



# SHINGLE SPRINGS RANCHERIA

Shingle Springs Band of Miwok Indians,  
Shingle Springs Rancheria  
(Verona Tract), California  
5281 Honpie Road, Placerville, CA 95667  
P.O. Box 1340; Shingle Springs, CA 95682  
(530) 676-8010 office; (530) 676-8033 Fax

## PEACE AND PROTECTION ORDINANCE

**WHEREAS**, By virtue of the Tribe's inherent sovereign authority it has the power and the right to protect the peace, safety, and integrity of the Tribe's people, property, governmental institution, Rancheria territory, and business enterprises by the enactment and enforcement of legislation; and

**WHEREAS**, Pursuant to Article III of the Tribe's Articles of Association the governing body of the Tribe is its Tribal Council, which may delegate powers; and

**WHEREAS**, Pursuant to Article VI of the Tribe's Articles of Association the Tribal Council shall manage, lease or otherwise operate all unassigned Tribal property and to control the use of and development on assigned Tribal lands; and

**WHEREAS**, The Tribe as a sovereign government with a functioning Tribal Court system retains the inherent ability to hear civil cases and asses damages and penalties as they relate to interference with Tribal business on Tribal land; and

**WHEREAS**, There have in the past been incidents in which Tribal members and other persons have intentionally and unlawfully interfered with the performance of Tribal officers and employees by damaging employee morale and interfering with their work production and with the conduct of legitimate Tribal business, and some of those incidents have involved breaches of the peace; and

**WHEREAS**, It is necessary to the preservation of the peace and the protection of the Tribe's people, property, governmental institutions, Rancheria territory, and business enterprises that the Tribe take legislative action to minimize behavior that is deemed a nuisance or is unlawful and to provide for appropriate sanctions for such conduct in the most timely and efficient manner; and

## Article I. Definitions

### SECTION 1. Definitions and Terms:

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

- (A) **“Assault”** shall mean the threat or attempt to make unwanted contact with another, whether successful or not, provided the victim is aware of the danger. The assaulter must be reasonably capable of carrying through the offensive contact.
- (B) **“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.
- (C) **“Casino”** shall mean the Red Hawk Casino owned by the Shingle Springs Band of Miwok Indians.
- (D) **“Dogs”** shall mean any canine, male or female, fixed or not, licensed or not, of any age, size or disposition.
- (E) **“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 Ordinance.
- (F) **“Narcotics”** shall mean methamphetamines, cocaine or any derivative thereof, opiates, cannabis, ecstasy, and prescription drugs obtained without a prescription.
- (G) **“Nuisance”** shall mean an act, animal, object, or practice that interferes with another's rights or interests by being offensive, annoying, dangerous, obstructive, or unhealthful.
- (H) **“Ordinance”** shall mean this Peace and Protection Ordinance.
- (I) **“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 Ordinance.
- (J) **“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.
- (K) **“Solid Waste Disposal Ordinance”** shall mean the Shingle Springs Solid Waste Disposal Ordinance.
- (L) **“Tribal Council”** shall mean the duly elected and recognized body as defined in Article III of the Articles of Association.
- (M) **“Tribal Enforcement”** shall mean Tribal security officers or Tribal Police in the event that such an agency is developed.

(N) **“Tribal Land”** shall mean the Shingle Springs Rancheria or other territory over which the Tribe has jurisdiction.

(O) **“Tribe”** shall mean the Shingle Springs Band of Miwok Indians.

## **Article II. 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 Casino enterprises.

### **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. 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 5. Pollution and Failure to Remove Unwanted Items**

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, dump any refuse or unwanted items anywhere other than approved locations pursuant to the Tribe’s Solid Waste Disposal Ordinance, 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 Solid Waste Disposal Ordinance, 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.

## **SECTION 6. Dogs**

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. It shall be unlawful for any owner or custodian of any animal whether licensed or unlicensed to suffer, permit or allow such animal to run at large within the Shingle Springs Rancheria or other territory over which the Tribe has jurisdiction

For the purpose of this Ordinance, 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 dog not effectively restrained shall be deemed running at large and not under the immediate control of the owner or member of the immediate family of the owner or custodian of such dog.

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 ordinance and may subject to the penalties and fines contained herein.

## **SECTION 7. Narcotic 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 in their possession. Any person found to be in possession of narcotics shall be subject to, but not limited to: fines, confiscation of narcotics, placement in a drug rehabilitation program, and notification of authorities.

## **SECTION 8. 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 Ordinance so as not to reach the point of verbal and physical action, or threats to commit the same.

### **Article III. Penalties and Remedies**

#### **SECTION 1. Nuisance Per Se**

Violation of this Ordinance, or of any other zoning, environmental or land assignment ordinance, 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 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 Council to have violated any part of this Ordinance, that person(s), shall be subjected, but not limited to the following penalties:

- (A) Written warning for first time offenses, including 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 Casino Grounds, and all associated meetings for a minimum of thirty (30) days; and
- (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 from any property damages or personal injures resulting from said violations.

## **SECTION 3. No Other Remedies Affected**

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

## **SECTION 4. Enforcement**

The Tribal Court shall have jurisdiction of all cases and controversies arising under this Ordinance. Tribal Enforcement officers under authority of the Tribal Court shall be responsible for issuing written warnings, citations, and fines for violations in accordance with Article III of this Ordinance. If a person is found to be in violation of Article II of this Ordinance in the plain view of any Tribal Enforcement, Tribal Council Member, Tribal Court Officer, Tribal Gaming Commission personnel, Tribal Gaming Authority personnel, or Tribal Enforcement shall be directed to issue the appropriate sanction within 24 hours of Tribal Court Approval. If a person is suspected to be in violation of Article II, by any person then they may petition the Tribal Court to inquire further into the matter. If the Tribal Court finds credible evidence of a violation, then they may order Tribal Enforcement to issue the appropriate sanction under Article III of this Ordinance.

## **SECTION 5. Appeals**

Any person, who is aggrieved by the issuance of sanctions and/or fines under Section 9 of this Ordinance, may file an appeal with the Tribal Court. The Court is authorized to hear such appeal.

**SECTION 6. Appropriation of Fine Revenue**

All fines and revenue collected 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.

**Article IV. Miscellaneous**

**SECTION 1. Severability**

If any part of this Ordinance is found void and without legal effect, the remainder of the Ordinance shall continue to remain in full force and effect, as though such part had not been contained therein.

**SECTION 2. Sovereign Immunity**

The sovereign immunity of the Tribe is in no manner waived by this Ordinance or by action by the Tribal Council, or other staff of the Tribe acting pursuant to this Ordinance.

**SECTION 3. Amendments**

This Ordinance may be amended by the Tribal Council at any duly called regular or special meeting.

**SECTION 4. Effective Date**

This Ordinance shall become effective upon adoption by the Tribal Council of the Shingle Springs Rancheria.

**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 17th day of June, 2010 at which time a quorum of FOR, AGAINST, ABSTAINED, and said ordinance has not been rescinded or amended in any form.*

*[Signature]*  
Tribal Chairperson

6-17-10  
Date

ATTEST:

*[Signature]*  
Tribal Secretary

6-17-10  
Date



# SHINGLE SPRINGS RANCHERIA

Shingle Springs Band of Miwok Indians,  
Shingle Springs Rancheria  
(Verona Tract), California

5281 Honpie Road, Placerville, CA 95667  
P.O. Box 1340; Shingle Springs, CA 95682  
(530) 676-8010 office; (530) 676-8033 Fax

## RESOLUTION 2010-46

### **SUBJECT: AUTHORIZING ADOPTION OF THE SHINGLE SPRINGS PEACE AND PROTECTION ORDINANCE.**

**WHEREAS**, the Shingle Springs Band of Miwok Indians (the "Tribe") is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

**WHEREAS**, the Shingle Springs Rancheria Tribal Council (the "Tribal Council") is the duly-elected governing body of the Shingle Springs Rancheria and is authorized to act on behalf of the Tribe; and

**WHEREAS**, By virtue of the Tribe's inherent sovereign authority it has the power and the right to protect the peace, safety, and integrity of the Tribe's people, property, governmental institution, Rancheria territory, and business enterprises by the enactment and enforcement of legislation; and

**WHEREAS**, The Tribe as a sovereign government with a functioning Tribal Court system retains the inherent ability to hear civil cases and assess damages and penalties as they relate to interference with Tribal business and safety on Tribal land; and

**WHEREAS**, There have in the past been incidents in which Tribal members and other persons have intentionally and unlawfully interfered with the performance of Tribal officers and employees by damaging employee morale and interfering with their work production and with the conduct of legitimate Tribal business, and some of those incidents have involved breaches of the peace; and

**WHEREAS**, It is necessary to the preservation of the peace and the protection of the Tribe's people, property, governmental institutions, Rancheria territory, and business enterprises that the Tribe take legislative action to minimize behavior that is deemed a nuisance or is unlawful and to provide for appropriate sanctions for such conduct in the most timely and efficient manner; and

**WHEREAS**, the Tribal Council has reviewed the proposed Ordinance a copy of which is attached, and has found it necessary for the preservation of the peace and the protection of the Tribe's people, property, governmental institutions, Rancheria territory, and business enterprises; and

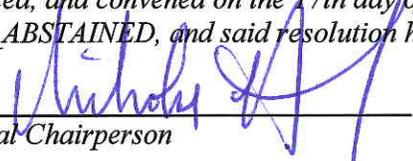
**NOW, THEREFORE, BE IT RESOLVED** that the Tribal Council hereby adopts the Shingle Springs Tribal Peace and Protection Ordinance, and requires anyone on Tribal land to act in accordance with the adopted Ordinance and authorizes the Chairman, or his designee, to implement the provisions there under; and

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

**SUBJECT: AUTHORIZING ADOPTION OF THE SHINGLE SPRINGS PEACE AND PROTECTION ORDINANCE**

**CERTIFICATION**

*As a duly-elected official of the Shingle Springs Rancheria, I do hereby certify that, at a meeting duly called, noticed, and convened on the 17th day of June, 2010 at which time a quorum of 6 FOR, 0 AGAINST, 1 ABSTAINED, and said resolution has not been rescinded or amended in any form.*

  
\_\_\_\_\_  
Tribal Chairperson

6-17-10  
\_\_\_\_\_  
Date

ATTEST:  
  
\_\_\_\_\_  
Tribal Secretary

6/17/10  
\_\_\_\_\_  
Date