



## 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 2010-65

**SUBJECT: AUTHORIZING ADOPTION OF THE SHINGLE SPRINGS EXOTIC ANIMAL 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**, Tribal members, residents, and visitors to the Rancheria have and likely will continue to bring onto the Rancheria exotic animals; 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 regulate the permitting of exotic animals as pets or for any other reason 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 safety 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 Exotic Animal 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.

**RESOLUTION 2010- Exotic Animal Ordinance**

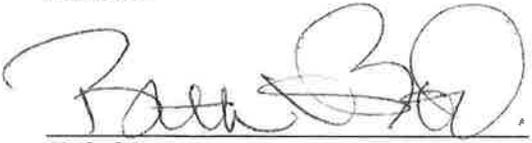
CERTIFICATION

*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 18th day of September, 2010 at which time a quorum of 6 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.*

  
Tribal Chairperson

9-21-10  
Date

ATTEST:

  
Tribal Secretary

9/21/10  
Date



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## EXOTIC ANIMAL 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 Tribal property, including control of the use of and development on assigned Tribal lands; and

**WHEREAS**, Tribal members, residents, and visitors to the Rancheria have and likely will continue to bring onto the Rancheria exotic animals; 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 regulate the permitting of exotic animals as pets or for any other reason 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) **"Applicant"** shall mean the person seeking to obtain a Permit for possession of an exotic animal from the Tribe.
- (B) **"Casino"** shall mean the Red Hawk Casino owned by the Shingle Springs Band of Miwok Indians.
- (C) **"Exotic Animal"** shall mean any reptile, amphibian, poisonous or constrictive 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 Ordinance.

- (D) **“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.
- (E) **“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.
- (F) **“Ordinance”** shall mean this Exotic Animal Ordinance.
- (G) **“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.
- (H) **“Permit”** shall mean an official certificate of permission.
- (I) **“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.
- (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) **“Tribal Council”** shall mean the duly elected and recognized body as defined in Article III of the Articles of Association.
- (L) **“Tribal Enforcement”** shall mean Tribal security officers or Tribal Police in the event that such an agency is developed.
- (M) **“Tribal Land”** shall mean the Shingle Springs Rancheria or other territory over which the Tribe has jurisdiction.
- (N) **“Tribe”** shall mean the Shingle Springs Band of Miwok Indians.

## **Article II. 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 I.
- (C) All Exotic Animals must be kept in appropriate containers or cages as to insure the safety of all Rancheria residents and visitors.

- (D) The Tribal Council, or its designee, including Tribal Enforcement, may at any time request 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 III. 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.

- (A) Upon passage of this Ordinance, all individuals currently possessing an exotic animal must apply for a permit within ten business days of passage of the ordinance.
- (B) After the date of enactment of this Ordinance, all individuals must obtain a permit prior to the possession or storage of any exotic animal on the Rancheria.

#### **SECTION 2. Permit Process**

- (A) Individuals interested in obtaining a permit for the possession of an exotic animal must submit to the Community Development Director a completed permit application.
- (B) The Director shall put approval of the application on the next Tribal Council agenda.
- (C) The Tribal Council shall review all applications for Permit and issue permits according to majority vote of the Tribal Council.
- (D) The Tribal Council 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.
- (i) Full contact information of the applicant, including but not limited to, name, address, telephone number.
  - (ii) Complete information regarding the exotic animal, including but not limited to, the type of animal, age of animal, and where animal was obtained from.
  - (iii) Address of residence wherein Applicant will be containing animal.
  - (iv) Description of cage, container, or home for the exotic animal.
- (B) An application for membership may be filed on behalf of a minor, 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 Ordinance.

## **Article IV. Violations and Penalties of Ordinance**

### **SECTION 1. Specific Violations.**

Any violation of this Ordinance, as listed below, will be considered violations per se and the exotic animal may be removed from the Rancheria by Tribal Enforcement, 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 Ordinance shall be prosecuted or held in violation of the Tribe's Peace and Protection Ordinance.
- (B) At their reasonable discretion, Tribal Enforcement has 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.

## **Article V. 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.

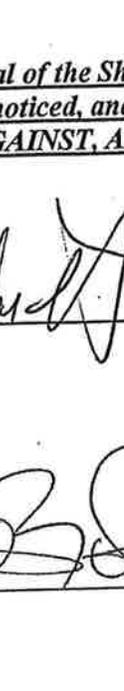
CERTIFICATION .

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 18th day of September, 2010 at which time a quorum of FOR, AGAINST, ABSTAINED, and said ordinance has not been rescinded or amended in any form.

  
Tribal Chairperson

9-21-10  
Date

ATTEST:

  
Tribal Secretary

9/21/10  
Date





# SHINGLE SPRINGS RANCHERIA

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(Verona Tract), California  
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Office: (530) 676-8010 Fax: (530)676-8033

## EXOTIC ANIMAL PERMIT APPLICATION

Name: \_\_\_\_\_  
Last First Middle Maiden

Nickname: \_\_\_\_\_ Enrollment Number: \_\_\_\_\_ Age: \_\_\_\_\_

Physical Address: \_\_\_\_\_  
Street (Apt. #) City State Zip

Mailing Address: \_\_\_\_\_  
Street (Apt. #) City State Zip

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Number of People in Household: \_\_\_\_\_ Ages of Children: \_\_\_\_\_

**Identify type and number of Exotic Animal(s) you wish to keep and/or bring onto the Rancheria:**  
"Exotic Animals" are defined as any reptile, amphibian, poisonous or constrictive 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 are not included. Exotic Animal Ordinance Art. I Sec. 1(C). (Please attach additional pages if necessary).

Type: \_\_\_\_\_ Quantity: \_\_\_\_\_ Age: \_\_\_\_\_

Where Animal was Obtained From: \_\_\_\_\_

Physical address where the Exotic Animal(s) will reside and/or visit on the Rancheria:

\_\_\_\_\_ Street (Apt. #) City State Zip

Type: \_\_\_\_\_ Quantity: \_\_\_\_\_ Age: \_\_\_\_\_

Where Animal was Obtained From: \_\_\_\_\_

Physical address where the Exotic Animal(s) will reside and/or visit on the Rancheria:

\_\_\_\_\_ Street (Apt. #) City State Zip

Type: \_\_\_\_\_ Quantity: \_\_\_\_\_ Age: \_\_\_\_\_

Where Animal was Obtained From: \_\_\_\_\_

Physical address where the Exotic Animal(s) will reside and/or visit on the Rancheria:

\_\_\_\_\_ Street (Apt. #) City State Zip

Type: \_\_\_\_\_ Quantity: \_\_\_\_\_ Age: \_\_\_\_\_

Where Animal was Obtained From: \_\_\_\_\_

Physical address where the Exotic Animal(s) will reside and/or visit on the Rancheria:

Street (Apt. #) City State Zip

**Describe the Manner in which Exotic Animal(s) is to be Kept (Form of Restraint, Size of Container, Cage, or Other Structure). Please fully describe for each and every exotic animal(s) listed above (please attach additional pages if necessary):**

\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that the information given in this application is true to the best of my knowledge and belief. I have read the Tribe's Exotic Animal Ordinance and agree to follow all of its provisions. I understand that if at any time the exotic animal poses an imminent threat of harm to persons or property in a public area, Tribal Enforcement has the right to reasonably dispose of my Exotic Animal in order to protect the safety of the Tribal Community. I also understand that the Tribal Council or Tribal Enforcement have the right to inspect the Exotic Animal and its containment structure in accordance with the Ordinance.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Tribal Member Parent, Guardian, Relative,  
or Tribal Council Member if Applicant is Minor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Relationship to Minor

**Tribal Council and Community Development Director Use Only**

Date Application Received: \_\_\_\_\_ Date Transferred to Tribal Council for Approval: \_\_\_\_\_

Support Materials Received (list): \_\_\_\_\_

**CERTIFICATION OF TRIBAL COUNCIL**

*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 \_\_\_ day of \_\_\_\_, 20\_\_ at which time a quorum of \_\_\_ FOR, \_\_\_ AGAINST, \_\_\_ ABSTAINED, and said application for exotic animal was received and evaluated, and we hereby approve the permit application and issuance of a permit for the exotic animals listed above.*

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tribal Council Secretary

\_\_\_\_\_  
Date

Application Denied: Reason for denial of Application \_\_\_\_\_