

**FOND DU LAC ORDINANCE #10/98 AMENDED**

**FOND DU LAC RESERVATION TRAFFIC CODE**

Adopted by Resolution #1293/98 of the Fond du Lac Reservation Business Committee on September 1, 1998.

Amended by Resolution #1391/98 of the Fond du Lac Reservation Business Committee on December 8, 1998.

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FOND DU LAC ORDINANCE #10/98, AS AMENDED

FOND DU LAC RESERVATION TRAFFIC CODE

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CHAPTER 100

AUTHORITY, PURPOSE & DEFINITIONS

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**Section 101**     **Authority**

This Ordinance is enacted pursuant to the inherent sovereign authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as granted by Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, and as recognized by the United States under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, and under the Treaty of LaPointe with the United States of September 30, 1854, 10 Stat. 1109.

**Section 102**     **Purpose**

The purpose of this Ordinance is to protect the health, safety and welfare of the residents of the Fond du Lac Reservation through the establishment of minimum standards of highway safety for all public roadways within the boundaries of the Fond du Lac Reservation.

**Section 103**     **Definitions**

The terms used in this Ordinance shall have the same meaning given to such terms under Chapter 169 of the Statutes of the State of Minnesota, except as follows:

- (a) "Band" shall mean the Fond du Lac Band of Lake Superior Chippewa.
- (b) "Band member" shall mean an enrolled member of the Fond du Lac Band of Lake Superior Chippewa.
- (c) "Band officer" shall mean any peace officer or conservation officer of the Fond du Lac Band, and any officer of a federal, state or local government with which the Reservation Business Committee has entered into an agreement for the purposes of enforcing the provisions of this Ordinance.

- (d) "Driver" shall mean an enrolled member of the Fond du Lac Band of Lake Superior Chippewa or other enrolled member of the Minnesota Chippewa Tribe.
- (e) "Fond du Lac Reservation" shall mean all lands within the exterior boundaries of the Fond du Lac Reservation and all trust lands held by the United States for the Fond du Lac Band.
- (e) "Minnesota Chippewa Tribe" shall mean the federally-recognized Indian tribe organized pursuant to the Indian Reorganization Act of 1934, 25 U.S.C. §476, comprising the Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs and White Earth Bands of Chippewa.
- (f) "Public roadway" shall mean any highway, street, or other roadway situated within the boundaries of the Fond du Lac Reservation
- (g) "Registrar" shall mean the Registrar of the Fond du Lac Band.
- (h) "Reservation Business Committee" shall mean the governing body of the Fond du Lac Band.
- (i) "Motor Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway or roadway.

**Section 104      Scope**

The provisions of this Ordinance shall apply to all enrolled members of the Fond du Lac Band and to other enrolled members of the Minnesota Chippewa Tribe who are drivers of vehicles within the boundaries of the Fond du Lac Reservation.

**Section 105      Nonwaiver of Immunity**

Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band of Lake Superior Chippewa or the Minnesota Chippewa Tribe, which shall extend to all officers, employees and agents who are engaged in the administration or enforcement of the provisions herein.

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## CHAPTER 200

### VIOLATIONS

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#### Section 201 Violations

It shall be a violation of this Ordinance for any driver while within the boundaries of the Fond du Lac Reservation, to do any act, whether by omission or commission, which would constitute a violation of any specific section of this Chapter.

#### Section 202 Failure to Comply; Obstruction of an Officer

No person shall willfully fail or refuse to comply with any lawful order or direction of any officer who has been authorized by the Fond du Lac Reservation Business Committee to administer or enforce the provisions of this Ordinance. No person shall obstruct the efforts of any officer who is lawfully engaged in the administration or enforcement of this Ordinance.

#### Section 203 Defacement or Removal of Signs

No person shall, without lawful authority, deface, alter, knock down, or remove any official traffic-control device or boundary sign, or any part thereof, within the Fond du Lac Reservation.

#### Section 204 Accidents

##### (a) Driver to Stop

- (1) Accidents resulting in bodily injury. Any driver of a vehicle involved in an accident resulting in the bodily injury or death of any person shall immediately stop the vehicle at the scene of the accident, or as close thereto as possible, and shall then return to, and in every event shall remain at the scene of the accident until he or she has fulfilled the requirements of subsection (b) of this section as to the provision of information and assistance. The stop shall be made without unnecessarily obstructing traffic.
- (2) Accidents not resulting in bodily injury. Any driver involved in an accident with a vehicle which is driven or unattended shall immediately stop such

vehicle at the scene of the accident, or as close thereto as possible, but shall immediately return to, and in every event shall remain at the scene of the accident until he or she has fulfilled the requirements of subsection (b) of this section as to the provision of information and assistance. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Driver to provide information and assistance. Any driver of a vehicle involved in an accident resulting in bodily injury or death of any person, or damage to any vehicle which is driven or attended by any person, shall stop and provide the following information to any individual involved in the accident upon request and to any law enforcement officer responding to or investigating the accident:

- (1) Full name;
- (2) Address;
- (3) Date of birth;
- (4) The registration number of the vehicle that he or she is driving;
- (5) Exhibit drivers license; and
- (6) Provide proof of insurance, including the name of the insurer, policy number, and local insurance agent for the insurer. If proof of insurance is not available at the scene of the accident, the driver shall, within 72 hours of the accident, provide proof that he or she carried liability insurance on the vehicle at the time of the accident.

In addition to providing the above information, the driver shall render reasonable assistance to any person injured in such accident.

(c) Collision with unattended vehicle. Any driver of a vehicle which collides with and damages any vehicle which is unattended shall immediately stop and either locate and the driver or owner of the vehicle and provide the information required under subsection (b) of this section, shall report the same to a law enforcement officer, or shall leave in a conspicuous place in the struck vehicle a written notice giving the name and address of the driver and owner.

(d) Notification of law enforcement of personal injury. A driver of a vehicle involved in an accident resulting in substantial damage to another vehicle or another person's property, or resulting in injury or death of any person shall, after compliance with the provisions of this

section, by the quickest means of communication, give notice of such accident to local law enforcement.

**Section 205      Open Bottle Prohibitions**

- (a) No person or occupant shall drink or consume intoxicating liquors or non-intoxicating malt liquors in any motor vehicle when such vehicle is within the boundaries of the Fond du Lac Reservation.
- (b) No driver shall have in his possession or on his person while in a motor vehicle upon a public roadway within the boundaries of the Fond du Lac Reservation, any bottle or receptacle containing intoxicating liquor or non-intoxicating malt liquor which has been opened, or the seal broken, or the contents of which have been partially removed.
- (c) It shall be unlawful for the owner of any motor vehicle or the driver, if the owner is not present in the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public roadway within the Fond du Lac Reservation, any bottle or receptacle containing intoxicating liquors or non-intoxicating malt liquors which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk, a utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

**Section 206      Careless Driving**

No driver shall operate or halt any vehicle upon any public street or highway within the Fond du Lac Reservation, in a manner which exhibits careless disregard of the rights or the safety of others, or in a manner so as to endanger, or be likely to endanger any person or property.

**Section 207      Speed Restrictions**

- (a) General prohibition. No driver shall drive a vehicle on a public roadway within the Fond du Lac Reservation at a speed greater than is reasonable and prudent under existing conditions. In every event speed shall be restricted as reasonably necessary to avoid colliding

with any person, vehicle, or other conveyance on or entering the public roadway.

- (b) Speed Limits. Where no special hazard exists, the following speeds shall be lawful, but any speed in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and is unlawful; except that any posted speed limit shall be an absolute speed limit and any speed in excess thereof shall be unlawful:
- (1) 10 miles per hour in any school zone while children are present;
  - (2) 30 miles per hour in any municipality;
  - (3) 55 miles per hour on public trunk highways;
  - (4) 45 miles per hour in other locations; and
  - (5) 20 miles per hour in a posted school zone.
- (c) Reduced speed required. The driver of any vehicle shall drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.
- (d) Summons to specify speed. In every charge of violation of any speed regulation issued pursuant to Chapter 300 of this Ordinance, the complaint and the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location.

## **Section 208      Impeding Traffic**

No driver shall operate a motor vehicle at a speed which is so slow as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with the law. Band officers are authorized to enforce this section by issuing directions to drivers and, in the event of apparent willful disobedience of this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver shall be subject to penalty as defined under Chapter 300 of this Ordinance.

Section 209      Turns and Signals

- (a) Turning at intersection. Any driver intending to turn a motor vehicle at an intersection shall do so as follows:
- (1) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
  - (2) Approach for a left turn on other than one-way roadways shall be made in that portion of the right half of the roadway nearest the center line thereof, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
  - (3) Approach for a left turn from a two-way roadway into a one-way roadway shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection.
  - (4) A left turn from a one-way roadway into a two-way roadway shall be made from the left hand lane and by passing to the right of the center line of the roadway being entered upon leaving the intersection.
  - (5) Where both streets or roadways are one way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.
- (b) U-turns. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 1,000 feet, nor shall the driver of a vehicle turn the vehicle so as to proceed in the opposite direction unless the movement can be made safely and without interfering with other traffic.
- (c) Change of course. No driver shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in this section, or turn a vehicle to enter a private road or driveway or otherwise

turn a vehicle from a direct course or move right or left upon a highway unless and until the movement can be made with reasonable safety after giving an appropriate signal in the manner hereinafter provided.

- (d) Signal to turn. A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.
- (e) Signal to stop. No driver shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear unless there is a good and sufficient reason for not being able to do so.
- (f) Signaling methods. The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible in normal sunlight, and at night both to the front and rear of such vehicle, then the signals must be given by such a lamp or device.
- (g) Hand signals. When the signal is given by means of the hand and arm the driver shall indicate intention to start, stop, or turn by extending the hand and arm from and beyond the left side of the vehicle in the following manner and these signals shall indicate as follows:
  - (1) Left turn: hand and arm extended horizontally.
  - (2) Right turn: hand and arm extended upward, except that a bicyclist or motorcyclist may extend the right hand and arm horizontally to the right side of the bicycle or motorcycle. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 1000 feet.

**Section 210      Through Highway; Stop Sign**

The driver of a vehicle shall stop as required at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard, but the driver having so yielded may proceed, and the drivers of all other vehicles approaching the intersection on the through highway shall yield to

the right of way to the vehicles so proceeding into or across the through highway. The driver of a vehicle shall likewise stop in obedience to a stop sign, as required herein, at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway, and shall proceed cautiously, yielding to vehicles not so obligated to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

**Section 211      Depositing Refuse on Public Roadways or Adjacent Land**

No person shall throw or deposit upon any public roadway within the Fond du Lac Reservation any refuse, including glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle upon such public roadway or upon any public or privately owned land adjacent thereto without the owner's consent. Any driver who drops, or permits to be dropped or thrown, upon any public roadway any destructive or injurious material shall immediately remove the same or cause it to be removed. Any driver removing a wrecked or damaged vehicle from a public roadway shall remove any glass or other injurious substance dropped upon the public roadway from such vehicle.

**Section 212      Headlights and Rear Lamps**

- (a) Headlights. Every motor vehicle, other than a motorcycle, shall be equipped with at least two head lamps, with at least one on each side of the front of the motor vehicle. Every motorcycle shall be equipped with at least one and not more than two head lamps.
- (b) Rear lamps. Every motor vehicle shall be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, exhibiting a red light plainly visible from a distance of 500 feet to the rear.

**Section 213      Mufflers**

Every motor vehicle shall at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise. No driver shall use a muffler cut-out, by-pass, or similar device upon a motor vehicle on a street or public roadway. The exhaust system shall not emit or produce a sharp popping or crackling sound. Every motor vehicle shall at all times be equipped with such parts and equipment so arranged and

kept in such a state of repair as to prevent carbon monoxide gas from entering the interior of the vehicle.

**Section 214      Wheel Flaps on Trucks and Trailers**

Every truck, trailer, and semi-trailer, except pole trailers and rear-end dump trucks shall be equipped with wheel flaps or other suitable protection above and behind the rearmost wheels of the vehicle or combination of vehicles to prevent, as far as possible, such wheels from throwing dirt, water, or other materials on the windshields of vehicles which follow. Such flaps or protectors shall have a ground clearance of not more than one-fifth of the horizontal distance from the center of the rearmost axle to the flap under any conditions of loading or operation of the motor vehicle and shall be at least as wide as the tires. Lamps or wiring shall not be attached to fender flaps.

**Section 215      Vehicle Registration**

No person shall operate or park a motor vehicle on any public roadway within the Fond du Lac Reservation unless such vehicle is registered in accordance with the Fond du Lac Motor Vehicle Ordinance, FDL Ord. #01/94 or other applicable law.

**Section 216      Liability Insurance Coverage and Proof of Insurance**

No driver shall drive, and no owner shall allow to be driven, a motor vehicle on any public roadway within the Fond du Lac Reservation without carrying liability insurance coverage on that vehicle and proof of said insurance coverage in the vehicle at all times. Such liability insurance coverage shall provide limits of at least \$25,000 because of injury or death of one person in any accident and at least \$50,000 because of injury or death of two or more persons in any accident.

**Section 217      Possession of Valid Drivers License**

No driver shall operate a motor vehicle within the Fond du Lac Reservation without possessing a valid license issued by an authorized tribal, state or federal government agency. Driving after suspension, revocation or cancellation of a drivers license shall be subject to the jurisdiction and penalties of this Ordinance. No driver shall operate a motor vehicle within the Fond du Lac Reservation, without a valid license issued by a tribal state or federal government, while the driver's license has been suspended, revoked or cancelled.

**Section 218      Safety Belts and Child Restraints**

- (a) Safety belt requirements. Except as provided in subsection (b), a properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by the driver and passengers of a motor vehicle at all times during which the vehicle is moving on public roadways within the Fond du Lac Reservation.
  
- (b) Child Passenger Restraint System.
  - (1) Child under the age of 8 and shorter than four feet nine inches. Every driver, when transporting a child who is both under the age of eight and shorter than four feet nine inches on the public roadways within the Fond du Lac Reservation in a motor vehicle equipped with factory-installed seat belts, shall equip and install for use in the motor vehicle, according to the manufacturer's instructions, a child passenger restraint system meeting federal motor vehicle safety standards. No driver who is operating a motor vehicle on the public roadways within the Fond du Lac Reservation may transport a child who is both under the age of eight and shorter than four feet nine inches in a seat of a motor vehicle equipped with a factory-installed seat belt, unless the child is properly fastened in the child passenger restraint system.
  
  - (2) Child under the age of 2 and under the weight of 20 pounds. Every driver, when transporting a child who is both under the age of two and under the weight of 20 pounds on the public roadways within the Fond du Lac Reservation in a motor vehicle equipped with factory-installed seat belts, shall equip and install for use in the motor vehicle, according to the manufacturer's instructions, a rear-facing child passenger restraint system meeting federal motor vehicle safety standards. No driver who is operating a motor vehicle on the public roadways within the Fond du Lac Reservation may transport a child who is both under the age of 2 and under the weight of 20 pounds in a seat of a motor vehicle equipped with a factory-installed seat belt, unless the child is properly fastened in a rear-facing child passenger restraint system.
  
- (c) Safety belt exceptions. The safety belt requirements of subsection (a) of this section shall not apply to the following:

- (1) A person driving a passenger vehicle in reverse;
- (2) A person riding in a seat in which all the seating positions equipped with safety belts are in use;
- (3) A person who is in possession of a written certificate from a licensed physician verifying that the person is unable to wear a safety belt for medical reasons;
- (4) A person who is actually engaged in work which requires the person to leave a passenger vehicle at frequent intervals and who, while engaged in that work, does not drive the vehicle at speeds exceeding 25 miles per hour;
- (5) A rural mail carrier of the United States Postal Service while in the performance of those duties;
- (6) A person driving or riding in a passenger vehicle manufactured before January 1, 1965; or
- (7) A person driving or riding in a pickup truck while engaged in farm work.

**Section 219      Unreasonable Acceleration**

No driver shall operate a motor vehicle in a manner which involves acceleration which unreasonably causes the projection of matter, disturbs the peace, or otherwise endangers the safety or well-being of others.

**Section 220      Responsibility of Parents for Violations by Minor Children**

The custodial parent of a minor Band member or other enrolled member of the Minnesota Chippewa Tribe who is charged with a violation of this Ordinance shall be legally responsible for the payment of fines imposed in connection with such violation.

**Section 221      Drivers of Emergency Vehicles**

Any driver of an authorized emergency vehicle, when responding to an emergency call, may enter against the run of traffic on any road or highway where there is authorized division of traffic, to facilitate traveling to the area in which an emergency has been reported. No driver of an authorized emergency vehicle shall assume any special privilege except when such vehicle is operated in response to any emergency call or in the immediate pursuit of any actual or suspected violator of the law.

**Section 222      School Bus Stop Arm Signal and Flashing Red Lights**

When a school bus is stopped on a street or highway, or a public parking area, and is displaying an extended stop arm signal and flashing red lights, the driver of a vehicle approaching the bus shall stop the vehicle at least twenty (20) feet away from the bus. The vehicle driver shall not allow the vehicle to move until the school bus stop arm is retracted and the red lights are no longer flashing.

**Section 223      Obstructed View**

(a) Obstructing view of driver.

- (3) No driver shall operate a motor vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- (4) No driver shall operate a motor vehicle in such a manner as to permit a passenger to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle or street car.

(b) Windshield obstructions. No driver shall drive or operate any motor vehicle with a windshield cracked or discolored to an extent to limit or obstruct proper vision, or, except for law enforcement vehicles, with any objects suspended between the driver and the windshield, other than sun visors and rear vision mirrors, or with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle, other than a certificate or other paper required to be so displayed by law.

**Section 224      Disability Parking Areas; Criteria; Enforcement**

- (a) Disability Parking Space Prohibitions. A person shall not:
- (1) Park a motor vehicle in or obstruct access to a parking space or associated access aisle designated and reserved for the physically disabled, on either public or private property;
  - (2) Park a motor vehicle in or obstruct access to an area designated by government as a transfer zone for disabled persons;

- (3) Alter a certificate;
- (4) Exercise the parking privilege provided in this section unless:
  - (i) That person is physically disabled as defined in the Fond du Lac Motor Vehicle Registration Ordinance, FDL Ord. #01/94, Chapter 100, or the person is transporting or parking a motor vehicle for a physically disabled person; and
  - (ii) The motor vehicle physically displays a disability plate, a certificate, a permit, or an equivalent plate, certificate or permit issued by another jurisdiction.
- (b) Disability Parking Space Signs. Parking spaces reserved for physically disabled persons must be designated and identified by the posting of signs incorporating the international symbol of access in white on blue and indicating that violators are subject to a fine of up to \$200. These parking spaces are reserved for disabled persons with motor vehicles displaying the required plate, certificate or permit as set forth in subsection (a) of this section.
- (c) A person who violates subsection (a) shall be fined not less than \$100 or more than \$200. Law enforcement officers may issue a citation to the registered owner of a motor vehicle parked on either public or private property in violation of subsection (a).

**Section 225      Hitching a Ride**

No person shall hitch a toboggan, hand sled, bicycle, or other similar device onto any motor vehicle, street car or trackless trolley car while being used on a public roadway within the Reservation.

**Section 226      Parking Prohibitions**

- (a) Prohibitions.
  - (1) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:
    - (i) on a sidewalk;

- (ii) in front of a public or private driveway;
- (iii) within an intersection;
- (iv) within ten feet of a fire hydrant;
- (v) on a crosswalk;
- (vi) within 20 feet of a crosswalk at an intersection;
- (vii) within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
- (viii) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (ix) within 50 feet of the nearest rail of a railroad crossing;
- (x) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;
- (xi) alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
- (xii) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (xiii) upon any bridge or other elevated structure upon a highway or within a highway tunnel, except as otherwise provided by ordinance;
- (xiv) at any place where official signs prohibit stopping.

- (2) No person shall move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.
  - (3) No person shall, for camping purposes, leave or park a travel trailer on or within the limits of any highway or on any highway right-of-way, except where signs are erected designating the place as a campsite.
  - (4) No person shall stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer invested by law with authority to direct, control, or regulate traffic.
- (b) Penalty for owner or lessee.
- (1) If a motor vehicle is stopped, standing, or parked in violation of subsection (a), the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is in violation of this Section.
  - (2) The owner or lessee may not be fined under subsection (b)(1) if (i) another person is convicted for, or pleads guilty to, that violation, or (ii) the motor vehicle was stolen at the time of the violation.
  - (3) Subsection (b)(1) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.
  - (4) Subsection (b)(1) does not prohibit or limit the prosecution of a motor vehicle operator for violating subsection (a).

**Section 227      Elder Parking Space Prohibition**

A person shall not park a motor vehicle or obstruct access to a parking space or associated access aisle designated by the Band for elder parking unless (1) that person is an elder or (2) that person is transporting or parking a motor vehicle for an elder. For purposes of this Section, an "elder" is any person age 52 years old or older.

**Section 228      Veteran Parking Space Prohibition**

A person shall not park a motor vehicle or obstruct access to a parking space or associated access aisle designated by the Band for veteran parking unless (1) that person is a veteran or (2) that person is transporting or parking a motor vehicle for a veteran. For purposes of this Section, a "veteran" is an honorably discharged veteran of the United States Armed Services.

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**CHAPTER 300**

**PENALTIES**

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**Section 301     Misdemeanors**

Violations of the prohibitions set forth under Chapter 200 of this Ordinance shall constitute misdemeanors and shall be subject to the fines imposed under Section 302 of this Chapter, and to the additional penalties for recurrent violations as authorized under Section 303.

**Section 302     Fines**

The following fines shall apply to violations under Chapter 200 of this Ordinance:

**FINE SCHEDULE**

VIOLATION DESCRIPTION	ORDINANCE SECTION	FINE
Failure to comply with lawful order or direction of peace officer	202	\$50.00
Obstruction of peace officer	202	\$250.00
Defacement or removal of signs	203	\$100.00
Failure to remain at scene of accident resulting in injury	204 (a) (1)	\$100.00
Failure to remain at scene of accident not resulting in injury	204 (a) (2)	\$50.00
Failure to provide information or assistance at scene of accident	204 (b)	\$50.00
Leaving the scene of collision with unattended vehicle	204 (c)	\$50.00
Failure to report accident involving substantial property damage or human injury to law enforcement	204 (d)	\$300.00
Open bottle violation	205	\$150.00
Careless driving	206	\$150.00
Failure to reduce speed as appropriate for existing conditions	207 (a)	\$50.00
Speeding - Up to 10 miles per hour over speed limit	207 (b)	\$50.00
Speeding - In excess of 10 miles per hour over speed limit	207 (b)	\$75.00
Speeding - In excess of 20 miles per hour over speed limit	207 (b)	\$100.00
Speeding - In excess of 30 miles per hour over speed limit	207 (b)	\$200.00
Speeding - In posted school zone	207 (b)	\$75.00 surcharge

Impeding traffic	208	\$50.00
Illegal Turns and Signals	209	\$50.00
Failure to yield	210	\$50.00
Depositing refuse on public roadways or adjacent land	211	\$100.00
Violation of headlight requirements	212 (a)	\$40.00
Violation of rear lamp requirements	212 (b)	\$40.00
Illegal muffler	213	\$50.00
Failure to have wheel flaps on truck or trailer	214	\$50.00
Failure to provide proof of registration	215	\$25.00
Failure to provide proof of insurance	216	\$250.00
Failure to carry required liability insurance coverage	216	\$250.00
Driving without valid drivers license	217(a)	\$150.00
Driving after suspension, revocation, or cancellation of drivers license	217(b)	\$200.00
Failure to use seat belts	218 (a)	\$75.00
Failure to use child passenger restraint system	218 (b)	\$150.00
Unreasonable acceleration	219	\$25.00
Violation of school bus stop arm signal requirements	222	\$300.00
Obstructed View - Obstructing view of driver	223 (a)	\$40.00
Obstructed View - Windshield obstructions	223 (b)	\$40.00
Disability Parking Space Prohibitions	224	\$200.00
Hitching a Ride	225	\$25.00
Parking Prohibitions	226	\$25.00
Elder Parking Space Prohibition	227	\$200.00
Veteran Parking Space Prohibition	228	\$200.00

**Section 303      Recurrent Violations**

- (a) The Fond du Lac Tribal Court may impose such additional fines as deemed reasonable and necessary in the pursuit of the purposes of this Ordinance for recurrent violations by any individual within 1 year of a plea or judgment of guilty for the same violation, provided that in no event shall such additional fines exceed three times the amount prescribed for such violation under Section 302 of this Chapter.
- (b) In the administration of this Section, the Tribal Court shall recognize and give effect to recurrent violations of comparable provisions of the laws of another jurisdiction.

**Section 304      Vehicle Towing**

(a) Towing permitted. A Fond du Lac law enforcement officer may order the towing of any vehicle on a public roadway within the Reservation under the following conditions:

- (1) The vehicle is parked in violation of snow emergency regulations;
- (2) The vehicle is blocking a driveway, alley, or fire hydrant;
- (3) The vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
- (4) The vehicle is parked in a handicap transfer zone or handicapped parking space without a handicapped parking certificate or handicapped license plates;
- (5) The vehicle is parked in an area that has been posted for temporary restricted parking (i) at least 12 hours in advance;
- (6) The vehicle is parked within the right-of-way of a controlled access highway or within the traveled portion of a public street when travel is allowed there;
- (7) The vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
- (8) A law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
- (9) The driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
- (10) A law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle does not have a valid drivers license or current liability insurance on the vehicle;
- (11) The vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle;

- (12) The vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking; or
- (13) The vehicle is a junk or abandoned.
- (b) Towing prohibited. Unless the vehicle is described in subdivision a, a vehicle may not be towed because the vehicle has expired registration tabs that have been expired for less than 60 days.
- (c) Towing by private entities. The Reservation Business Committee may contract with any private entity to undertake towing in accordance with this section.
- (d) Damages for wrongful towing. The owner of a motor vehicle towed in violation of this section is entitled to recover from the towing authority the actual damages sustained as a result of a towing which is held by the Tribal Court to have been in violation of this section, including but not limited to costs of recovering the vehicle, time spent and transportation costs.

#### **Section 305 Court Costs**

If there is a plea or judgment of guilty for a violation of this Ordinance, the Tribal Court shall impose court costs of \$25, in addition to the fine imposed. If a single case involves multiple offenses, the Tribal Court shall assess court costs only one time in that case.

#### **Section 306 Child Passenger Restraint System Class**

A driver who violates Section 218(b) shall be entitled to a one-time refund or waiver of the fine if the driver completes a Child Passenger Restraint System class through the Fond du Lac Human Services Division within three months after receiving the citation. A driver shall only be entitled to the waiver or refund one time. After completing the class, the Fond du Lac Human Services Division shall provide the driver with a signed certificate of completion, which the driver shall present to the Fond du Lac Tribal Court Clerk of Court in order to obtain the waiver or refund. If the fine has already been paid, in full or in part, the Clerk of Court shall promptly process a refund upon presentation of the signed certificate.

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## CHAPTER 400

### FORUM AND PROCEDURES

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#### **Section 401      Jurisdiction of Fond du Lac Tribal Court**

The Fond du Lac Tribal Court shall exercise exclusive jurisdiction over violations of this Ordinance by enrolled members of the Fond du Lac Band or other enrolled member of the Minnesota Chippewa Tribe. The Tribal Court shall hear all such actions in accordance with the Fond du Lac Civil Code, FDL Ord. #04/92, as amended, except where the specific provisions of this Ordinance require otherwise.

#### **Section 402      Notice to Appear**

When a Band member or other enrolled member of the Minnesota Chippewa Tribe is cited for any violation of this Ordinance, the Band officer shall prepare written notice to appear in Fond du Lac Tribal Court. The citation shall have the effect of, and shall serve as, a summons and complaint. The citation must be signed by the Band officer, and shall include the name, his or her drivers license number, the license number and vehicle identification number of the vehicle, the specific offense charged and the date, time and place that he or she is to appear in Court, if known. The officer shall retain the original of the notice and deliver a copy thereof marked "summons" to the person cited.

#### **Section 403      Failure to Appear**

Any Band member or other enrolled member of the Minnesota Chippewa Tribe who has been duly served in accordance with Section 402 of this Chapter and fails to appear before the Tribal Court without just cause shall be subject to a default judgment, provided that he or she is found guilty of the charge upon which he or she was originally cited.

#### **Section 404      Recordkeeping and Dissemination of Information**

- (a) Information collected and maintained in the administration of this Ordinance shall be kept on file with the Tribal Court for a period of at least ten (10) years, and shall otherwise be maintained in accordance with the data practices procedures of the Fond du Lac Band.

(b) Information collected and maintained in the administration of this Ordinance shall be a matter of public record and shall be available to law enforcement agencies and courts of other jurisdictions.

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CHAPTER 500

AMENDMENT

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Section 501 Amendment

The provisions of this Ordinance may be amended by resolution of the Reservation Business Committee.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #10/98, was duly presented and adopted by Resolution #1293/98 by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on September 1, 1998, on the Fond du Lac Reservation; and subsequently amended as follows: by Resolution #1391/98 on December 8, 1998; by Resolution #1372/99 on October 19, 1999; by Resolution #1261/00 on September 12, 2000; by Resolution #1312/07 on July 24, 2007; by Resolution #1034/09 on February 3, 2009; by Resolution #1050/09 on April 7, 2009; by Resolution #1018/11 on February 8, 2011; by Resolution #1094/11 on March 29, 2011; by Resolution #1105/12 on April 4, 2012; by Resolution #1172/13, as amended, on July 3, 2013; and by Resolution #1068/15 on March 11, 2015.



Karen R. Diver,  
Chairwoman

  
Ferdinand Martineau, Jr.,  
Secretary/Treasurer