



**Prairie Island Indian Community
Recreational Motor Vehicle Safety Ordinance¹**

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¹ Note of Adoption and Amendment: The Community Council adopted this Ordinance on July 14, 1992, by Resolution Number 92-87(B). The Community Council substantively and technically amended this Ordinance on November 6, 1997, by Resolution Number 97-11-6-188; on May 28, 1999, by Resolution Number 99-5-28-52; on June 28, 1999, by Resolution Number 99-6-28-59; on October 9, 2003, by Resolution Number 03-10-09-87; and on December 11, 2019, by Resolution Number 19-12-11-178. The Notes of Amendment include the substantive, non-technical changes to the Ordinance. The Community Council reformatted this Ordinance on December 11, 2024, by Resolution Number 24-12-11-298, to increase the usability of this Ordinance and of tribal law 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.

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

Section 2. Purpose, Findings, and Authority.

- a. Purpose.³ This Ordinance establishes a regulatory scheme for the registration and operation of Recreational Motor Vehicles on the Reservation.
- b. Findings. [reserved].
- c. Authority.⁴ This Ordinance is adopted under the authority of the Constitution at Article V, Sections 1(i), (j), and (o).

Section 3. Definitions.⁵ 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.⁶

- a. “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.⁷
- b. “Community” means the Prairie Island Indian Community in the State of Minnesota, a federally recognized Indian Tribe.
- c. “Community Council” means the constitutionally authorized governing body of the Community, also referred to as the “Tribal Council.”
- d. “Community Member” or “Member” means an enrolled member of the Prairie Island Indian Community.
- e. “Law Enforcement Officer” means any full or part-time law enforcement officer employed by the Community Police Department. It also includes “Peace Officers” as defined by Minnesota Statutes, Section 626.84, subd. 1(c), as that Section may be

² Note of Amendment: The Community Council added this Section on December 11, 2024, by Resolution Number 24-12-11-298.

³ Note of Amendment: The Community Council added “Purpose; Policy” and “Scope” subsections on October 9, 2003, by Resolution Number 03-10-09-87. The Community Council renamed the “Purpose; Policy” and “Scope” subsections “Purpose” on December 11, 2019, by Resolution Number 19-12-11-178, and amended and combined these subsections.

⁴ Note of Amendment: The Community Council added an “Authority” Section on December 11, 2019, by Resolution Number 19-12-11-178.

⁵ Note of Amendment: The Community Council added a definition for “Community Member” or “Member” and amended the definitions for “Community” and “Community Council” on December 11, 2024, by Resolution Number 24-12-11-298.

⁶ Note of Amendment: The Community Council added this paragraph on October 9, 2003, by Resolution Number 03-10-09-87.

⁷ Note of Amendment: The Community Council added a definition for “Casino Property” on May 28, 1999, by Resolution Number 99-5-28-52.

amended from time to time. It does not include security officers employed at Treasure Island Resort & Casino or other business enterprises operated by the Community.⁸

- f. “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.
- g. “Operate” means to ride in, on, or in control of a Recreational Motor Vehicle.⁹
- h. “Operator” means any Person who operates a Recreational Motor Vehicle.¹⁰
- i. “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.¹¹
- j. “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.¹²
- k. “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.¹³
- l. “Register” means the act of assigning a registration number to a Recreational Motor Vehicle.

⁸ Note of Amendment: The Community Council added a definition for “Law Enforcement Officer” on October 9, 2003, by Resolution Number 03-10-09-87.

⁹ Note of Amendment: The Community Council amended the definition of “Operate” on October 9, 2003, by Resolution Number 03-10-09-87, for specificity.

¹⁰ Note of Amendment: The Community Council amended the definition of “Operator” on October 9, 2003, by Resolution Number 03-10-09-87, for specificity.

¹¹ Note of Amendment: The Community Council amended the definition of “Person” on October 9, 2003, by Resolution Number 03-10-09-87, to including Members of the Community, non-Member Indians, and non-Indians.

¹² Note of Amendment: The Community Council amended the definition of “Reservation” on October 9, 2003, by Resolution Number 03-10-09-87, to mean all lands held in trust for the Community. The Community Council amended this definition again on December 11, 2024, by Resolution Number 24-12-11-298, to make “Prairie Island Indian Community Reservation” or “Reservation” the defined term and for consistency with Community law.

¹³ Note of Amendment: The Community Council amended the definition of “Recreational Motor Vehicle” on May 28, 1999, by Resolution Number 99-5-28-52, to exempt golf carts. The Community Council amended this definition again on October 9, 2003, by Resolution Number 03-10-09-87, to include “motorcycles,” “scooters,” “all-terrain vehicles including three- and four-wheel models,” “go carts,” and “golf carts.”

- m. “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.¹⁴
- n. “State” means the State of Minnesota.
- o. “Tribal Court” means the Prairie Island Mdewakanton Dakota Community Tribal Court.¹⁵

Section 4. Applicability.¹⁶ This Ordinance applies to all 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.

Section 5. Enforcement Authority.¹⁷

- a. Authorized Law Enforcement Officers.¹⁸ The following Law Enforcement Officers are empowered and authorized to enforce this Ordinance:
 - 1. The officers of the Community Police Department; and
 - 2. 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.
- b. Citations.¹⁹
 - 1. Authority; Tribal Citation Form. Law Enforcement Officers may 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 citation form for citations issued under this Ordinance. Each tribal citation must provide the following information:
 - A. the time, date, and nature of the violation;

¹⁴ Note of Amendment: The Community Council amended the definition of “Roadway” on October 9, 2003, by Resolution Number 03-10-09-87, to include “street,” “avenue,” “trail,” or “path” and “all rights of way associated therewith, including specifically sidewalks, road shoulders, and ditches.” The Community Council amended this definition again on December 11, 2019, by Resolution Number 1-12-11-178, to include “parking lots.”

¹⁵ Note of Amendment: The Community Council added a definition for “Tribal Court” on October 9, 2003, by Resolution Number 03-10-09-87. The Community Council amended this definition on December 11, 2024, by Resolution Number 24-12-11-298, for consistency with Community law.

¹⁶ Note of Amendment: The Community Council added this Section on December 11, 2024, by Resolution Number 24-12-11-298, and moved the substantive text to this Section from the “Purpose” subsection.

¹⁷ Note of Amendment: The Community Council added this Section on October 9, 2003, by Resolution Number 03-10-09-87.

¹⁸ Note of Amendment: The Community Council amended this subsection on December 11, 2019, by Resolution Number 19-12-11-178, for clarity.

¹⁹ Note of Amendment: The Community Council amended subsections (b)(1) and (2) of this Section on December 11, 2024, by Resolution Number 24-12-11-298, for clarity.

- B. the name of the person cited;
 - C. the name or identity of the complainant; and
 - D. information on how to respond to the citation.
2. Foreign Citation Form. Citations issued using the citation 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 citation form. Such foreign citation forms must include the following information:
- A. the time, date, and nature of the violation;
 - B. the name of the person cited;
 - C. the name or identity of the complainant;
 - D. an indication that the ticket is issued under this Ordinance; and
 - E. Any supplementary information on how to respond to the citation must accompany the ticket.
3. 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 their control.
4. Records.²⁰ 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.
5. Prohibition on Traffic Quotas. Neither the 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.
6. Tribal Court Jurisdiction. The Tribal Court will have original, exclusive jurisdiction to enforce the provisions of the Ordinance and to impose the penalties

²⁰ Note of Amendment: The Community Council amended this subsection on December 11, 2019, by Resolution Number 19-12-11-178, to limit the use of records kept under this Ordinance.

provided for therein upon the presentation of a complaint by a Law Enforcement Officer. The prosecution of a complaint may be carried out by 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 Community Council. If a fine is levied by the Tribal Court under this Ordinance against a Community 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 a Community 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 a Community Member.

Section 6. Recreational Motor Vehicle Registration.²¹

- a. 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.
- b. Registration. Any Person who Operates a Recreational Motor Vehicle must apply to the State or another state jurisdiction for a registration number, license plate, and pay any applicable fee or tax.²²
- c. 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.
- d. Registration by Persons Under 18 Prohibited. No Person under the age of 18 years may Register a Recreational Motor Vehicle.
- e. Offense Level.²³ A violation of any provision of this Section constitutes a Level One offense.

²¹ Note of Amendment: The Community Council amended this Section on May 28, 1999, by Resolution Number 99-5-28-52, to remove a safety education requirement.

²² Note of Amendment: The Community Council amended this subsection on May 28, 1999, by Resolution Number 99-5-28-52, to require registration with the State of Minnesota or another state jurisdiction.

²³ Note of Amendment: The Community Council added this subsection on October 9, 2003, by Resolution Number 03-10-09-87.

Section 7. Recreational Motor Vehicle Operation.

- a. Operation on Streets and Highways.²⁴
 1. Operators must obey all applicable State traffic, safety, and criminal laws, rules, and regulations regarding the Operation of Recreational Motor Vehicles.
 2. 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 Resort & Casino may operate a Recreational Motor Vehicle on Casino Property if those Persons are:
 - A. using a Recreational Motor Vehicle as transportation to work for the Community or Treasure Island Resort & Casino;
 - B. using a Recreational Motor Vehicle as transportation from the Community or Treasure Island Resort & Casino at the end of a work shift; or
 - C. during working hours using a Recreational Motor Vehicle to discharge their duties as an employee of the Community or Treasure Island Resort & Casino.
 3. A Recreational Motor Vehicle may make a direct crossing of a street or highway at any hour of the day, provided:
 - A. 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;
 - B. the Recreational Motor Vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - C. the Operator yields the right of way to all oncoming traffic;²⁵ and
 - D. in crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

²⁴ Note of Amendment: The Community Council amended this subsection on May 28, 1999, by Resolution Number 99-5-28-52, for specificity and to include the Casino Property. The Community Council amended this subsection again on June 28, 1999, by Resolution Number 99-6-28-59, to permit operation of Recreational Motor Vehicles on Casino Property by employees of the Community and Treasure Island Resort & Casino. The Community Council amended this subsection again on October 9, 2003, by Resolution Number 03-10-19-87, and on December 11, 2019, by Resolution Number 19-12-11-178, to specify to what parts of the Casino Property it applies.

²⁵ Note of Amendment: The Community Council amended this subparagraph on October 9, 2003, by Resolution Number 03-10-09-87, to clarify that it applies to all oncoming traffic.

b. Operation Generally.²⁶

1. 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.
2. It is unlawful for any Person to drive or Operate any Recreational Motor Vehicle in the following way:
 - A. 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;
 - B. in a careless, reckless, or negligent manner so as to endanger the Person or property of another or to cause injury or damage;
 - C. while under the influence of intoxicating liquor, narcotics, or other drugs that impair a Person's ability to operate a Recreational Motor Vehicle;
 - D. without lighted head and tail lights;
 - E. on the Community Pow-Wow grounds;
 - F. without a helmet; or
 - G. after 10:00 p.m. and before 6:00 a.m.

c. Youthful Operators; Prohibitions.

1. 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.²⁷
2. 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.

²⁶ Note of Amendment: The Community Council amended this subsection as follows:

- On October 9, 2003, by Resolution Number 03-10-09-87, to separate out and move the subparagraph regarding “Organized Contests”;
- On May 28, 1999, by Resolution Number 99-5-28-52 to add subsection (b)(1);
- On October 9, 2003, by Resolution Number 03-10-09-87, to specify that subsection (b)(1) applies to all assigned property and to require permission from the property owner or assignee;
- On October 9, 2003, by Resolution Number 03-10-09-87, to including a speed limit in subsection (b)(2)(A); to include drugs which impair operation in subsection (b)(2)(C); to require the use of head and tail lights at all times in subsection (b)(2)(D); to add subsection (b)(2)(E) regarding Community Pow-Wow grounds; and to remove reference to Community or Casino maintained grass and garden areas.

²⁷ Note of Amendment: The Community Council amended this subsection on October 9, 2003, by Resolution Number 03-10-09-87, to lower the age to 12 and require adult accompaniment.

3. 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 they possess a certificate of completion for a recognized safety education course.²⁸
- d. 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:
 1. Operate the vehicle in willful or wanton disregard of such signal;
 2. interfere with or endanger the Law Enforcement Officer or any other Person or vehicle; or
 3. increase their speed or attempt to flee or elude the Law Enforcement Officer.
- e. Offense Level.²⁹ A violation of subsection (a) of this Section constitutes a Level One offense. A violation of subsections (b)(1) and b(2)(D), (F), and (G) of this Section constitutes a Level One offense. A violation of subsections (b)(2)(A), (B), (C), and (E) of this Section constitutes a Level Two offense. A violation of subsection (c) of this Section constitutes a Level Two offense. Finally, a violation of subsection (d) of this Section constitutes a Level Two offense.
- f. 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 Community Council.

Section 8. Penalties.³⁰

- a. Fine Categories. For the purposes of this Ordinance, the following penalties are associated with the following offense levels:
 1. Level One offense – a civil fine of not more than five hundred (\$500) dollars, community service, or both.

²⁸ Note of Amendment: The Community Council added this subsection on October 9, 2003, by Resolution Number 03-10-09-87.

²⁹ Note of Amendment: The Community Council amended this subsection on October 9, 2003, by Resolution Number 03-10-09-87, to including Offense Levels.

³⁰ Note of Amendment: The Community Council amended this Section on May 28, 1999, by Resolution Number 99-5-28-52, to remove “Registration Suspended” and “Proof of Violation” subsections, and to add “Seizure and Forfeiture of Recreational Motor Vehicles” and “Jurisdiction” subsections. The Community Council amended this Section again on October 9, 2003, by Resolution Number 03-10-09-87, to specify fines by Offense Level, to provide for the development of a final schedule, to address repeat offenders, and to remove the “Jurisdiction” subsection. The Community Council amended this Section again on December 11, 2019, by Resolution Number 19-12-11-178, to increase the fine amounts and specify payment of the fines to the Tribal Court.

2. Level Two offense – a civil fine of not more than one thousand (\$1,000) dollars, community service, or both.
- b. Fine Schedule. The Community Council may develop a fine schedule for specific subsections 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 Tribal 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.
- c. Repeat Offenders. The Tribal 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.
- d. Seizure and Forfeiture of Recreational Motor Vehicles.
 1. Individuals charged with violations of subsection (b)(2)(B) or (C), or subsection (d) of Section 7, 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.³¹
 2. The Tribal Court may direct a Law Enforcement Officer to seize the Recreational Motor Vehicle used by a violator of this Ordinance, and to 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 Tribal Court may require.³²
 3. If a violator is convicted of three (3) 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.

³¹ Note of Amendment: The Community Council added this subparagraph to this subsection on December 11, 2019, by Resolution Number 19-12-11-178.

³² Note of Amendment: The Community Council amended this subparagraph on October 3, 2003, by Resolution Number 03-10-09-87, to include safety or other training courses as ordered by the Tribal Court.

Section 9. Miscellaneous Provisions.³³

- a. Severability.³⁴ If any provision of this Ordinance or its application to any Person or circumstance is held to be invalid, the remainder of this Ordinance, or the application of the provision to other Persons or circumstances is not affected.
- b. [reserved].

³³ Note of Amendment: The Community Council added a “Sovereign Immunity” subsection as an “Additional Provision” and a “Repeal of Previous Ordinance” Section on November 6, 1997, by Resolution Number 97-11-6-188. The Community Council removed the “Additional Provisions,” “Repeal of Previous Ordinance,” and “Severability” Sections on October 9, 2003, by Resolution Number 03-10-09-87, including “Sovereign Immunity” and “Amendment or Repeal of Ordinance.”

³⁴ Note of Amendment: The Community Council added this subsection on December 11, 2019, by Resolution Number 19-12-11-178.