



SHINGLE SPRINGS BAND OF MIWOK INDIANS

Shingle Springs Band of Miwok Indians,
Shingle Springs Rancheria
(Verona Tract), California
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PEACE AND PROTECTION CODE

Preamble: 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 Code 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 Code 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 I. Definitions

SECTION 1. Definitions and Terms:

For the purpose of this Code, 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) **"Banishment"** shall mean an order by the Tribal Council or Tribal Court to ban someone for an amount of time or indefinitely from all or a portion of the Rancheria, including the Red Hawk Casino.
- (C) **"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.
- (D) **"Code"** shall mean this Peace and Protection Code.
- (E) **"Dogs"** shall mean any canine, male or female, fixed or not, licensed or not, of any age, size or disposition.

- (F) **“Eviction”** shall mean to expel a person, including, but not limited to, a tenant, from land, a building, the Rancheria, etc..
- (G) **“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.
- (H) **“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.
- (I) **“Narcotics”** shall mean methamphetamines, cocaine or any derivative thereof, opiates, cannabis, ecstasy, volatile chemicals, abusable glue, aerosol paint, bath salts, and prescription drugs obtained without a prescription.
- (J) **“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.
- (K) **“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.
- (L) **“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.
- (M) **“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.
- (N) **“Tribal Council”** shall mean the duly elected and recognized body as defined in Article III of the Articles of Association.
- (O) **“Tribal Enforcement”** shall mean security programs sanctioned by the Tribal Council or Tribal Police in the event that such an agency is developed.
- (P) **“Tribal Land”** shall mean the Shingle Springs Rancheria or other territory over which the Tribe has jurisdiction.
- (Q) **“Tribe”** shall mean the Shingle Springs Band of Miwok Indians.
- (R) **“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.

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 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 Banishment Order

No person shall disobey a notice or order of eviction or banishment 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. 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 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.

SECTION 8. 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 Code, 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 Code and may be subject to the penalties and fines contained herein.

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 banned 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 Code so as not to reach the point of verbal and/or physical action, or threats to commit the same.

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. Underage possession of Tobacco

No person under the age of 18 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 18 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 13. Contribution to Minors 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 minor.

- (A) Individuals will be considered to be contributing to the delinquency of a minor 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 minor shall be subject to, but not limited to: fines and penalties, and notification of authorities.

Article III. Penalties and Remedies

SECTION 1. Nuisance Per Se

Violation of this code or of any other zoning, environmental or land assignment ordinance or code, 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. 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 II and III of this Code.

(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 II of this Code, 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 II or III of this Code 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 may be served on the person in the following manner:

1. Personal service; or
2. Mailing of the warning or 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 warning or citation by the Tribal Enforcement officer.
3. Service is deemed effective on the date of the personal service or when the certified mail is either delivered or delivery is attempted. If the certified mail receipt is returned unsigned, then service shall be deemed effective on the date three days following deposit in the mail.
4. When service of any notice required under this Code is affected in compliance with this Section and with due process the asserted failure of any person to receive the notice shall not affect the validity of any proceedings taken under this Code.
5. A copy of the warning or citation, 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. If the Tribal Court within this time frame does not receive the documents, the Tribal Court may dismiss the warning or citation without prejudice.

(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 Code. All property utilized in violation of this Code 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 Code, in which case it will become the property of the Tribe.

SECTION 3. 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 Code, 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 4. No Other Remedies Affected

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

SECTION 5. Hearing Procedures

- (A) Request for Hearing: Any person, who is aggrieved by the issuance of a warning, or citation, for violations under Article II of this Code, may contest the warning or citation with the Tribal Court. The request for a hearing is made by completing that portion of the warning or civil citation form and submitting a request to the Tribal Court within 30 days from the issuance of the warning or citation.
- (B) Failure to Respond: If a person, who is served with a warning or civil citation and fails to request a hearing, pay the fine amount, fails to appear at the hearing the Tribal Court shall enter a default judgment against the person.

SECTION 6. Appropriation of Revenues

All revenue collected from the enforcement of this Code 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.

Article IV. Miscellaneous

SECTION 1. Severability

If any part of this Code is found void and without legal effect, the remainder of the Code 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 Code or by action by the Tribal Council, or other staff of the Tribe acting pursuant to this Code.

SECTION 3. Amendments

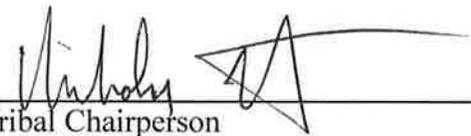
This Code may be amended by the Tribal Council at any duly called regular or special meeting.

SECTION 4. Effective Date

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

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 25th day of April, 2013 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

5-9-13
Date

ATTEST:


Tribal Secretary

5-9-13
Date