

**PRAIRIE ISLAND
INDIAN COMMUNITY
CURFEW ORDINANCE**

Adopted After Publication And Comment By Resolution No. 03-10-09-88
Of The Prairie Island Community Council
On October 9, 2003

Approved By Resolution No. 03-10-09-88
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CURFEW ORDINANCE**

Sec. 1.1. Policy. It is the policy of the Prairie Island Indian Community to protect the health, safety and welfare of persons and property within the Community by minimizing the opportunity for minors to loiter during certain nighttime hours.

Sec. 1.2. Applicability. This Ordinance shall apply to members and non-members of the Prairie Island Indian Community.

Sec. 1.3. Jurisdiction of the Prairie island Community Court. The Prairie Island Indian Community Court shall have jurisdiction to enforce the provisions and penalties of this Ordinance upon a presentation of a complaint by the Community Council or persons designated by the Council, by an adult member of the Prairie Island Indian Community, or by a law enforcement official of the Community, State, or subdivision of the State. Prosecution of the complaint may be carried out by the Complainant or by a person designated by the Community Council notwithstanding whether such person is an attorney and notwithstanding whether such person has been admitted to practice law before the Community Court.

Sec. 1.4. Curfew for Persons Under the Age of Sixteen. No person under the age of sixteen (16) years shall be present upon or loiter upon the streets or public places within the Prairie Island Indian Community between the hours of 10:00 o'clock p.m. and 6:00 o'clock a.m.

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Sec. 1.5. Curfew for Persons Under the Age of Eighteen. No person under the age of eighteen (18) years but over the age of sixteen (16) years shall be present upon or loiter upon the streets or public places within the Prairie Island Indian Community between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m.

Sec. 1.6. Responsibility of Parents and Guardians. No parent, guardian, or other person having the legal care or custody of any person under the age of eighteen (18) years shall allow or permit such person to be present upon or loiter upon the streets or public places within the Prairie Island Indian Community in violation of this Ordinance unless such person under the age of eighteen (18) years is accompanied by and in the charge of the parent, guardian, legal custodian.

Sec. 1.7. Exceptions. This Ordinance shall not apply to any person under the age of eighteen years who is going to or returning from work, or from a school, church, or Prairie Island Indian Community sponsored athletic, musical, or social activity or event.

Sec. 1.8. Exception for Extraordinary Circumstances. This Ordinance shall not apply to any person under the age of eighteen years who is present upon the streets or public places within the Prairie Island Indian Community based on extraordinary circumstances, beyond the person's control.

Sec. 1.9. Penalties for Violation. Any person who violates any provision of this Ordinance shall be subject to the following penalties.

- A.** For conviction of the first offense, a civil fine of one hundred dollars, or Community Service, or both.

B. For conviction of a second or more offense, a civil fine of two hundred dollars, or Community Service, or both.

Sec. 1.10. Use of Per Capita Distributions for Payment of Fines. If a fine is levied by the Tribal Court under this Ordinance against an enrolled member of the Community and that fine is not paid within 30 days, the Tribal Court shall have the authority to order the garnishment of the member's per capita distribution in the amount of the fine. If a fine is levied by the Tribal Court under this Ordinance against an enrolled member who is a minor and that fine is not paid within 30 days, the Tribal Court shall have the authority to order the garnishment of the per capita distributions of the minor's parent or legal guardian in the amount of the fine, if such parent or legal guardian is an enrolled member of the Community.