



**Recreational Motor Vehicle
Safety Ordinance of the
Prairie Island Indian
Community in the State of
Minnesota**

Article I. Purpose and Scope

This Ordinance establishes a regulatory scheme for the registration and operation of recreational motor vehicles on the Reservation. This Ordinance applies to all enrolled members of the Prairie Island Indian Community and any non-member who drives, operates, or is in control of any recreational motor vehicle on the Reservation.

Article II. Authority

This Ordinance is adopted under the authority of the Constitution at Article V, Sections 1(i), (j), and (o).

Article III. Definitions

Unless otherwise clearly indicated elsewhere, the terms used in this Ordinance will have the following meanings. If a definition is not provided by this Ordinance, the term is to be given its ordinary and plain meaning.

Section 1. “*Casino property*” means the Treasure Island Resort & Casino and the connected hotel, parking lots, sidewalks, and landscape. For purposes of this definition, Casino property is bordered by: on the east by Frazier Road, on the west by Other Day Road, on the north by Ring Road, and on the south by Sturgeon Lake Road.

Section 2. “*Community*” means the Prairie Island Indian Community, a federally recognized Indian tribe organized under a Constitution and Bylaws approved by the members at Prairie Island on May 23, 1936.

Section 3. “*Council*” means the Prairie Island Indian Community Tribal Council.

Section 4. “*Law Enforcement Officer*” means any full or part-time law enforcement officer employed by the Prairie Island Community Police Department. It also includes “Peace Officers” as defined by Minnesota Statutes, Section 626.84, subd. 1(c), as that Section may be amended from time to time. It does not include security officers employed at Treasure Island or other business enterprise operated by the Community.

Section 5. “*Owner*” means a person, other than a lien holder, having the property in or title to a recreational motor vehicle entitled to the use or possession thereof.

Section 6. “*Operate*” means to ride in, on, or in control of a recreational motor vehicle.

Section 7. “*Operator*” means any person who operates a recreational motor vehicle.

Section 8. “*Person*” means an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not, and all members of the Community, non-member Indians, and non-Indians.

Section 9. “*Recreational motor vehicle*” means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to motorcycles, motorized scooters, snowmobiles, trail bikes, all-terrain vehicles including three- and four-wheel models, go carts, golf carts, and motor vehicles that are licensed for highway operation but which are being used for off-road recreational purposes.

Section 10. “*Register*” means the act of assigning a registration number to a recreational motor vehicle.

Section 11. “*Reservation*” means all lands owned by the United States in trust for the Community.

Section 12. “*Roadway*” means a highway, street, avenue, trail, or path that is used for vehicular travel, including all rights of way associated therewith, including specifically sidewalks, road shoulders, parking lots, and ditches.

Section 13. “*State*” means the state of Minnesota.

Section 14. “*Tribal Court*” means the Prairie Island Tribal Court.

Article IV. Enforcement Authority

Section 1. Authorized Law Enforcement Officers. The following law enforcement officers are empowered and authorized to enforce this Ordinance:

Subsection A. The officers of the Prairie Island Indian Community Police Department; and

Subsection B. Peace officers employed by another jurisdiction provided there is a mutual-aid-and-assistance agreement or similar cooperative agreement in effect between the Community and the relevant state or local law enforcement agency that specifies the terms and conditions under which authority may be exercised.

Section 2. Citations.

Subsection A. Authority; Form. Law enforcement officers may be issue citations for violations of this Ordinance. The citations will be in the form and have the effect of a summons and complaint. The Community Chief of Police will develop a ticket form for citations issued under this Ordinance. Each tribal citation must provide the following information:

- i. the time, date, and nature of the violation;
- ii. the name of the person cited;
- iii. the name or identity of the complainant; and
- iv. information on how to respond to the citation.

Citations issued using the ticket form regularly used by state, county, or municipal law enforcement officials for enforcement on the Minnesota State Traffic Code will be treated as citations issued using the tribal ticket form. Such foreign ticket forms must include the following information:

- i. the time, date, and nature of the violation;
- ii. the name of the person cited;
- iii. the name or identity of the complainant;
- iv. an indication that the ticket is issued under this Ordinance; any supplementary information on how to respond to the citation must accompany the ticket.

Subsection B. Process. A copy of each citation issued under this Ordinance will be properly submitted to the Clerk of the Tribal Court. The recipient of the citation will have 20 days from the filing of the citation with the Tribal Court to respond. Where a specific fine is established for a violation of this Ordinance, the defendant may mark the citation with a plea of guilty and pay the associated fine or may mark the citation with a plea of not guilty and return it to the Tribal Court within the specified time, in which case a date for trial will be set. All trials will be before a judge without a jury. The failure of a defendant to respond to a citation within the specified time will constitute a plea of guilty and will constitute a waiver of the right to trial, unless the defendant can show that the failure to respond is due to excusable neglect or circumstances beyond his or her control.

Subsection C. Records. The Tribal Court will keep a full record of every case in which a person is convicted of a violation of any part of this Ordinance and will make that record, or an abstract, available to the Department of Public Safety of the state of Minnesota upon request. No record of conviction of any person under this Ordinance will be admissible as evidence in any court in any civil action, nor will such record impair the credibility of such persons as a witness in any legal proceeding.

Subsection D. Prohibition on traffic quotas. Neither the Prairie Island Community Chief of Police nor any cooperating law enforcement agency may order, mandate, require, or suggest to a law enforcement officer a quota for the issuance of citations for violations of this Ordinance on a daily, weekly, monthly, quarterly, yearly, or other periodic basis.

Subsection E. Tribal Court jurisdiction. The Tribal Court will have original, exclusive jurisdiction to enforce the provisions of the Ordinance and to impose the penalties provided for therein upon the presentation of a complaint by a law enforcement officer. The prosecution of a complaint may be carried out the Complainant, including a law enforcement officer, notwithstanding whether such person is an attorney and notwithstanding whether such person has been admitted to appear before the Tribal Court, or by a prosecutor assigned by the Council. If a fine is levied by the Tribal Court under this Ordinance against an enrolled member and that fine is not paid within 30 days, the Tribal Court has the authority to order garnishment of the member's per capita distributions in the amount of the fine. If a fine is levied against an enrolled member who

is a minor and that fine is not paid within 30 days, the Tribal Court has 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.

Article V. Recreational Motor Vehicle Registration

Section 1. General Requirements. Except as provided elsewhere, no person may operate or transport any recreational motor vehicle within the Reservation unless such recreational motor vehicle has been registered under this Ordinance, except recreational motor vehicles in transit by a manufacturer, distributor, or dealer.

Section 2. Registration. Any person who operates a recreational motor vehicle must apply to the state of Minnesota or other state jurisdiction for a registration number, license plate, and pay any applicable fee or tax.

Section 3. Display of license. Any person who operates a recreational motor vehicle on the Reservation must display a license plate issued under this Ordinance on the recreational motor vehicle in a conspicuous place where it is easily seen.

Section 4. Registration by persons under 18 prohibited. No person under the age of 18 years may register a recreational motor vehicle.

Section 5. Offense level. A violation of any provision of this Article constitutes a Level One offense.

Article VI. Recreational Motor Vehicle Operation

Section 1. Operation on Streets and Highways.

Subsection A. Operators must obey all applicable state traffic, safety, and criminal laws, rules, and regulations regarding the operation of recreational motor vehicles.

Subsection B. No person may operate a recreational motor vehicle on a roadway surrounding the Casino property. However, persons that are employed by the Community or Treasure Island may operate a recreational motor vehicle on Casino property if those persons are:

- i. using a recreational motor vehicle as transportation to work for the Community or Treasure Island;
- ii. using a recreational motor vehicle as transportation from the Community or Treasure Island at the end of a work shift; or
- iii. during working hours using a recreational motor vehicle to discharge their duties as an employee of the Community or Treasure Island.

Subsection C. A recreational motor vehicle may make a direct crossing of a street or highway at any hour of the day, provided:

- i. the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
- ii. the recreational motor vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
- iii. the operator yields the right of way to all oncoming traffic; and
- iv. in crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

Section 2. Operation Generally.

Subsection A. It is unlawful for an operator to travel on or across private or assigned property on the Reservation without express permission from the property owner or assignee.

Subsection B. It is unlawful for any person to drive or operate any recreational motor vehicle in the following way:

- i. at a rate of speed greater than reasonable or proper under all the surrounding circumstances, and in no event in excess of 30 m.p.h;
- ii. in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage;
- iii. while under the influence of intoxicating liquor, narcotics, or other drugs that impair a person's ability to operate a recreational motor vehicle;
- iv. without lighted head and tail lights;
- v. on the Community Pow-Wow grounds;
- vi. without a helmet; or
- vii. after 10:00 p.m. and before 6:00 a.m.

Section 3. Youthful operators; Prohibitions.

Subsection A. Under 12 years of age – no operation unless accompanied by an adult. No person under the age of 12 may operate a recreational motor vehicle on the Reservation unless accompanied by a person 18 years of age or older on the same recreational motor vehicle. Moreover, a person 12 years of age or older must possess a certificate of completion for a recognized safety education course.

Subsection B. Under 14 years of age – no crossing of or operation on roadways. Notwithstanding anything in this Ordinance, no person under the age of 14 may make a direct crossing of a trunk, county state-aid, county highway, street, or highway as an operator of a recreational motor vehicle or operate a recreational motor vehicle upon any roadway within the Reservation.

Subsection C. Between 14 and 18 years of age – roadway crossing requirements. A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk, county state-aid, county highway, or street only if she or he possesses a certificate of completion for a recognized safety education course.

Section 4. Signal from officer to stop. It is a violation of this Ordinance for the operator of a recreational motor vehicle, after receiving a visual or audible signal from any law enforcement officer to come to a stop, to: (a) operate the vehicle in willful or wanton disregard of such signal; (b) interfere with or endanger the law enforcement officer or any other person or vehicle; or (c) increase his or her speed or attempt to flee or elude the officer.

Section 5. Offense level. A violation of Section 1 of this Article constitutes a Level one offense. A violation of Section 2(A) and 2(B)(iv), (vi), & (vii) of this Article constitutes a Level one offense. A violation of Section 2(B)(i), (ii), (iii), & (v) of this Ordinance constitutes a Level two offense. A violation of Section 3 of this Article constitutes a Level two offense. Finally, a violation of Section 4 of this Article constitutes a Level two offense.

Section 6. Organized contests. Nothing in this Ordinance prohibits the use of recreational motor vehicles within the right-of-way of any roadway, shoulder, or inside bank or slope of any trunk, county state-aid, or county highway in the Reservation in any organized contest, subject to the consent of the Community Chief of Police or the Council.

Article VII. Penalties

Section 1. Fine Categories. For the purposes of this Ordinance, the following penalties are associated with the following offense levels:

Subsection A. Level one offense – a civil fine of not more than \$500, Community service, or both.

Subsection B. Level two offense – a civil fine of not more than \$1,000, Community service, or both.

Section 2. Fine schedule. The Council may develop a fine schedule for specific sections of this Ordinance. The fine schedule will specify fixed monetary fines to be paid by persons who wish to plead guilty to a violation of this Ordinance and to pay a fine without a Court trial. The fine schedule may be amended once a year and a complete fine schedule will be separately posted and made available for public inspection by any person subject to this Ordinance. All fines collected under this Ordinance will be payable directly to the Clerk of the Tribal Court. No law enforcement officer may accept payment of a fine under this Ordinance.

Section 3. Repeat offenders. The Court, in its sole discretion, may double the dollar amount of any civil fine if any person is convicted of a third offense under this Ordinance within any 12-month period.

Section 4. Seizure and forfeiture of recreational motor vehicles.

Subsection A. Individuals charged with violations of Section 2(B)(ii) or (iii), or Section 4 of Article VI, may be subject to the immediate seizure of the recreational motor vehicle by a law enforcement officer, if, in the law enforcement officer's judgment, continued operation and possession of the recreational motor vehicle poses an on-going threat to the safety and welfare of the Community. In instances of prehearing seizure, the Tribal Court will automatically calendar these citations for hearing. Any imposition of fines based on a conviction will include reasonable towing and storage fees for the recreational motor vehicle.

Subsection B. The Tribal Court may direct a law enforcement officer to seize the recreational motor vehicle used by a violator of this Ordinance, hold and possess the recreational motor vehicle until and unless the violator of this Ordinance fully satisfies any fines, penalties, or sums due and owing under this Ordinance, and completes any safety or other training courses that the Court may require.

Subsection C. If a violator is convicted of three offenses of this Ordinance within any 12-month period, the Tribal Court may direct a law enforcement officer to permanently seize the recreational motor vehicle used by the violator and sell the recreational motor vehicle at a public sale.

Article VIII. Severability

Should a court of competent jurisdiction find any provision or provisions of this Ordinance to be invalid or illegal under applicable federal or Community law, such provision or provisions will be severed from this Ordinance and the remaining provisions remain unaffected and in full force and effect.