



Prairie Island Indian Community Conduct Ordinance¹

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¹ Notes of Adoption and Amendment: The Community Council adopted the Conduct Ordinance on September 18, 1995, by Resolution Number 95-9-18-101, which rescinded the predecessors to this Ordinance approved on October 3, 1985, by Resolution Number 47-85, and on March 25, 1988, with the passage of “Prairie Island Tribal Council Conduct Ordinance No. 4.” The Community Council also adopted the “Expected Conduct” Resolution on December 28, 1987, by Resolution Number 45-87, which was repealed on March 14, 2006, by Resolution Number 06-03-14-44. The Community Council amended this Ordinance on May 29, 2024, by Resolution Number 24-5-29-145, to increase the usability of this Ordinance and of tribal law, to make substantive changes to the Ordinance, and to add Notes of Amendment summarizing the legislative history of this Ordinance. The Notes of Amendment are for convenience only and should not be relied on as mandatory authority. The 2024 amendment includes notes of its non-technical changes to the Ordinance.

Section 1. Short Title.² This Ordinance shall be known and may be cited as the Prairie Island Indian Community Conduct Ordinance.

Section 2. Statement of Purpose, Findings, and Authority.

- a. Purpose.³ Pursuant to the Constitution of the Prairie Island Indian Community (“Community”), it is the responsibility of the Community to protect the safety and welfare of persons within the Community by strictly regulating conduct that:
 - 1. Unreasonably threatens the health or safety of the public within the Reservation; or
 - 2. Unreasonably and substantially interferes with an individual’s right to enjoy the reasonable use and occupancy of their property within the Reservation.
- b. Findings. [reserved]
- c. Authority. [reserved]

Section 3. Definitions.

- a. “Community” means the Prairie Island Indian Community in the State of Minnesota, a federally recognized tribe.
- b. “Community Council” means the constitutionally authorized governing body of the Community, also referred to as the “Tribal Council.”⁴
- c. “Community Member” or “Member” means an enrolled member of the Prairie Island Indian Community.⁵
- d. “Disorderly Conduct” means any of the following acts by an individual who knows or has reason to know that such acts will unreasonably annoy, injure, or endanger the safety, health, morals, and comfort of persons within the Reservation:⁶
 - 1. Engages in brawling or fighting;
 - 2. Disturbs an assembly or meeting;
 - 3. Engages in offensive, obscene, or abusive language or in a boisterous and noisy manner tending reasonably to arouse alarm, anger, or resentment in others;
 - 4. Maintains or permits a condition on his or her property which unreasonably annoys, injures or endangers the safety, health, morals, and comfort of persons within the Reservation;
 - 5. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way used by the public;
 - 6. Violates a Tribal Council Banishment Resolution;⁷ or

² Note of Amendment: The Community Council added this Section on May 29, 2024, by Resolution Number 24-5-29-145.

³ Note of Amendment: The Community Council amended this subsection on May 29, 2024, by Resolution Number 24-5-29-145, to confirm that the Ordinance addresses harms within the Reservation.

⁴ Note of Amendment: The Community Council added this definition on May 29, 2024, by Resolution Number 24-5-29-145.

⁵ Note of Amendment: The Community Council added this definition on May 29, 2024, by Resolution Number 24-5-29-145.

⁶ Note of Amendment: The Community Council amended this subsection on May 29, 2024, by Resolution Number 24-5-29-145, to confirm that the Ordinance is limited to conduct within the Reservation.

⁷ Note of Amendment: The Community Council added this subsection on December 18, 2013, by Resolution Number

7. Interferes with an election including, but not limited to, any conduct that interferes with the ability of a Qualified Voter, as defined in the Prairie Island Indian Community Election Ordinance, Section 3(h), to participate in an election and vandalizing or otherwise tampering with an election ballot or election ballot box, as also described in Section 17 of the Election Ordinance.⁸
- e. “Prairie Island Indian Community Reservation” or “Reservation” means all lands and waters within the exterior boundaries of the Prairie Island Indian Reservation, notwithstanding the issuance of any patent, easement, or rights-of-way running through the Reservation, ceded lands, and such other lands without such boundaries as may be added by purchase, exchange, transfer, gift, or grant, or which are under the jurisdiction of the Community.⁹
- f. “Tribal Court” means the Prairie Island Mdewakanton Dakota Community Tribal Court.

Section 4. Applicability.¹⁰ This Ordinance shall apply to Members and non-Members of the Community acting within the Reservation.

Section 5. Penalties for Violations.¹¹

- a. Any person who engages in Disorderly Conduct must pay the following civil penalties:
 1. For a first offense, a civil fine of up to Two Hundred Fifty and NO/100 (\$250.00) dollars.
 2. For a second offense within one year of a first offense, a civil fine of up to Five Hundred and NO/100 (\$500.00) dollars.
 3. For three or more offenses within one year of a first offense, a civil fine of up to two thousand five hundred dollars and NO/100 (\$2,500.00).¹²
 4. For an offense under Section 3(d)(7), a civil fine of up to \$5,000 and NO/100 and restitution for the repair or replacement of any property of the Community that is damaged.
- b. Any person injured by another person’s Disorderly Conduct may petition for a temporary or permanent restraining order to prevent further harassment.¹³
- c. Imposition of a civil fine under this Section does not preclude criminal prosecution

13-12-18-187; the Community Council affirmed this amendment on May 29, 2024, by Resolution Number 24-5-29-145.

⁸ Note of Amendment: The Community Council added this subsection on May 29, 2024, by Resolution Number 24-5-29-145.

⁹ Note of Amendment: The Community Council added this definition on May 29, 2024, by Resolution Number 24-5-29-145.

¹⁰ Note of Amendment: The Community Council amended this subsection on May 29, 2024, by Resolution Number 24-5-29-145, to confirm that the Ordinance is limited to conduct within the Reservation.

¹¹ Note of Amendment: The Community Council amended this Section on May 29, 2024, by Resolution Number 24-5-29-145, to confirm the civil nature of the Ordinance.

¹² Note of Amendment: The Community Council amended this subsection on October 10, 1995 to increase the civil fine amount, and to make the civil fine the sole penalty for violation; the Community Council affirmed the amendment to this subsection on May 29, 2024, by Resolution Number 24-5-29-145.

¹³ Note of Amendment: The Community Council added this subsection on May 29, 2024, by Resolution Number 24-5-29-145.

under the laws of any other jurisdiction, if violated.¹⁴

Section 6. Jurisdiction of the Tribal Court.¹⁵

- a. The Tribal Court shall have jurisdiction to hear cases under this Ordinance upon the presentation of a complaint by the Community.
- b. Prosecution of the complaint shall be carried out by a person designated by the Council.
- c. The subject of the complaint shall have the opportunity to:
 1. Present evidence and argument at the hearing;
 2. Cross examine opposing witnesses; and
 3. Be represented by counsel at their own expense or, as provided by the Community upon request if they are unable to afford counsel.

Section 7. Miscellaneous.

- a. Severability. If any part of this Ordinance is found to be invalid by a court of competent jurisdiction or by the Department of the Interior, it shall be severed and the remaining parts of the Ordinance shall remain in full force and effect.
- b. Effective Date. This Ordinance shall become effective immediately upon passage of the Community Resolution adopting this Ordinance.

¹⁴ Note of Amendment: The Community Council added this subsection on May 29, 2024, by Resolution Number 24-5-29-145.

¹⁵ Note of Amendment: The Community Council amended this Section on May 29, 2024, by Resolution Number 24-5-29-145, to clarify the judicial process under the Ordinance and rights of the subject of the complaint.