider filing a petition for a Permanent Order of Protection from the state court. A Permanent Order of Protection includes custody and visitation, monetary support, and other issues that the Temporary Protective Order does not address."

B. The written notice:

1. Must not include the addresses or locations of shelters, and

2. Must be provided in the native language of the victim, if practicable, when the native language of the victim is not English.

Section 3. Other Provisions

- A. Any Tribal Police Officer who enforces or provides assistance under this section in good faith shall be immune from suit by any person alleging a violation of this Section or any other Section of tribal, state or federal law.
- B. Children shall remain under custody of the victim and both shall remain in the home while the incident is resolved.
- C. It is best that both the Tribal Police and Domestic Violence Response Team respond simultaneous to incidents of Domestic Violence. Therefore, as soon as one arrives on the scene, it will call the other.
- D. Upon finding probable cause to believe that Domestic Violence is occurring or has occurred, the Tribal Police Department Officer need not obtain a search warrant in order to enter a residence and/or to seize property under this subsection, during the initial response to the allegation of Domestic violence.
- E. Tribal Police shall provide the service of process for all Domestic Violence Hearings and Protection Orders. Tribal Police shall inform the parents of a juvenile involved in Domestic Violence Hearing or Protective Order.

ARTICLE 4 – PROSECUTING ACTS OF DOMESTIC VIOLENCE

Section 1. Citation for an Act Involving Domestic Violence

- A. A Tribal Police Officer must immediately issue a citation and file it with the Shingle Springs Tribal Court for violation of this Title on any person whom he or she has probable cause to believe committed any act involving Domestic Violence/Abuse as defined in Title 1, Article 9Q, with the act committed either in the presence of the officer or occurring in the last 24 hours.
- B. Regardless of the elements of any other crime committed in conjunction with an act of Domestic Violence, a tribal citation for Domestic Violence/Abuse shall be considered a separate and distinct offense and shall be cited in addition to any other infraction or crime the aggressor may be charged with under tribal, federal or state law.

Section 2. Determination of Predominate Aggressor

- A. If a Tribal Police Officer receives complaints of Domestic Violence from two or more opposing persons, the officer shall evaluate each complaint separately to

determine who was the predominate aggressor. When the officer determines that one person was the predominate aggressor, the officer may not cite the other person alleged to have committed Domestic Violence.

- B. The Tribal Police Officer is not required to issue a citation based on who hit who first but shall consider the dynamics of Domestic Violence and the definition of predominate aggressor in determining which party to cite.
- C. In determining whether a person is the predominate aggressor, the officer shall consider:
 - 1. The history of Domestic Violence, both documented prior complaints and convictions and the Tribal Police Officer's own prior knowledge of the Family;
 - 2. The relative severity of the injuries inflicted on each person, i.e., who in this relationship poses the most danger to the other;
 - 3. The likelihood of future injury to each person, i.e., who is at the most risk of future harm;
 - 4. Whether one of the persons acted in self-defense and/or in defense of others; and
 - 5. The degree to which one of the persons has acted with more deliberate intent to control, isolate, intimidate, emotionally demean, cause injury or pain or fear of harm to the other person or to a third party.
- D. In determining whether to issue a citation for domestic violence, the officer shall not consider:
 - 1. The use or abuse of alcohol by either party.
 - 2. The employment, economic, educational, social, physical and/or mental health and political status of the alleged perpetrator and/or alleged victim.
 - 3. Whether or not the alleged perpetrator or alleged victim is a tribal member.
- E. A Tribal Police Officer shall not threaten, suggest, or otherwise indicate the possible citing of all parties to discourage requests for intervention by any party.

Section 3. Domestic Violence Citation and Service

- A. Citation. The citation shall include the following:

- 1. A statement that the citation is a criminal offense if the person being cited is

an Indian and is a civil offense if the person is a non-Indian for which imprisonment is not an available sanction;

2. A statement briefly describing the conduct of the person which lead to the violation;
3. A statement identifying the penalties that may be imposed for the violation;
4. A statement that the person will be notified of his or her court date;
5. A statement on how the person may defend himself or herself against the citation;
6. A statement that failure to appear on the scheduled court date may result in an order of civil contempt from the court resulting in a fine or a warrant for the person's arrest.

B. Service of the Citation

1. The citation may be served on the person in the following manner;
 - a. Personal service by the Tribal Police; or
 - b. Mailing the citation by certified or registered mail, return receipt requested, addressed to the person at his or her mailing address if known, or such other place which is believed to give the occupant or owner actual notice of the citation by the enforcement officer.
2. Service is deemed effective on the date of the personal service or on the date a written acknowledgement or certified mail receipt is executed, if such acknowledgment thereafter is returned to the sender.
3. A copy of the citation, the officer's report and, if applicable, the proof of service shall be filed with the Tribal Court within seventy-two (72) hours of issuance, excluding weekends and holidays. In the event the seventy-two (72) hours expires on a holiday or weekend, the citation shall be filed with the Court on the next regular business day for the Court. If the Tribal Court within this timeframe does not receive the citation, the Tribal Court may dismiss the citation without prejudice.

Section 4. Tribal Domestic Violence Hearing

- A. Upon receipt of the citation, the Tribal Court shall schedule and serve notice of a hearing and provide written Notice of Hearing to the defendant and the charging officer. The Notice of Hearing shall state the date, time and place of hearing and

shall be issued via first class US Mail at least ten (10) days prior to the date of the hearing.

- B. A copy of the Tribal Police Department's report shall always be submitted to the Tribal Court, and parties may obtain copies of said report through request of the Tribal Court.
- C. The defendant or the Tribe may request one (1) continuance for any reason, provided that Tribal Court is given the request for a continuance at least forty-eight (48) hours in advance of the scheduled hearing and that the deferred hearing shall not be deferred more than 30 days after the citation was filed.
- D. All hearings shall be open to the public unless the defendant, the victim or the Tribe request that the hearing be closed. The request to close the hearing may be made in writing up to one day before the hearing, or during the hearing by verbal request and the Court's finding of good cause. At the hearing, both the Tribe and the defendant shall be given the opportunity to testify and to present evidence and cross-examine witnesses concerning the citation. The Tribe and defendant may appear personally or through an attorney. Pre-hearing discovery is not authorized, but subpoenas for witnesses and documents shall be permitted as authorized by established Rules of the Tribal Court. The Tribal Court is authorized to conduct the hearing informally, both as to rules of procedure and admission of evidence, in any manner which will provide a fair hearing.
- E. The citation and any additional report submitted by the Tribal Police Officer shall constitute presumptive evidence of the respective facts contained in those documents.
- F. The Tribal Court may continue the hearing and request additional information from the appropriate Tribal Police Officer or the defendant prior to issuing a written decision.
- G. The burden of proof at a Domestic Violence Hearing shall be on the Tribe and in cases involving an Indian defendant the standard of proof shall be beyond a reasonable doubt. In cases where the defendant is a non-Indian the standard shall be clear and convincing.
- H. Victims shall be escorted to and from Tribal Court. If the Respondent has restricted access to the Rancheria, he/she shall be escorted by Tribal Police to the Court for the hearing.

Section 5. Tribal Court Decision

- A. After considering all the testimony and evidence submitted at the hearing, the Tribal Court shall issue a written decision to uphold or dismiss the citation and the reasons for that decision, including written findings on each violation. The decision of the Tribal Court shall be issued within 1 calendar day following completion of the hearing.
- B. If the Tribal Court determines the citation should be upheld, he or she may apply any of the following remedies:
 - 1. A fine not to exceed \$5,000 for each violation; and/or
 - 2. Community service as determined appropriate by the Court; and/or
 - 3. Required participation in the Wellness Board. Respondent shall be ordered to attend classes and programs recommended by the Wellness Board. If the defendant has restricted access to the Rancheria, he/she shall be escorted by Tribal Police to the Health and Wellness Center for the classes.
 - 4. If the defendant has been found guilty of Domestic Violence twice or more within the last five (5) years, the Court may issue an order of restricted access of the defendant from the Rancheria for one year; and
 - 5. Any and all other penalties the Court deems just and necessary.
- C. If the Tribal Court determines the citation should be dismissed, the Court shall issue a decision dismissing the citation.
- D. The defendant and the Tribe shall be mailed a copy of the decision via first class U.S. Mail within one (1) calendar day of its issuance.
- E. The decision of the Tribal Court shall be final upon service on the defendant and not subject to further review.

ARTICLE 5 – DOMESTIC VIOLENCE PROTECTIVE ORDERS

Section1. Emergency Protection Order

- A. If a protection order is needed immediately, prior to the filing of a “Petition for Temporary/Permanent Protection Order,” the Petitioner may request that the Tribal Police Officer issue an Emergency Protection Order.
- B. There shall not be any court fee or other fee required to request an Emergency Protection Order.

- C. All Emergency Protection requests shall be on a pre-printed form available through the Tribal Court or Tribal Police Department and shall contain the following information:
1. Respondent's name and date of birth (if known);
 2. Address Respondent plans to go to, if known;
 3. The names of the protected parties;
 4. The date the order was filed;
 5. The conditions that apply to the Respondent (including distance must be from Petitioner) either in check list form or hand written;
 6. Signed by the Tribal Police Officer who issued the order and submitted it to the Tribal Court or its designee within 24 hours of issuance.
- D. To issue such an Emergency Protection Order it must clearly appear to the Tribal Police Officer, from specific facts shown by that person to be protected, a Family or Household Member, has reasonable cause to believe that there is an immediate danger of Domestic Violence which could result in the physical or emotional injury to the person or children on whose behalf the request is being made.
- E. An Emergency Protection Order may include protection for children where the Tribal Police Officer finds that the child is exposed to a substantial risk of bodily injury, sexual abuse, emotional distress or that the child(ren) is in immediate danger of being abducted by the person sought to be restrained. An Emergency Protection Order shall be effective until modified or vacated by the Court and shall expire seventy-two (72) hours from its execution.
- F. The Emergency Protection Order shall have a "Warning and Information" notice attached informing the person being restrained that violation of the Order is punishable in Tribal Court by a fine of up to \$5,000. Further, a violation of the Order may also subject the person to federal penalties or state punishment of a felony or a misdemeanor with a fine up to \$1,000 and imprisonment of up to one year or both.
- G. Tribal Police is responsible for serving the Emergency Protection Order, with the "Warning and Information" notice to the person being restrained. Tribal Police shall file the Proof of Service with the Court and ensure that the Order is inputted into NCIC and lodged with the appropriate California Superior Court and local law enforcement for recognition under the federal Violence Against Woman Act and applicable state law.

- H. Tribal Police shall inform all security personnel at the Rancheria of individuals who have a protective order against them, and instruct them on how to proceed.
- I. The next business day after the Emergency Order is issued, a member of the Domestic Violence Response Team and the victim shall submit the case to the Wellness Board Chairperson. The Wellness Board shall operate as outlined under the Tribal Court Ordinance, to offer services to both the Petitioner and the Respondent. If the Petitioner fails to follow up with services or request a Temporary or Permanent Protective Order within 72 hours, then the Tribe may bring the case to Court in order to protect any children.

Section 2. Temporary and Permanent Protection Orders

- A. Any person may seek relief under this Title by petitioning the Tribal Court for a Temporary and/or Permanent Protection Order on behalf of:
 - 1. Herself or himself;
 - 2. A juvenile child who is a Family or Household Member;
 - 3. Any person prevented by a mental, emotional or physical incapacity (as attested to by a psychiatrist or Tribal cultural leader or Elder) or by hospitalization;
- B. Tribal Police and the Domestic Violence Response Team may seek relief on behalf of the victim if the victim so requests.
- C. A person (herein “Petitioner”) may file for a temporary and/or permanent protective order under this Section if she or he, a Family or Household Member has been the victim of Domestic Violence or the person has reasonable cause to believe that there is a danger of acts of Domestic Violence which may cause serious or immediate injury (either physical or emotional) to the person, his or her Family or Household Member.
- D. A temporary and/or permanent protective order may be obtained by filing a “Petition for Temporary/Permanent Protection Order.” There shall be no court fee or other fee for filing a Petition for Temporary/Permanent Protection Order. Petitioner may complete the pre-printed form(s), which can be obtained from the Tribal Police, Tribal Services Department, the Health and Wellness Center, Tribal Court and at the Tribal Administrative Office. Alternatively, the Petitioner may file a written Petition in any form as long as the following information is included in the Petition:

1. Identify Petitioner's tribal affiliation and stating that he or she is domiciled, resides or was on the Shingle Springs Rancheria at the time of the Domestic Violence;
 2. Identify the Respondent, his or her tribal affiliation, if any, and address or other contact information;
 3. Identify what Family or Household relationship Petitioner has with the Respondent;
 4. Describes the Domestic Violence acts the Respondent has committed, where these acts occurred and the date;
 5. Identify whether the Respondent has a history of Domestic Violence, including dates, locations and description of said acts;
 6. Describe the injury (physical, mental and emotional, destruction of property, loss of employment, etc.) Petitioner has suffered;
 7. Identify any past orders that have been issued (criminal and civil) against the Respondent;
 8. List all children Respondent has with Petitioner, including their names, DOB, tribal affiliations, in whose custody the children currently are in and where the children reside;
 9. Whether the Respondent has abused the children. If yes, describe when how, and where.
- E. The Petitioner may request that a Temporary Protection Order be issued immediately upon the filing of the Petition and remain in place until such time there is a hearing on the Petition, or thirty (30) days, whichever is earlier.
- F. The Petitioner may request a Permanent Protection Order be issued and remain in place for up to one (1) year. A hearing on the Petition must be set within ten (10) days of the filing of a request for a Permanent Protection Order.
- G. The Petitioner may request a Temporary and/or Permanent Protection Order be issued addressing the following:
1. No Personal Contact order;
 2. A Stay-Away order;
 3. Move-Out Order;

4. Authorization of Recording of Unlawful Communications;
 5. Property Control;
 6. Animals: Possession and Stay-Away Order;
 7. Dividing assets.
- H. Within 24 hours of filing the Petition, the Court will grant or deny the Petitioner's request for a Temporary Protection Order, ex parte. If the Temporary Protection Order is granted, Tribal Police shall serve the Respondent with the Petition and the Temporary Protection Order along with a "Warning and Notice" explaining the Respondent's responsibilities as well as what the Respondent must file with the Court to object to the Petition and Temporary Protection Order.
- I. If Petitioner files a Petition for a Permanent Protection Order, the Court will set a hearing on the Petition within three (3) days. The Hearing will be held within ten (10) days of the Petition being filed. A Notice of Hearing shall be served personally or via US Mail at least four (4) days prior to the scheduled hearing.
- J. If the Respondent files a request for a hearing on the Petition for a Temporary Protection Order, the Court will set a hearing date within three (3) days. The Hearing will be held within ten (10) days of the request being filed. A Notice of Hearing shall be served personally or via US Mail at least four (4) days prior to the scheduled hearing. The Notice of Hearing will state that the Temporary Protection Order, if issued, will remain in effect until the hearing date.
- K. The Respondent shall file any requests with the Court no less than three (3) days before the scheduled hearing. The request will be served on the Petitioner by the Court or Tribal Police at least one (1) day before the hearing.

Section 3. Temporary/Permanent Protection Order Hearing

- A. The hearing on a Petition for a Protection Order shall, where appropriate, follow the rules as set forth under the Tribal Court Rules of Court, Civil Actions. Victims shall be escorted to and from the Tribal Court. If the Respondent has restricted access to the Rancheria, he/she shall be escorted by Police to the Court for the hearing. The hearing shall be informal and each party shall be allowed to be represented by an advocate at his or her own expense. A Domestic Violence Advocate may be at the hearing on Petitioner's behalf. The hearing may be held telephonically, if necessary for a timely hearing. Each party shall be allowed to call witnesses and to cross examine the witnesses called by the parties. The hearing shall be closed to the general public.

- B. The Court may consider other prior acts of Domestic Violence, crimes, or any wrongs, acts, or patterns of behavior which may be relevant to the need for the protection order and this evidence shall be admissible regardless of whether the alleged crimes, wrongs, acts or patterns of behavior were committed by Respondent against the Petitioner, his or her Family or Household Member. Intoxication is not a defense to a violation of any provisions of this Title.
- C. The Court shall not dismiss a Petition for a Protection Order because it was not filed within a particular time period after the last alleged incident of Domestic Violence.
- D. This Title shall be enforced regardless of current marital status, cohabitation or existence of a current relationship.
- E. At the time of the hearing the Respondent may request and the Court may grant a continuance for good cause. If at the time of the hearing the Respondent is represented by an advocate and the Petitioner is not, the Petitioner may request and the Court may grant a continuance for Petitioner to retain an advocate. During the time for a continuance, all Temporary Protection Orders shall remain in effect.
- F. The Court shall make a decision at the conclusion of the hearing, either entering, upholding, modifying, or dismissing the Protective Order. If the Court finds that this is the second time Respondent has had a Protective Order against him/her for violation of this Title, then the Court will enter an order of restricted access to the Rancheria for 90 days.
- G. The Court will provide written notice to the parties regarding the Protective Order at the conclusion of the hearing. Included within the written notice, the Tribal Court shall explain that a State Court process is necessary for a protective order longer than one (1) year.
- H. The Tribal Court Judge may allow the Wellness Board to recommend to the Judge modification of the Protection Order in order to allow the Respondent to visit his/her children in a safe place, under supervision.
- I. If the court orders the Respondent to vacate the residence, Tribal Police shall arrange a time, when the victim and children are not present, for Respondent to return to the house and retrieve personal belongings. Tribal Police shall accompany and supervise Respondent in the house.
- J. If a Tribal employee has restricted access to the Rancheria, he or she shall be suspended without pay. However, the employee may use vacation leave, if available.

- K. The Tribal Court Judge may order any of the parties to receive services from the Wellness Board.

Section 4. Mutual Orders

Protection Orders shall not be mutual in nature, however, the Court may issue separate orders for protection and for restraining each opposing party when each party has properly filed and served petitions for protection orders, each party has committed Domestic Violence as defined in this Title, each possess a continuing risk of violence to the other, and neither party acted primarily in self-defense.

Section 5. Notice of the Order

- A. A copy of the Protection Order shall be served by Tribal Police on the parties. Within 24 hours from the entering of a Protection Order, a copy will be provided to the appropriate law enforcement department for entering into NCIC and lodged with the appropriate California Superior Court for recognition under the federal Violence Against Woman Act and applicable state law filed with local law enforcement.
- B. Attached to the order shall be a Notice to the parties which shall include the following information:

“TO RESPONDENT: You must obey this order or be subject to fines or restricted access from the Rancheria and/or criminal prosecution under state and federal law.

This protection order is valid and will be enforced against you by the Tribe as well as in all 50 states of the United States, the District of Columbia, on any Indian lands and any commonwealth, territory or possession of the United States.

Tribal, state and federal law prohibit you from possessing or purchasing any firearms while this order is in effect. Federal law prohibits you from possessing or purchasing firearms whether or not the Domestic Violence Protection Order entered against you by Tribal Court does not prohibit you from possessing or purchasing firearms.

If you travel across state or Indian lands with the intent to violate the protection order entered against you, you are subject to prosecution for a federal crime.

If you travel across state or Indian lands with the intent to injure, harass or intimidate the person protected under this order entered against you or if you travel across state lines or Indian lands or use mail or any facility of interstate commerce across state lines with the intent to place that person or his or her family or household member in fear of serious bodily harm, you are subject to prosecution for a federal crime.

You and the party protected by the order cannot change the terms of the order against you by your own agreement. All of the provisions of this order continue in effect until the ending date of the order unless modified by the Tribal Court. If you violate this order you can be held in contempt of Court and fined, excluded from the Rancheria, and if you violate this order while off the Rancheria you are subject to the civil and criminal penalties of the state.”

“TO PETITIONER: You should keep a copy of this protection order on you at all times and should make a copy for your family and friends. If you move to another jurisdiction, you may wish to give a copy to the local law enforcement agency where you move, but you are not required to do so.

The protection order is valid not only on the Shingle Spring Rancheria but in all 50 states of the United States, the District of Columbia, any Indian lands and any commonwealth, territory or possession of the United States.

You may not change the terms of the order by agreement with the other party. If you wish to change any terms of this order, you must come back into Court to have the judge modify the order.

If the Respondent violates any provision of this order, you may call Tribal Police or the El Dorado County Sheriff Office and go to State and/or Tribal Court for an order of contempt, which can subject the Respondent to fines, restricted access from the Rancheria and fines and imprisonment under state law.

ARTICLE 6 – VIOLATION OF PROTECTION ORDER

Section 1. Detention and Arrest for Violations of a Protection Order

When a Tribal Police Officer has probable cause to believe that a Tribal Member has violated a verifiable protection order issued by the Tribal Court or State Court, the officer may:

- A. If the protection order that has been violated was issued by a State Court, Tribal Police will detain violator and turn the individual over to the El Dorado County Sheriff’s Office pursuant to Public Law 280 for enforcement of appropriate California Penal Code violation(s).
- B. For violations of any Tribal Court issued Protection Orders (Emergency or Temporary), the officer shall cite the Respondent and the citation will be filed with the Tribal Court and proceed under subsections C through E of Article 5 of this Title.

Section 2. Request for Contempt Order

- A. Any person with knowledge of Respondent’s violation of any Protection Order may file a “Motion for Contempt of Court” asking the Court to find the Respondent in

contempt of court. Upon the filing of a “Motion for Contempt of Court” the Court shall issue a “Notice to Show Cause” that sets a hearing date and time. Tribal Police will serve the “Notice to Show Cause” on the Respondent and the party that has made the request.

B. After proper service of the “Notice to Show Cause” on the parties, the Court will conduct a hearing to determine if the Respondent violated any provision of the Protection Order. Both parties will be allowed to present witnesses and evidence and to conduct cross examination. Parties may be represented at their own expense. The hearing will be conducted in the same manner as provided for under Article 5, Section 3. If the Court finds the Order has been violated he or she will find the Respondent in contempt of Court and subject to the following:

1. A fine not to exceed \$5,000 for each violation; and/or
2. Community service as determined appropriate by the Court; and/or
3. If the Respondent violates the protection order twice or more, the Court may issue an order of restricted access of the Respondent to the Rancheria for a specified time not to exceed one (1) year, no permanent bans may be issued; and
4. Any and all other penalties the Court deems just and necessary.

ARTICLE 7 – FULL FAITH AND CREDIT OF FOREIGN PROTECTION ORDERS

Section 1. Enforcement of Foreign Protection Orders

Whenever a Tribal Police Officer or the Tribal Court is presented with an order, either ex parte or permanent, or information from a court or law enforcement agency of the issuing jurisdiction verifying the existence of such an order which restrains any person from harassing, annoying, stalking, contacting or coming within a certain proximity to another person, the appropriate Tribal Police Officer and Tribal Court shall enforce such order and all provisions of such order, including the award of custody and property in such protection order, as if it were issued by the Tribal Court.

Section 2. Immunity for Good Faith Enforcement of Foreign Protection Order

Any Tribal Police official who acts in good faith in enforcing a foreign protection order and its terms shall be immune from suit for any civil or criminal action. This immunity, as well as any state or Federal Tort Claims Act immunity shall extend to any Tribal Police Officer who affects the arrest of a non-Indian for violation of a protection order pursuant to state or federal law.

Section 3. Role of Tribal Court in Enforcing This Section

The Tribal Court shall enforce a protection order, either ex parte or permanent, and all provisions of that protection order, including child custody and their awards, if all the following are satisfied:

- A. The Respondent received notice of the order in compliance with requirements of the issuing jurisdiction;
- B. The order remains in effect in the issuing jurisdiction;
- C. The issuing court had jurisdiction over the parties and subject matter;
- D. The Respondent was afforded reasonable notice and the opportunity to be heard prior to the issuance of a permanent protection order or in the case of an ex parte order it appears from the face of the order that a hearing will be conducted within reasonable time to allow the Respondent to raise any defenses he or she may have to the issuance of a permanent protection order.

Section 4. Registration of Foreign Protection Order with the Tribal Court

Any person who has received a protection order, either ex parte or permanent, from another Tribal or State Court, may file the protection order with the Tribal Court and request that the Tribal Court grant full faith and credit to the protection order. Immediately upon the filing of that protection order with the Court Clerk, the Tribal Court shall review such filing and if it appears from the face of the protection order it meets the requirements of the Section C above, shall enter an order recognizing the protection order. Said order shall immediately be forwarded to tribal and local law enforcement. A person shall be not charged a filing or registration fee for the filing of a foreign protection order. A person protected by a protection order issued by another Tribal or State Court need not file that protection order with the Tribal Court in order to receive law enforcement protection from the Respondent under this Article, but it is encouraged.

Section 5. Violation of Foreign Protection Order

Any violation of the foreign protection order shall subject the Respondent to penalties set forth in this Title and any federal or state penalties as provided under federal or state law.

TITLE 4. RESTRICTED ACCESS

ARTICLE 1 - PURPOSE

The Tribal Council of the Shingle Springs Band of Miwok Indians (“Tribe”) enacts the following Restricted Access Title in order to protect and preserve the Shingle Springs Rancheria and any other lands held in fee or in trust for the benefit of the Tribe (hereinafter collectively referred to as “Tribal Lands”). This Title establishes procedures the Tribe will utilize in order to maintain, protect, and enforce its sovereign status.

ARTICLE 2 –ADMINISTRATION

Section 1. Administration

The Tribal Council shall administer the provisions of this Title. The duties of the Shingle Springs Tribal Council with respect to this Title shall include all of the following:

- A. To administer and enforce the provisions of this Title;
- B. To delegate responsibilities contained within this Title to the appropriate Tribal Departments, Programs, Boards, or Committees;
- C. To keep such records as may be required;
- D. In accordance with this Title the Tribal Council shall have the authority to create a committee for the purpose of serving as its designee to make restricted access decisions.

ARTICLE 3 – REMOVAL OF PERSONS

Section 1. Generally

- A. The Tribal Council acting on behalf of the sovereign people of the Shingle Springs Band of Miwok Indians retains the power to exclude any person, real or artificial (including corporate entities), that pose a threat to the health, safety, well-being, and character of the Tribe. The Tribal Council may restrict access temporarily, or for any amount of time the Tribal Council views as appropriate.
 1. The person to be removed may be forcibly removed by, Red Hawk Casino Security guards, Tribal Police, local Law Enforcement officers, or Federal Law Enforcement officers.
- B. The Tribal Council may not remove any individual(s) that is authorized to enter the Rancheria by Federal treaty, statute, or administrative regulations.

Section 2. Grounds for Restricted Access

Individual(s) may have access restricted on one or more of the following grounds:

- A. Commission of a crime, as defined by Federal, State, or Tribal law; including violation of State or Tribal traffic regulations;
- B. Any unauthorized activity. Including, but not limited to:
 - 1. Trading;
 - 2. Mining, harvesting of timber, taking water, digging wells, or in any other way changing the land;
 - 3. Forcible entry into the home or onto the land of any Tribal member without the consent of the occupant(s);
 - 4. Interference with or photographing of Tribal ceremonies without the permission of the Tribal members involved;
 - 5. Commission of fraud, or usury against Tribal members, or inducing such members into grossly unfavorable contracts of any nature;
 - 6. Defrauding any Tribal member of just compensation for his or her labor or services of any nature done at the request of the non-member;
 - 7. Breach of the peace, public drunkenness, or disorderly conduct;
 - 8. Contagious disease;
 - 9. Entry of an area on the Rancheria in violation of an order of the Tribal Council designating such an area as closed because of fire hazard or any other reason;
 - 10. Removal or attempted removal of any Tribal member under the age of eighteen (18) from the Shingle Springs Band of Miwok Indians Rancheria without prior approval of the Tribal Council. Provided, however, that this ground for restricted access shall not apply in cases where such juvenile Tribal member is removed from the Shingle Springs by its adopted parents, or by persons who have received custody of such child pursuant to an order of the Tribal Court;
 - 11. Conducting missionary activities without prior authorization from the Tribal Council;
 - 12. Hunting, fishing, or trapping without permits required under both State and Tribal law;

13. Failure or refusal to pay any taxes, costs, or other charges justly due the Tribe after reasonable notice and opportunity to pay;
14. Physical threats of violence against any person;
15. Any intentional act causing physical loss or damage to property;
16. Any conduct which threatens the economic security, political integrity, or health and welfare of the Tribe.

Section 3. Procedure

- A. After the occurrence of one or more of the offenses listed in Section 2, Tribal Police shall cite the individual(s) and may remove the individual(s) off of Tribal Land.
- B. The law enforcement offices shall then inform the Tribal Council of the citation/removal of the individual(s).
- C. From that notification the Tribal Council shall have thirty (30) days to determine whether to impose any further restricted access of the individual(s).
- D. After the decision has been made the Tribal Council shall inform Tribal Police and the necessary Tribal departments, as well as the individual(s) that will have restricted access, by personal service or registered mail.

Section 4. Tribal Members

This Title will generally apply to any individual, Tribal members and non-members alike, with the following exceptions made for members:

- A. Tribal members shall not have restricted access without first being given notice and an opportunity to be heard.
 1. This provision shall not apply in cases of an emergency.

Section 5. Emergencies

The Tribal Council, Tribal Chairperson and Tribal Court shall have the authority to issue immediate restricted access orders in cases involving immediate danger to the life, health, morals, or property of the Tribe or any of its members, or where any delay would result in irreparable damage. The Tribal Police shall have the authority to remove any individual(s), or their belongings forcibly from the Rancheria. In doing so the Tribal Police shall only use as much force as necessary to effect the removal.

If a state of emergency does not exist, the procedure explained above must be followed.

TITLE 5. FIREARMS

ARTICLE 1 - PURPOSE

It is the purpose of this Title to provide proper control and use of firearms within the boundaries of the Shingle Springs Rancheria.

ARTICLE 2 - FIREARMS

Firearms shall be used in a manner that is deemed by the Shingle Springs Rancheria Tribal Council to be safe and not cause harm to other residents of the Rancheria. Any person that discharges a firearm indiscriminately shall be responsible for property damage and personal injury.

ARTICLE 3 - DISCHARGE OF FIREARMS

The Tribal Council has determined that there shall be no discharge of firearms on the Shingle Springs Rancheria except at a shooting range approved by the Tribal Council, in accordance with a hunting permit issued by the Tribal Council, or for the protection of life, limb or property.

ARTICLE 4 - BB GUNS, PELLET GUNS, AIR GUNS, PAINTBALL GUNS

These types of guns shall be used in a manner that is deemed by the Shingle Springs Rancheria Tribal Council to be safe and not cause harm to other residents of the Shingle Springs Rancheria or surrounding residential areas. Safety is the primary consideration when establishing a site for any recreational shooting activity involving any of the listed guns in this Article. Any site for discharge should provide sufficient space for the activities planned or anticipated, have controlled and limited access, and be located away from regular activity areas. The discharge of these guns by juveniles shall be supervised by an adult. Any BB Gun, Pellet Gun, Paintball or Air Gun that is discharged in a manner that is unsafe shall be deemed to be in violation of this Section. Any person that discharges a firearm indiscriminately shall be responsible for property damage and personal injury.

ARTICLE 5 - CANNONS, FIRECRACKERS AND EXPLOSIVES

Every person who discharges a cannon, firecracker or explosive within the interior boundaries of the Rancheria shall be guilty of a misdemeanor and subject to a fine not less than on thousand dollars (\$1,000.00).

This section does include fireworks that are State of California approved for use on the 4th of July and New Year's Eve.

ARTICLE 6 - FAILURE TO PAY

Failure to pay for personal injury and/or property damage shall constitute proceedings with the County of Criminal Enforcement. This authority is based on Public Law 83-280 passed in 1953, allowing the State of California Criminal and Civil Jurisdiction in Indian Country.

ARTICLE 7 – PROHIBITED FIREARMS

It shall be unlawful for any person to possess the following types of firearms on the Shingle Springs Rancheria:

- A. Machinegun;
- B. Any firearm not detectable by airport security devices;
- C. A firearm not registered as required by the National Firearms Act (NFA), 26 USC 5861(d).

ARTICLE 8 – PROHIBITED PERSONS

It shall be unlawful for certain categories of persons to possess firearms on the Shingle Springs Rancheria, including any person:

- A. Convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- B. Who is a fugitive from justice;
- C. Who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 802);
- D. Who has been adjudicated as a mental defective or has been committed to any mental institution;
- E. Who is an illegal alien;
- F. Who has been discharged from the Armed Forces under dishonorable conditions;
- G. Who has renounced his or her United States citizenship;
- H. Who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or
- I. Who has been convicted of a misdemeanor crime of domestic violence.

ARTICLE 9 – PROHIBITED STORAGE

- A. It shall be unlawful for any person who is not a resident of the Rancheria to lease a storage space on the Rancheria for the purpose of storing firearms.
- B. It shall be unlawful for any resident of the Rancheria to knowingly store another person's firearm in his/her home.

ARTICLE 10 – ENFORCEMENT

- A. Any violation of this Title is punishable by a fine of up to \$5,000.
- B. Any person that discharges a firearm indiscriminately shall be financially responsible for property damage and personal injury.
- C. Tribal Police shall have authority to cite any person they find to be in violation of this Title, and to seize any firearm that is found to be prohibited under this Title.
- D. The Tribal Court shall have jurisdiction to hear all violations of this Title.

TITLE 6. LIQUOR ORDINANCE

ARTICLE 1 – DECLARATION OF FINDINGS AND PURPOSE

Section 1. Title

This ordinance shall be known as the Shingle Springs Liquor Ordinance.

Section 2. Findings and Purpose

- A. The introduction, possession, and sale of liquor on the Tribal Lands of the Shingle Springs Band of Miwok Indians (“Tribe”) is a matter of special concern to the Tribe.
- B. The Tribe is the beneficial owner of the Shingle Springs Rancheria, upon which it plans to construct and operate a casino and related entertainment and lodging facilities, which will be an integral and indispensable part of the Tribe’s economy, providing income to the Tribe and training and employment to its members.
- C. Federal Law currently prohibits the introduction of liquor into Indian County (18 U.S.C. § 1154), except as provided therein and expressly delegates to the tribes the decision regarding when and to what extent liquor transactions shall be permitted (18 U.S.C. § 1161).
- D. Pursuant to Article III of the Tribe’s Articles of Association, the Shingle Springs Tribal Council (“Tribal Council”) is the governing body of the Tribe. Pursuant to Article VI of the Articles of Association, the Tribal Council is empowered to manage, lease, and operate all unassigned Tribal Lands, to charter tribal enterprises, corporations, and associations, to administer tribal assets and manage all economic affairs and enterprises of the Tribe, and to exercise the Tribe’s inherent sovereign authority for the protection of public health and safety, including regulation of the conduct of all persons who enter the jurisdiction of the Tribe.
- E. Pursuant to Article I of the Tribe’s Articles of Association, the territorial jurisdiction of the Tribe extends to all lands which now and hereafter comprise the Shingle Springs Rancheria.
- F. The Tribal Council has, by its Ordinance Establishing and Governing the Shingle Springs Tribal Gaming Authority (the “Gaming Authority Ordinance”), created an independent governmental agency of the Tribe, the Shingle Springs Tribal Gaming Authority (“Gaming Authority”), and conferred upon it the full authority of the Tribe to own and operate the Foothill Oaks Casino and related entertainment and lodging facilities (collectively “Casino”), except for the regulatory powers retained by the Tribal Council and Tribal Gaming Commission as set forth in the Shingle Springs Gaming Ordinance approved by the National Indian Gaming Commission, and any

regulations promulgated thereunder.

- G. The Tribal Council finds that a complete ban on liquor within the Shingle Springs Rancheria is ineffective and unrealistic. However, it recognizes that a need still exists for strict regulation and control over liquor transactions within Tribal Lands because of the many potential problems associated with the unregulated or inadequately regulated sale, possession, distribution, and consumption of liquor. The Tribal Council finds that exclusive tribal control and regulation of liquor is necessary to achieve maximum economic benefit to the tribe, to protect the health and welfare of tribal members and members of the public on Tribal Lands, and to address specific tribal concerns relating to alcohol use on Tribal Lands.
- H. The enactment of a tribal ordinance governing the possession and sale of liquor on Tribal Land will enhance the ability of the tribal government to control liquor distribution and possession on the Shingle Springs Rancheria, and, at the same time, will provide an important source of revenue for the continued operation of the tribal government and the delivery of essential tribal governmental and social services.
- I. Tribal regulation of the sale, possession, and consumption of liquor on Tribal Lands is necessary to protect the health, security, and general welfare of the Shingle Springs Band and members of the public on Tribal Lands. In order to further these goals and to provide for a needed additional source of governmental revenue, the Tribal Council adopts this Ordinance. This Ordinance shall be liberally construed to fulfill the purposes for which it has been adopted.

ARTICLE 2 – TRIBAL LIQUOR AUTHORITY

Section 1. Establishment of Tribal Liquor Authority.

There is hereby established the Tribal Liquor Authority (“Authority”) which shall have the following powers and responsibilities:

- A. To administer this Ordinance by exercising general control, management, and supervision of all liquor sales, places of sale, and sales outlets as well as exercising all powers necessary to accomplish the purposes of this Ordinance.
- B. To publish and enforce rules and regulations adopted by the Tribal Council in furtherance of the purposes of this Ordinance and the performance of the Authority’s administrative functions, and to recommend appropriate rules and regulations to the Tribal Council.
- C. To bring suit in the appropriate court to enforce the provisions of this Ordinance with the consent of the Tribal Council. In so doing, the Authority shall not, without the specific consent of the Tribal Council, waive the Tribe’s immunity from suit.

- D. To assume the full authority and responsibility of the Tribe with respect to the lawful sale and consumption of liquor on Tribal Land, including the authority to issue permits (including permits issued to the Gaming Authority or other Tribal entities) for the sale of liquor on Tribal Land, subject to compliance with applicable State of California licensing requirements.
- E. To make such reports as may be required by the Tribal Council.
- F. To collect taxes and fees levied or set by the Tribal Council, and to keep accurate records, books, and accounts thereof.
- G. To exercise such other powers as may be delegated to the Authority by the Tribal Council.

Section 2. Designation of Tribal Liquor Authority.

In furtherance of this Ordinance, and until otherwise designated by the Tribal Council, the members of the Gaming Authority shall also serve as the members of the Authority.

Section 3. Limitation on Powers, Gratuities.

- A. The members of the Authority shall not accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer, or distributor.
- B. In the exercise of its powers and duties, the Authority and its individual members shall not waive the immunity of the Tribe from suit without the express consent of the Tribal Council, except as authorized by the Gaming Authority Ordinance.

Section 4. Inspection Rights.

The premises on which liquor is sold or distributed shall be open for inspection by the Authority at all reasonable times for the purposes of ascertaining compliance with this Ordinance, any other ordinance governing liquor on Tribal land, or any rule or regulation adopted by the Tribal Council in furtherance of the purposes of this Ordinance or such other ordinance governing liquor.

ARTICLE 3 – SALES OF LIQUOR

Section 1. Limitations on Sales.

No sale of any alcoholic beverage shall be made on Tribal Land except pursuant to a permit issued by the Authority.

Section 2. All Sales Cash.

All liquor sales on Tribal Land shall be on a cash only basis and no credit shall be extended to

any person, organization, or entity; provided, however, that this provision shall not prevent payment by means of a check or by the use of a debit card or a credit card of a type generally accepted by merchants as a means of making payment for a purchase of liquor.

Section 3. All Sales for Personal Use.

All sales shall be for personal use and consumption, and not for resale. Resale of any alcoholic beverage purchased on Tribal Land is prohibited.

ARTICLE 4 – TAXES

Section 1. Sales Tax.

There is hereby levied and shall be collected a tax on each retail sale of alcoholic beverages on Tribal Land in the amount equal to the tax imposed by the state. The tax imposed by this section shall apply to all retail sales of liquor on Tribal Land.

Section 2. Payment and Distribution of Taxes.

All taxes from the sale of alcoholic beverages on Tribal Land shall be paid over to the General Treasury of the Tribe and be subject to use or distribution by the Tribal Council.

ARTICLE 5 – ILLEGAL ACTIVITIES AND ENFORCEMENT

Section 1. Violations.

- A. Illegal Sale of Liquor by Drink or Bottle. It shall be a violation of this Ordinance for any person to sell any liquor on Tribal Land, whether by the drink or by the bottle, except as otherwise provided in this Ordinance.
- B. Illegal Sale, Transportation or Production. It shall be a violation of this Ordinance for any person to sell or offer for sale, transport in any manner, or produce any liquor on Tribal Land except in accordance with this Ordinance.
- C. Illegal Purchase of Liquor. It shall be a violation of this Ordinance for any person to buy liquor on Tribal Land from any person other than pursuant to a permit issued by the Authority.
- D. Illegal Possession of Liquor - Intent to Sell. It shall be a violation of this Ordinance for any person to keep or possess liquor upon his or her person or in any place or on premises conducted or maintained by him or her as a principal or agent with the intent to sell that liquor contrary to the provisions of this Ordinance. In any proceeding under this Ordinance, proof of one unlawful sale of liquor shall suffice to establish prima facie the intent or purpose of unlawfully keeping liquor for sale in violation of this Ordinance.

- E. Sales to Persons Apparently Intoxicated. It shall be a violation of this Ordinance for any person to sell liquor to a person who appears intoxicated.
- F. Possession and Use of Liquor by Minors. Except in the case of liquor administered or validly prescribed by a physician or dentist for medicinal purposes, it shall be a violation of this Ordinance for any person under the age of twenty-one (21) to consume, acquire, or have in his or her possession any alcoholic beverage.
- G. Furnishing Liquor to Minors. It shall be a violation of this Ordinance for any person to furnish to a person under the age of twenty-one (21) or to permit any person under the age of twenty-one (21) to consume liquor on his or her premises or on any premises under his or her control, except in those special situations set forth in Section 1(F) of this Article.
- H. Sale of Liquor to Minors. It shall be a violation of this Ordinance for any person to sell any liquor to any person under the age of twenty-one (21) years.
- I. Unlawful Transfer of Identification. It shall be a violation of this Ordinance for any person to transfer in any manner to a minor identification of any type, including identification of the types listed in Section 3 of this Article, for the purpose of enabling such minor to obtain liquor.
- J. Possession or Use of False or Altered Identification. It shall be a violation of this Ordinance for any person under the age of twenty-one (21) years to attempt to purchase an alcoholic beverage through the use of false or altered identification which purports to show that the individual is twenty-one (21) years of age or older, or to possess such false or altered identification for the purpose of purchasing an alcoholic beverage.

Section 2. General Penalties.

Any person found to have violated this Ordinance shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) for the first such violation. The Authority may adopt by separate rule or regulation a schedule of fines for each type of violation, taking into account its seriousness and the threat it may pose to the general health and welfare of tribal members and to patrons of the Tribe's business establishment(s). Such schedule may also provide, in the case of repeated violations, for imposition of monetary penalties greater than the Five Hundred Dollar (\$500.00) limitation set forth above. The penalties provided for herein shall be in addition to any criminal penalties which may be imposed by federal, state or Tribal law.

Section 3. Identification - Proof of Minimum Age.

Where there may be a question of a person's right to purchase liquor by reason of his or her age, such person shall be required to present any one of the following officially issued cards of

identification which shows correct age and bears his/her signature and photograph:

- A. A valid driver's license or identification card issued by any State.
- B. United States Active Duty Military identification.
- C. Passport.

Section 4. Contraband.

Any alcoholic beverage possessed contrary to the terms of this Ordinance is declared to be contraband. Any tribal officer, employee, or other agent of any kind who is authorized by the Tribal Council to enforce this Ordinance shall seize all such contraband, and shall preserve that contraband or cause it to be preserved in accordance with the provisions established for the preservation of impounded property under applicable Tribal law, or, in the absence of such Tribal law, under California law. Upon being found in violation of this Ordinance by the Tribal Court, or in the absence of a Tribal Court by a majority of the Tribal Council, the party from whom the contraband was seized shall forfeit all right, title and interest in the item(s) seized, which shall become the property of the Tribe.

ARTICLE 6 – ABATEMENT

Section 1. Declaration of Nuisance.

Any room, house, building, vehicle, structure, or other place where liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this Ordinance or of any other tribal law or regulation relating to the manufacture, importation, transportation, possession, distribution, or sale of liquor, and all property kept in and used in maintaining such place, are hereby declared to be a common nuisance.

Section 2. Institution of Action.

The Chair of the Authority or, if the Chair of the Authority fails or refuses to do so, the Chair of the Tribal Council, shall institute and maintain an action in the proper court in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this Ordinance. Restraining orders, temporary injunctions, and permanent injunctions may be granted in the cause as in other injunction proceedings, and upon final judgment against the defendant the Court may also order the room, house, building, vehicle, structure, or place closed for a period of one year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient sum (but in any event not less than \$10,000) payable to the Tribe and conditioned that liquor thereafter will not be manufactured, kept, sold, bartered, exchanged, given away, furnished, or otherwise disposed of thereof in violation of the provisions of this Ordinance or any other applicable tribal law, and that such person will pay all fines, costs and damages assessed for any violation of this Ordinance or any other tribal law or regulation pertaining to alcohol. If any condition of the

bond be violated, the whole amount may be recovered for the use of the Tribe.

Section 3. Prima Facie Evidence of Nuisance.

In all cases where any person has been found responsible for a violation of this Ordinance relating to the manufacture, importation, transportation, possession, distribution, or sale of liquor, an action may be brought to abate as a nuisance any real estate or other property involved in the violation of the Ordinance and violation of this Ordinance shall be prima facie evidence that the room, house, building, vehicle, structure, or place against which such action is brought is a public nuisance.

ARTICLE 7 – CALIFORNIA LAW

All acts and transactions under this Ordinance shall be in conformity with the laws of the State of California as that term is used in 18 U.S.C. § 1161.

** Please note that approval of this Title in no way changes Resolution 2011-18*

TITLE 7. PEACE AND PROTECTION

ARTICLE 1 – PURPOSE

By virtue of the Tribe's inherent sovereign authority it has the power and the right to protect the peace, safety, health, welfare and integrity of the Tribe's people, property, governmental institution, Rancheria territory, its visitors, and business enterprises by the enactment and enforcement of legislation. It is necessary that the Tribe take legislative action by adoption of this Title to minimize behavior that is deemed a nuisance or is unlawful and to provide for appropriate action and sanctions for such conduct in the most timely and efficient manner.

Pursuant to the Tribe's Articles of Association, the governing body of the Tribe is its Tribal Council, which has delegated jurisdiction over all cases arising under this Title to the Tribal Court and Tribal Enforcement Officers. The Tribal Court system retains the inherent ability to hear civil cases and assess damages and penalties and is limited only by the Tribe's Articles of Association and applicable federal law.

ARTICLE 2 - SPECIFIC VIOLATIONS

Section 1. Disruption of Tribal Meetings and Business

No person shall, through threats, intimidation, harassment, unwarranted outbursts, violence, occupation, blockade, or other unlawful means, hinder, prevent, disrupt, delay or interfere with the conduct of public, private, or governmental business including, but not limited to, business conducted at public meetings for the consideration of tribal issues, Boards or Committee meetings of the Tribal Council, Tribal Gaming Authority, Gaming Commission, meetings of Tribal officials, Tribal elections, or the operation of Tribal and Tribal Business Operations/Entities.

Section 2. Trespass to Obstruct or Injure Property or Business

No person shall enter, or remain in or upon, any building or land, including roadways, within the exterior boundaries of the Shingle Springs Rancheria, or upon lands held by the United States in trust for the benefit of the Tribe, for the purpose of, or with the effect of, damaging real or personal property, interfering with the right of possession or other property rights of any person or entity, or interfering with, obstructing, or injuring any business, occupation, or activity conducted by the Tribe, or by any other entity or person in lawful possession of property pursuant to Tribal law.

Section 3. Damage to Property or Business

No person shall damage any real or personal property belonging to the Tribe, or to any business owned or operated by the Tribe, or to any person or entity authorized by the Tribe to conduct

business on the Rancheria, or to any other person or entity in lawful possession of property pursuant to Tribal law.

Section 4. Commission of Fraud against the Tribe or its Programs or Business Operations

No person shall commit or attempt to commit fraud against the Tribe or any of its programs or business operations.

Section 5. Obstruction of Free Passage

No person shall, on any land within the exterior boundaries of the Shingle Springs Rancheria, or on land held in trust by the United States for the benefit of the Tribe, unlawfully obstruct the free movement of any person or their property on any street, sidewalk, or any other place open to the public under Tribal law, or on any other property to which such person has a right of access under Tribal law.

Section 6. Failure to Obey Eviction or Restricted Access Order

No person shall disobey a notice or order of eviction or restricted access issued from the Tribal Council, Tribal Chairperson, Tribal Court, or the Tribe's Housing Department or program. Fines and penalties may be assessed daily for failure to obey such a notice. Furthermore, Tribal Enforcement Officers and local law enforcement have the ability to enforce such notices or orders.

Section 7. Removal of Natural Resources

- A. All areas within the boundaries of the Shingle Springs Rancheria are closed to hunting, unless issued a permit by the Tribe.
- B. Any person, including enrolled members, is required to obtain approval in writing prior to:
 1. Cutting wood on Tribal Lands;
 2. Removing wood, gravel or other material from Tribal Lands;
 3. Any construction or excavation on Tribal Lands, whether assigned or unassigned. The permit shall contain a time limit within which the work shall be completed.

Section 8. Pollution and Failure to Remove Unwanted Items

No person shall, on any land within the boundaries of the Shingle Springs Rancheria, or on land held in trust by the United States for the benefit of the Tribe, dump any refuse or unwanted items

anywhere other than approved locations pursuant to the Tribe's environmental policies, codes, and ordinances, nor shall any person leave unwanted or discarded items including junked vehicles on their Tribal Housing property for more than seven days (7) before disposing of it properly and lawfully pursuant to the Tribe's environmental policies, codes, and ordinances nor shall any person pollute the air or water within the Shingle Springs Rancheria or other territory over which the Tribe has jurisdiction in such quantities as to annoy, discomfort, injure or inconvenience the health of any person, or cause substantial injury to property.

No person shall dump, abandon, or otherwise leave any amount of refuse, regardless of its biodegradability or composition, on Shingle Springs Territory. In addition to any imposed for violation of this section, any person who violates this section shall be financially responsible for the costs of removal of the refuse and environmental restoration required as a result of the violation of this section.

Section 9. Narcotics or Drug Paraphernalia Possession

No person shall, on any land within the exterior boundaries of the Shingle Springs Rancheria, or on land held in trust by the United States for the benefit of the Tribe for any reason have Narcotics or Drug Paraphernalia in their possession.

- A. Any person found dealing or manufacturing Narcotics or Drug Paraphernalia may be permanently and immediately restricted from the Rancheria, and additionally subject to, but not limited to: fines, confiscations and/or destruction or proper disposal of Narcotics or Drug Paraphernalia, placement in drug rehabilitation programs, and notification of authorities.
- B. Any person found in possession of Narcotics or Drug Paraphernalia shall be subject to, but not limited to: fines, confiscations and/or destruction or proper disposal of Narcotics or Drug Paraphernalia, placement in drug rehabilitation programs, and notification of authorities.

Section 10. Assault & Battery

No person shall, on any land within the exterior boundaries of the Shingle Springs Rancheria, or on land held in trust by the United States for the benefit of the Tribe be permitted to commit assault or battery towards another person. Nor shall any person be allowed to threaten to commit an assault or battery on another person. Any personal grievance should be handled in accordance with this Title so as not to reach the point of verbal and/or physical action, or threats to commit the same.

A person commits "*Assault*" if he/she:

- A. Knowingly or purposely causes bodily harm to another; or
- B. Negligently causes bodily harm to another (with or without a weapon); or

- C. Knowingly or purposely makes physical contact of an insulting or provoking nature with an individual; or
- D. Aids, assists, commands, or counsels another to commit assault.

A person commits “*Aggravated Assault*” (higher level) if he/she knowingly or purposely causes:

- A. Serious bodily harm to another; or
- B. Bodily harm to another with a weapon; or
- C. Bodily harm to Tribal Officials, Tribal Employees, or Law Enforcement Officers lawfully discharging an official duty; or
- D. Aids, assists, commands, or counsels another to commit aggravated assault.

A person commits “*Battery*” if he/she:

- A. Makes actual intentional unwanted contact with someone, with intent to harm; or
- B. Contact that is in a "rude and offensive manner" even if the injury is slight

Section 11. Alcohol Possession on Lands and in Buildings Designated for Public Use

No person shall, on any land or in public buildings designated for public use on the Shingle Springs Rancheria, excluding the Tribe’s gaming operation, have alcohol in their possession.

- A. Any person found in possession of alcohol on land designated for public use, including but not limited to, the Tribes offices, Health and Wellness Center, Community Center, playground, pool, and Big Time area, shall be subject to, but not limited to: fines, confiscations and/or destruction or proper disposal of alcohol, placement in alcohol rehabilitation programs, and notification of authorities.
- B. The Tribal Council may waive this Section for certain events as evidenced by Tribal Council Resolution.

Section 12. Smoking on Public Property

No individual shall smoke any tobacco product inside a Tribal building, excluding the casino and smoke shop, or in an outdoor area within 20 feet of a main exit, entrance, or operable window of a Tribal building or in a passenger vehicle owned by the Tribe.

- A. Any person found smoking any tobacco product inside of or within 20 feet of a Tribal building, excluding the casino or smoke shop, shall be subject to, but not limited to: fines and penalties, confiscations and/or destruction or proper disposal of tobacco, placement in an appropriate rehabilitation program, and notification of authorities.

Section 13. Underage Possession of Tobacco

No person under the age of 21 shall, on any public area within the exterior boundaries of the Shingle Springs Rancheria, or on land held in trust by the United States for the benefit of the Tribe, for any reason have tobacco in their possession.

- A. Any person under the age of 21 found in a public area in possession of any type of tobacco product shall be subject to, but not limited to: fines and penalties, confiscations and/or destruction or proper disposal of tobacco, placement in an appropriate rehabilitation program, and notification of authorities.

Section 14. Contribution to Juvenile Delinquency

No person shall, on any land within the exterior boundaries of the Shingle Springs Rancheria, or on land held in trust by the United States for the benefit of the Tribe, for any reason contribute to the delinquency of a juvenile.

- A. Individuals will be considered to be contributing to the delinquency of a juvenile when they sell, offer for sale, deliver, assist in purchasing, or give to any person under the age of 18 years of age any Narcotics, Drug Paraphernalia, tobacco product, or alcohol.
- B. Any person found contributing to the delinquency of a juvenile shall be subject to, but not limited to: fines and penalties, and notification of authorities.

Section 15. Civil Harassment

No person shall, on any land within the exterior boundaries of the Shingle Springs Rancheria, or on land held in trust by the United States for the benefit of the Tribe be permitted to commit civil harassment towards another person.

Section 16. Theft

No person shall, on any land within the exterior boundaries of the Shingle Springs Rancheria, or on land held in trust by the United States for the benefit of the Tribe be permitted to commit or attempt to commit theft against another person, the Tribe or any of its programs or business operations.

Section 17. Cultural Customs and Traditions

No person shall, on any land within the exterior boundaries of the Shingle Springs Rancheria, or on land held in trust by the United States for the benefit of the Tribe be permitted to violate, inhibit or desecrate the Tribe's Cultural Customs and Traditions including, but not limited to, partaking of drugs or alcohol and then entering the Dance Arbor or Big Time event. The Cultural Customs and Tradition of the Tribe shall be established by testimony or affidavit of an expert or by the Tribe's Cultural Department. An expert is an Elder of the Tribe or other person recognized by the community as knowledgeable in tribal Customs and Traditions.

Section 18. Sex Offender Registry

If an individual is listed on the sex offender registry established by the United States Department of Justice, by the State of California, or by any other state, and the individual enters onto the Rancheria for a period of time longer than twenty-four hours, the individual shall register his/her presence with the Shingle Springs Tribal Court.

ARTICLE 3 – PENALTIES AND REMEDIES

Section 1. Nuisance Per Se

Violation of this Title or of any other zoning, environmental or land assignment ordinance or code/title, including building codes or fire codes shall constitute, among other things, a private nuisance per se, and the Tribe shall be deemed the injured party.

Section 2. Civil Harassment Restraining Order

Any person believing themselves to be the victim of Civil Harassment may request a Civil Harassment Restraining Order from the Tribal Court. The process for obtaining such an order shall be as follows;

- A. The individual shall file a Civil Harassment Restraining Order Petition with the Tribal Court.
- B. The request for the issuance of a Civil Harassment Restraining Order, with or without notice, shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court. Reviews may be effectuated telephonically.
- C. Hearings under this section may be held ex parte.
- D. The respondent, if given notice of petition, may file a response that explains, excuses, justifies, or denies the alleged harassment or may file a cross-petition under this section.

- E. A Civil Harassment Restraining Order may be issued based on a declaration that, to the satisfaction of the court, shows reasonable proof of harassment of the petitioner by the respondent, and that great or irreparable harm would result to the petitioner.
- F. The Court shall serve the petitioner and respondent with notice of the Civil Harassment Restraining Order.
- G. A Civil Harassment Restraining Order issued under this section shall remain in effect, at the court's discretion, for a period not to exceed 14 days. At the end of this time, if still fearing harassment, petitioners may request an order from a county court.
- H. Any violation of a Civil Harassment Restraining Order, by respondent, shall be punishable by a fine of up to \$1,000.

Section 3. Enforcement

It shall be the duty of Tribal Enforcement Officers to issue verbal or written warnings, citations, and Tribal Court ordered sanctions for violations in accordance with Article 2 and 3 of this Title.

- A. Issuance of a Citation. A Tribal Enforcement Officer has the authority to issue a warning or citation if:
 - 1. The violation occurs in the presence of the Tribal Enforcement Officer; or
 - 2. When the Tribal Enforcement officer has probable cause to believe a violation has been committed; or
 - 3. Any person who suspects a person is in violation of Article 2 of this Title, may petition the Tribal Enforcement Officers to inquire further into the matter. If Tribal Enforcement finds credible evidence of a violation, then they may issue a written warning, citation or submit the issue to the Tribal Court for an injunction, temporary restraining order, or other ordered action.
- B. Authority to Detain. A person who is reasonably suspected of committing a violation in Article 2 or 3 of this Title and is stopped by a Tribal Enforcement Officer is required to identify himself or herself by providing the Tribal Enforcement Officer his or her name, address and date of birth. If requested by the Tribal Enforcement Officer, the person shall also produce a picture identification card, such as a driver's license, military identification, or tribal ID card. If the person is unable or unwilling to identify himself or herself, or produce a picture identification card, the Tribal Enforcement Officer may detain the person for a reasonable period of time, but not more than 24 hours in order to identify the person and issue a warning or citation.

- C. Service of the Warning or Citation. The warning or citation must be served on the person in accordance with the Tribal Court Rules:
- D. Seizure/Forfeiture of Property. A Tribal Enforcement Officer may, upon probable cause when issuing a citation for a violation, seize any property used in the commission of that violation of this Title. All property utilized in violation of this Title is also subject to seizure and forfeiture by order of the Tribal Court. The Tribe must return any property confiscated to its rightful owner unless the Tribal Court determines that the possession of the property is unlawful or could be deemed a risk to facilitate further violations of the Title, in which case it will become the property of the Tribe.

Section 4. Civil Penalties and/or Injunctive Actions

In the event that any person, as a result of his or her actions or inaction has been deemed by the Tribal Court to have violated any part of this Title, that person(s), shall be subjected, but not limited to the following penalties:

- A. Written warnings, possible injunctions, temporary restraining orders, or ordered actions;
- B. Civil penalties, no less than twenty-five (\$25) dollars and not to exceed one thousand (\$1,000) dollars per violation, depending on the gravity and frequency of the violation;
- C. Suspension from Tribal Government Buildings and/or Tribal Business Operations/Entities and their Grounds, and all associated meetings for a minimum of forty-five (45) days;
- D. Suspension of any and all Tribal benefits necessary in order to force compliance, including per capita distributions;
- E. Subject to a civil suit in order to recover for any property damages or personal injuries resulting from said violations;
- F. Wage garnishment; and
- G. Issue such other order as may be deemed fair and just by the Tribal Court.

Section 5. No Other Remedies Affected

Nothing in this Title shall in any way limit an individual's right to pursue a private action for nuisance or other torts in Tribal Court.

Section 6. Hearing Procedures

- A. Request for Hearing. Any person, who is aggrieved by the issuance of a warning, or citation, for violations under Article 2 of this Title, may contest the warning or citation with the Tribal Court. The request for a hearing is made by completing the Response and submitting it to the Tribal Court within 20 days of being served the petition.
- B. Failure to Respond. If a person, who is served with a petition, fails to submit the Response, pay the fine amount, or fails to appear at the hearing, the Tribal Court shall enter a default judgment against the person.

Section 7. Appropriation of Revenues

All revenue collected from the enforcement of this Title shall be appropriated to the Tribal Department's budget that is most directly affected by the violation that resulted in the fine. If no department is deemed to be most directly affected by the violation resulting in the fine, the revenue shall be appropriated to the Tribal Enforcement budget in order to better maintain peace and protection or as the Tribal Council directs.

TITLE 8. REPOSSESSION

ARTICLE 1 – TRIBAL COURT JURISDICTION

The Tribal Court shall have jurisdiction over all claims by creditors for the return of personal property located within the Rancheria in which the creditor has a security interest as a result of a consumer credit transaction and where the debtor has defaulted. Such property shall not be returned except in accordance with this section. This section applies to repossession of consumer goods in which the creditor has a security interest. It is limited to consumer credit transactions and does not apply to commercial transactions. The Creditor shall be required to file an action with the Tribal Court according to the Tribal Court Ordinance and the rules of Court.

ARTICLE 2 – SELF-HELP REPOSSESSION PROHIBITED; PRE-JUDGEMENT REPOSSESSION PROHIBITED

Self-help repossession to obtain personal property of residents of the Shingle Springs Rancheria is prohibited. Repossession prior to judgment is also prohibited. To obtain personal property in which the creditor has a valid security interest, the creditor must comply with the procedures for repossession in this chapter. A waiver of the right to bring an action for wrongful repossession is prohibited and shall have no effect.

ARTICLE 3 – CONSENT OF THE DEBTOR

A creditor may obtain without Court proceedings the return of personal property in which the creditor possesses a valid security interest where the debtor has defaulted if the creditor obtains the written consent of the debtor. The debtor must consent freely and knowingly. Consent obtained by fraud, force, harassment, or intimidation, have no effect. If no consent is given, the creditor may obtain the property only through the procedures in this Title. Violations of this provision are subject to the civil penalties set forth in Article 6 of this Title.

ARTICLE 4 – TYPES OF CASES IN WHICH REPOSSESSION IS ALLOWED

Repossession may be sought only by a creditor who retains a valid security interest in the personal property at issue as a result of a consumer credit transaction. An unsecured creditor has no right to the property.

ARTICLE 5 – ELECTION OF REMEDIES

A creditor may elect to seek the return of the property or the money due on such property, but both remedies may not be pursued at the same time. Where the debtor has paid sixty percent (60%) or more of the cash price or loan, a creditor may not seek return of the property. Where money due on the property is sought, the parties shall comply with the Rules of the Court in maintaining the action. In the event of a money judgment, the creditor may enforce such judgment through any method provided in this Title.

ARTICLE 6 – CIVIL PENALTIES FOR VIOLATION

Section 1. Civil Damages and Penalty – Creditor

If a creditor violates any provisions of this Title, the debtor has a cause of action to recover actual damages and a right to recover from the person violating this Title a civil penalty in an amount determined by the Court. No action may be brought more than two (2) years after the violation.

Section 2. Civil Damages and Penalty – Debtor

If a debtor takes any deliberate action to reduce the value of the property subject to repossession after a repossession complaint has been filed, the creditor has a cause of action to recover the amount by which the property has been reduced in value and a right to recover from the person violating this Title a civil penalty in an amount determined by the Court.

Section 3. Action by the Tribe

Any creditor who violates this Title is subject to restricted access from the Rancheria and/or denial of business privileges by the Shingle Springs Band of Miwok Indians. No action shall be taken by the Tribe without notice and hearing.

TITLE 9. TRAFFIC

ARTICLE 1 – PURPOSE

The purpose of this Traffic Title (“Title”) is to protect the health, safety and welfare of residents, employees, patrons and guests through the establishment of standards of Vehicle safety for all roadways within the boundaries of the Shingle Springs Rancheria (“Rancheria”).

ARTICLE 2 – POWERS, DUTIES AND RESPONSIBILITIES

Section 1. Reserved Powers of the Tribal Council

For the best interest of the Tribe or its Tribal Members, the Tribal Council, or their designee, reserve the right to waive or enforce any portion of this Title in writing at their discretion unless strictly prohibited by Federal law.

Section 2. Tribal Court Duties

- A. The Tribal Court shall have the duty to establish and publish a uniform procedure wherein persons charged with alleged violations of this Title may enter a plea of guilty to the alleged offense simply by both endorsing the back of the traffic citation issued and by paying to the Clerk of the Tribal Court such fine that has been previously set by the Tribal Council for the violation.
- B. The Clerk of the Tribal Court shall maintain and keep open for inspection by the general public copies of this Title, shall distribute copies of this Title to such persons or agencies as the Tribal Court Judge or the Tribal Council may deem necessary, shall make available, at no cost, to any Tribal Member of the Shingle Springs Band of Miwok Indians or resident of the Shingle Springs Rancheria, copies of this Title and shall have the duty to receive and process payments of fines and facilitate the process of adding them into the Tribe’s General Fund.
- C. The Tribal Court does not have the duty to report infractions to outside jurisdictions.

Section 3. Tribal Police Duties

The Tribal Police has a duty to enforce this Title. Violations will result in a citation and the infraction will be brought by the Tribal Police to the Tribal Court for further processing. The Tribal Police may at their discretion report infractions to outside jurisdictions.

In fulfilling his/her duties and responsibility under this Title, sworn Tribal Police Officers are vested with the authority contained in the Shingle Springs Band of Miwok Indians Peace and Protection Code.

Section 4. Operator Duties

It is the duty of every Operator to follow the provisions of this Title and stay abreast to changes made to this Title.

Section 5. Responsibility of Legal Guardians for Violations of Juvenile Children

The legal guardian of a Juvenile who is charged with a violation of this Title shall be legally responsible for the payment of fines imposed in connection with such violation.

Section 6. Responsibility for Guests

Any individual who is not an enrolled member of the Shingle Springs Band of Miwok Indians is a guest on the Rancheria. Guest behavior as it pertains to their manner of driving is the responsibility of the Tribal Member or Tribal entity with whom the guest is living, visiting, patronizing or conducting other business with. Guests are expected to act with respect to the Tribe which includes following all of the provisions of this Title. Failure to do so may result in fines and/or temporary or permanent revocation of guest privileges to enter the Rancheria.

Section 7. Access for Emergency Vehicles

The Operator of any emergency Vehicle (police car, fire truck, ambulance, etc.) must never be obstructed or denied access to the Rancheria when responding to an emergency call or when in the immediate pursuit of any actual or suspected violator of the law.

ARTICLE 3 – VIOLATIONS

Section 1. Failure to Comply or Obstruction of an Officer

No person shall willfully fail or refuse to comply with any lawful order or direction of any Police Officer within their jurisdiction who has been authorized by the Tribal Council to administer or enforce the provisions of this Title. No person shall obstruct the efforts of any Police Officer who is lawfully engaged in the administration or enforcement of this Title.

Section 2. Failure to Use Child Restraints

Every child shall be secured in a child restraint system such as a car seat or booster seat which is appropriate for the age, weight and height of the child as detailed in the California Vehicle Code, at all times during which the Vehicle is moving on public roadways within the boundaries of the Rancheria unless that child is either age eight (8) or older or, if younger, weighs eighty (80) pounds or more.

Section 3. Underage Operation of Passenger Vehicles

It shall be unlawful for any Juvenile without a driver's license to operate any passenger Vehicle anywhere within the boundaries of the Rancheria.

Section 4. Reckless Driving

No person shall operate any Vehicle upon any public roadway within the boundaries of the Rancheria in a manner which endangers any person or property. This includes an Operator exiting their moving vehicle.

Section 5. Speeding

No person shall drive a Vehicle on a public roadway within the boundaries of the Rancheria at a speed greater than is reasonable and prudent under existing conditions regardless of the posted speed limit. Where no special circumstance exists, a speed not to exceed twenty-five (25) miles per hour shall be lawful.

Section 6. Driving Under the Influence

It shall be unlawful for any person to drive any Vehicle, or ride upon any animal, within the boundaries of the Rancheria while under the influence of and/or while in the physical act of consumption of any intoxicating liquor or drug. The legal Blood Alcohol Content limit shall be 0.08.

Section 7. Collisions and Accidents

It shall be unlawful to leave the scene of a collision or accident without first exchanging information with the other party in the case of Vehicle damage or, in the case of injury, remaining at the scene of the accident until emergency medical services arrive. Leaving before these obligations are met would be considered a hit and run.

ARTICLE 4 – FINES

Section 1. Fines

A schedule of fines will be determined by the Tribal Council. Fines will be imposed by the Tribal Court for the following infractions;

- A. Failure to Utilize Child Restraints
- B. Underage Driving Without a Driver's License or Adult Supervision
- C. Reckless Driving
- D. Speeding Over 26MPH
- E. Failure to Comply with or Obstruction of an Officer
- F. Driving Under the Influence
- G. Hit and Run

H. Unauthorized Towing

Section 2. Repeated Infractions

Fines for persons who have previously been fined for the same exact infraction may be doubled from the previous fine.

Example: 1st Fine- \$50.00, 2nd Fine- \$100.00, 3rd Fine- \$200.00, 4th Fine- \$400.00, etc.

Section 3. Default Judgment

In a situation where an individual is issued a citation for an infraction and chooses neither to pay the associated fine to the Tribe's Finance Department nor contest the citation in Tribal Court within twenty (20) days of receiving the petition, a default judgment of Guilty shall be entered.

Section 4. Garnishment for Outstanding Fines

The Tribe may garnish the per-capita, wages, honoraria or any other income received by an individual from the Tribe, with the exception of state and federally funded cash aid payments, for outstanding traffic fines.

ARTICLE 5 – PROHIBITED PARKING AND AUTHORIZED TOWING

Section 1. Prohibited Parking

It shall be unlawful for any person to park a Vehicle, except when necessary to avoid conflict with other traffic or when in compliance with any law, ordinance, or directions of a Tribal or other Police Officer within his or her jurisdiction, in any of the following places: On a sidewalk, in front of a public or private driveway, within an intersection, within fifteen (15) feet of a fire hydrant, in any manner likely to impede or obstruct traffic or to endanger the safety of persons or property, in any area posted "No Parking", in a handicapped parking spot, behind any other person's Vehicle as to block them in and occupying another person's designated parking spot without permission.

Section 2. Authorized Towing

When a Tribal Police Officer finds a Vehicle unattended upon any public roadway, in a prohibited area as described in the previous section or in any area where such Vehicle constitutes an obstruction to traffic, such officer is authorized to provide for the removal of such Vehicle to the nearest other place of safety. Outside towing companies may only take possession of a vehicle on the Rancheria with an order from the Tribal Court. Unauthorized towing is a violation of this Title reportable to outside jurisdictions.

TITLE 10. CITATION PROCESS

The following procedure will be followed when issuing a citation:

- Step 1: Tribal Police witness violation or receive report of violation.
- Step 2: Tribal Police conduct an investigation to determine whether an individual has violated a Tribal code/ordinance.
- Step 3: If Tribal Police determine a citation is warranted Tribal Police shall send a Request for Prosecution to the Legal Department along with a full detailed report of the incident and all accompanying evidence and witness statements.
- Step 4: Legal Department will determine whether to file the case in Tribal Court.
- Step 5: Upon the case being filed, Respondent will have twenty (20) days to respond to the petition or pay the fine, otherwise the Court will issue a default judgment. If Respondent submits a Response, the Court Clerk will schedule a hearing. If the Respondent does not submit a Response but the violation requires a hearing as outlined in Title 11 of this Code, then the Court Clerk will schedule a hearing.

TITLE 11. FINE SCHEDULE

Violation	Title	Fine Amount	Hearing required
Disruption of Tribal Meetings and Business	Peace and Protection, Art. 2, Sec. 1	\$500	Yes
Trespass to Obstruct or Injure Property or Business	Peace and Protection, Art. 2, Sec.2	\$250	No
Damage to Property or Business	Peace and Protection, Art. 2, Sec.3	\$1,000	Yes
Commission of Fraud against the Tribe or its Programs or Business Operations	Peace and Protection, Art. 2, Sec.4	\$1,000	Yes
Obstruction of Free Passage	Peace and Protection, Art. 2, Sec.5	\$1,000	Yes
Failure to Obey Eviction or Temporary Restricted Order	Peace and Protection, Art. 2, Sec.6	\$500	No
Pollution and Failure to Remove Unwanted Items	Peace and Protection, Art. 2, Sec.8	\$500 (or \$250)	No
Narcotics or Drug Paraphernalia Possession	Peace and Protection Art. 2, Sec.9	\$1,000	Yes
Assault and Battery	Peace and Protection, Art. 2, Sec.10	\$1,000	Yes
Alcohol Possession on Lands and in Buildings Designated for Public Use	Peace and Protection, Art. 2, Sec.11	\$100	No
Smoking on Public Property	Peace and Protection, Art. 2, Sec.12	\$25	No
Underage Possession of Tobacco	Peace and Protection, Art. 2, Sec.13	\$50	Yes
Contribution to Juveniles Delinquency	Peace and Protection, Art. 2, Sec.14	\$500	Yes

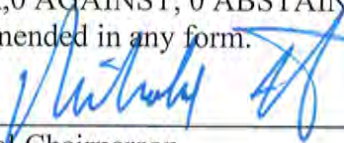
Violation	Title	Fine Amount	Hearing required
Civil Harassment	Peace and Protection, Art. 2, Sec.15	\$250	Yes
Theft	Peace and Protection, Art. 2, Sec.16	\$500 \$1,000	Yes
Cultural Customs and Traditions	Peace and Protection, Art. 2, Sec.17	\$250	Yes
Sex Offender Registry	Peace and Protection, Art. 2, Sec.18	\$250	Yes
Failure to Comply or Obstruction of an Officer	Traffic, Art. 3, Sec. 1	\$500	Yes
Failure to Use Child Restraints	Traffic, Art. 3, Sec. 2	\$100	2nd violation hearing
Underage Operation of Passenger Vehicles	Traffic, Art. 3, Sec. 3	\$100	No
Reckless Driving	Traffic, Art. 3, Sec. 4	\$500	Yes
Speeding	Traffic, Art. 3, Sec. 5	over 26 MPH - \$50	No
Driving Under the Influence	Traffic, Art. 3, Sec. 6	\$1000	Yes
Collision and Accident	Traffic, Art. 3, Sec. 7	\$500	Yes
Prohibited Parking	Traffic, Art. 5 , Sec. 1 Handicap (disabled) All other offenses	\$250 \$35	No
Unauthorized Towing	Traffic, Art. 5, Sec. 2	\$1,000	No
Firearms/Discharge of Firearms	Firearms, Article 2/3 (on Rancheria, besides gun range)	\$1,000	No
BB Gun, Pellet Gun, Air Gun, Paintball Gun	Firearms, Article 4 (unsafe discharge)	\$100	No
Cannons, Firecrackers and Explosives	Firearms, Article 5	\$1,000	No
Illegal Sale of Liquor by Drink or Bottle	Liquor Ordinance, Art. 5, Sec. 1(A)	\$500	Yes

Violation	Title	Fine Amount	Hearing required
Illegal Sale, Transportation or Production	Liquor Ordinance, Art. 5, Sec. 1(B)	\$500	Yes
Illegal Purchase of Liquor	Liquor Ordinance, Art. 5, Sec. 1(C)	\$500	Yes
Illegal Possession of Liquor	Liquor Ordinance, Art. 5, Sec. 1(D)	\$500	Yes
Sales to Persons Apparently Intoxicated	Liquor Ordinance, Art. 5, Sec. 1(E)	\$250	No
Possession and Use of Liquor by Minors	Liquor Ordinance, Art. 5, Sec. 1(F)	\$250	Yes
Furnishing Liquor to Minors	Liquor Ordinance, Art. 5, Sec. 1(G)	\$500	Yes
Sale of Liquor to Minors	Liquor Ordinance, Art. 5, Sec. 1(H)	\$500	Yes
Unlawful Transfer of Identification	Liquor Ordinance, Art. 5, Sec. 1(I)	\$250	Yes
Possession or Use of False or Altered Identification	Liquor Ordinance, Art. 5, Sec. 1(J)	\$250	Yes
Dogs	Animal Control, Part 1, Art. 3., Sec. 1	\$50	No
Animal Running at Large	Animal Control, Part 1, Art. 3., Sec. 2	\$500	No
Animal Trespassing	Animal Control, Part 1, Art. 3., Sec. 3	\$100	No
Animal Causing Noise	Animal Control, Part 1, Art. 3., Sec. 4	\$50	No
Unvaccinated Dog	Animal Control, Part 1, Art. 3., Sec. 5	\$50	No
Vicious Animal	Animal Control, Part 1, Art. 3., Sec. 6	\$500	No
Failure to Obtain a Permit	Animal Control, Part 2, Art. 4., Sec. 1 (A)	\$25	No
Failure to maintain an appropriate container or cage	Animal Control, Part 2, Art. 4., Sec. 1 (B)	\$25	No

Violation	Title	Fine Amount	Hearing required
Exotic Animal in Public Area	Animal Control, Part 2, Art. 4., Sec. 1 (C)	\$25	No
Failure to provide permit	Animal Control, Part 2, Art. 4., Sec. 1 (D)	\$500	Yes

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the **9th day of February 2017** at which time a quorum of 7 was present, this Peace and Protection Code was duly adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said Peace and Protection Code has not been rescinded or amended in any form.



Tribal Chairperson

February 9, 2017
Date

ATTEST:



Tribal Secretary

February 9, 2017
Date