



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 2012-37

SUBJECT: APPROVAL OF AMENDMENT TO THE SHINGLE SPRINGS BAND OF MIWOK INDIANS TRAFFIC CODE.

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 Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, the Tribal Council on April 12th, 2012 created a Traffic Code to ensure the safety of residents, employees, guests and patrons on the Shingle Springs Rancheria; and

WHEREAS, the Traffic Code set forth the specific rules and procedures related to traffic and delegated jurisdiction and enforcement authority to the Tribal Police Department and to the Tribal Court; and

WHEREAS, the Tribal Council, in an effort to work well with outside law enforcement and to specifically prevent the unauthorized towing of vehicles by repossession companies on the Rancheria without a Tribal Court order, wishes to be able to report certain offenses to outside jurisdictions has placed provisions in the Traffic Code addressing such topics; and

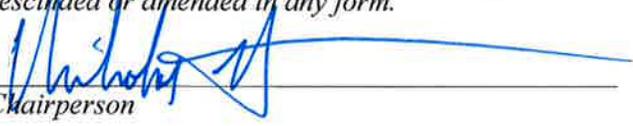
WHEREAS, the Tribal Council has reviewed the attached amendments to the Traffic Code and has determined that they are consistent with the Tribe’s goals in ensuring the safety of residents, employees, guests and patrons on the Shingle Springs Rancheria.

NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby enacts and adopts the attached “Shingle Springs Band of Miwok Indians Traffic Code” with its amendments as a Code of the Tribe, and authorizes the Chairman or his or her designee to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under.

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

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 10th day of May 2012, at which time a quorum of 6 was present, this resolution was duly adopted by a vote of 6 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.


Chairperson

5-10-12
Date

ATTEST:

Secretary

5-10-12
Date



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

TRAFFIC CODE

ARTICLE I. GENERAL PROVISIONS.

SECTION 1. Authority.

This Traffic Code is enacted pursuant to the inherent sovereign authority of the Shingle Springs Tribal Council, as the governing body of the Shingle Springs Band of Miwok Indians (“Tribe”).

SECTION 2. Use.

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

SECTION 3. Amendment.

This Code shall be amended at the direction of the Tribal Council, or their designee, and such amendments must be approved by Tribal Council resolution prior to implementation.

SECTION 4. Forms.

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

SECTION 5. Definitions.

For the purpose of the Code, the terms defined in this section shall have the following meaning ascribed to them.

- (A) **“Citation”** is a ticket for an infraction.
- (B) **“Code”** shall mean this Shingle Springs Band of Miwok Indians Traffic Code.
- (C) **“Driver’s License”** means a State or Federally issued license to operate a Vehicle.
- (D) **“Driving”** shall mean being in actual physical control of an operable Vehicle while it is moving.
- (E) **“Infraction”** shall mean a violation of this Code.
- (F) **“Intoxicating Liquor or Drug”** means any lawful or unlawful substance which actually impairs any person’s ability to operate a Vehicle.

- (G) **“Minor”** shall mean any person who is less than eighteen (18) years of age.
- (H) **“Operator”** is the person who is Driving a Vehicle.
- (I) **“Owner”** means a person who holds the legal title of a Vehicle or who is entitled to the immediate possession of a Vehicle in the event the Vehicle is the subject of a conditional sale or lease agreement.
- (J) **“Passenger”** shall mean any rider of a Vehicle who is not the Operator, whether inside, atop, hanging onto or being drawn by the Vehicle.
- (K) **“Pedestrian”** means any person on foot or in a wheelchair.
- (L) **“Police Officer”** means any Tribal, Local or other type of law enforcement officer, within his or her jurisdiction, having the power to make an arrest or issue citations within the boundaries of the Rancheria.
- (M) **“Private Property”** means any area within the Rancheria not open to the general public where the use and enjoyment of which is restricted by custom, law, ordinance, resolution or agreement to one or more persons. Private property includes any private driveway, yard, etc.
- (N) **“Public Roadway”** shall mean any street or designated parking area situated within the boundaries of the Rancheria which is not considered Private Property.
- (O) **“Rancheria”** shall mean all lands within the boundaries of the Shingle Springs Rancheria.
- (P) **“Tribal Council”** shall mean the governing body of the Shingle Springs Band of Miwok Indians.
- (Q) **“Tribal Court”** shall mean the Shingle Springs Band of Miwok Indians Tribal Court.
- (R) **“Tribal Member”** shall mean an individual enrolled member of the Shingle Springs Band of Miwok Indians.
- (S) **“Tribal Police”** shall mean the Shingle Springs Band of Miwok Indians Tribal Police.
- (T) **“Tribe”** shall mean all of the enrolled members of the Shingle Springs Band of Miwok Indians collectively.
- (U) **“Vehicle”** shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a road, street, highway or waterway. The term includes both motorized Vehicles and self propelled conveyances including but not limited to, automobiles, vans, trucks, motorcycles, motorized bicycles, bicycles, tricycles, all-terrain vehicles, quads, snowmobiles, lawnmowers, tractors and other heavy

equipment and any and all similar vehicles with the exception of wheelchairs, scooters and roller skates/blades.

ARTICLE II. POWERS, DUTIES AND RESPONSIBILITIES.

SECTION 1. Reserved Powers of the Tribal Council.

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

SECTION 2. Tribal Court Duties.

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

SECTION 3. Tribal Police Duties.

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

SECTION 4. Operator Duties.

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

SECTION 5. Responsibility of Legal Guardians for Violations of Minor Children.

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

SECTION 6. Responsibility for Guests.

Any individual who is not an enrolled member of the Shingle Springs Band of Miwok Indians is a guest on the Rancheria. Guest behavior as it pertains to their manner of driving is the responsibility of the Tribal Member or Tribal entity with whom the guest is living, visiting, patronizing or conducting other business with. Guests are expected to act with respect to the

Tribe which includes following all of the provisions of this Code. Failure to do so may result in fines and/or temporary or permanent revocation of guest privileges to enter the Rancheria.

SECTION 7. Access for Emergency Vehicles.

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

ARTICLE III. VIOLATIONS .

SECTION 1. Failure to Comply or Obstruction of an Officer.

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

SECTION 2. Failure to Use Child Restraints.

Every child shall be secured in a child restraint system such as a car seat or booster seat which is appropriate for the age, weight and height of the child as detailed in the California Vehicle Code, at all times during which the Vehicle is moving on public roadways within the boundaries of the Rancheria unless that child is either age six (6) or older or, if younger, weighs sixty (60) pounds or more.

SECTION 3. Underage Operation of Passenger Vehicles.

It shall be unlawful for any Minor without a driver’s license to operate any passenger Vehicle anywhere within the boundaries of the Rancheria without adult supervision.

SECTION 4. Reckless Driving.

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

SECTION 5. Speeding.

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

SECTION 6. Driving Under the Influence.

It shall be unlawful for any person to drive any Vehicle within the boundaries of the Rancheria while under the influence of and/or while in the physical act of consumption of any Intoxicating Liquor or Drug. The legal Blood Alcohol Content limit shall be 0.8.

SECTION 7. Collisions and Accidents.

It shall be unlawful to leave the scene of a collision or accident without first exchanging information with the other party in the case of Vehicle damage or, in the case of injury,

remaining at the scene of the accident until emergency medical services arrive. Leaving before these obligations are met would be considered a hit and run.

ARTICLE IV. FINES.

SECTION 1. Fines.

A schedule of fines will be determined by the Tribal Council. Fines will be imposed by the Tribal Court for the following infractions in the amounts listed below:

(A)	Failure to Utilize Child Restraints	\$100.00
(B)	Underage Driving Without a Driver's License or Adult Supervision	\$100.00
(C)	Reckless Driving	\$100.00
(D)	Speeding	
	26-35 MPH	\$50.00
	36-45 MPH	\$75.00
	Over 45 MPH	\$100.00
(E)	Failure to Comply with or Obstruction of an Officer	\$200.00
(F)	Driving Under the Influence	\$200.00
(G)	Hit and Run	\$200.00
(H)	Unauthorized Towing	\$1,000.00

SECTION 2. Repeated Infractions.

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

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

SECTION 3. Default Judgment.

In a situation where an individual is issued a citation for an infraction and chooses neither to pay the associated fine to the Tribe's Finance Department nor contest the citation in Tribal Court within thirty (30) days of receiving the citation, a default judgment of Guilty shall be entered.

SECTION 4. Garnishment for Outstanding Fines.

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

ARTICLE V. PROHIBITED PARKING AND AUTHORIZED TOWING.

SECTION 1. Prohibited Parking.

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

SECTION 2. Authorized Towing.

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

ARTICLE VI- EFFECTIVE DATE.

SECTION 1. Effective Date.

This Code shall take effect on the date which it is certified and shall remain in effect until amended or rescinded by the Tribal Council of the Shingle Springs Band of Miwok Indians.

CERTIFICATION

As a duly-elected official of the Shingle Springs Tribal band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 10th day of May, 2012 at which time a quorum of 6 was present, this Code was duly adopted by a vote of 6 FOR, 0 AGAINST, 0 ABSTAINED, and said Code has not been rescinded or amended in any form.



Tribal Council Chairperson

5-10-12

Date

ATTEST



Tribal Council Secretary

5-10-12

Date