

## CHAPTER ONE

## TRAFFIC OFFENSES

**Section 101. Definitions**

(a) The term "motor vehicle" shall mean every device in, upon, or by which any person or property is or may be drawn or transported upon a public road and which device is self-propelled, but not including any vehicle which is an implement of husbandry and is designed principally for construction or maintenance purposes excepting trucks.

(b) A "public road" shall be defined as the entire width between the boundary lines of every right of way within the exterior boundaries of the Tribal jurisdiction which is maintained by any governmental agency, and when open to the use of the public, is for the purpose of travel by motor vehicles.

(c) All civil infractions shall be processed in the Sac and Fox Nation of Missouri Tribal District Court and under the Sac and Fox Nation of Missouri jurisdiction.

[History: L. 1997, August 29; R-33-97: Amended L. 1997, October 3; R-37-97, § 101(c): PUBLIC LAW # T 6A § 101]

**Section 102. Driving While License is Suspended or Revoked**

(a) It shall be unlawful to drive any motor vehicle upon any public road at a time when one's driver's license or permit or other driving privilege has been denied, suspended, canceled or revoked by any State or Indian Tribe, or when one's driving privilege has been suspended by the Tribal Court.

(b) Driving While License is Suspended or Revoked is punishable by a fine not to exceed two hundred and fifty dollars (\$250.00), or by a term of imprisonment in the Tribal jail not to exceed three (3) months, or by suspension or revocation of one's driver's license, or any combination of the above punishments.

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 102]

**Section 103. Careless Driving**

(a) It shall be unlawful to operate any motor vehicle upon any public road in a careless or imprudent manner, without due regard for the width, grade, curves, corners, traffic, or existing weather conditions, and the use being made of such road or other attendant circumstances.

(b) Careless driving shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00) or by a term of imprisonment in the Tribal Jail not to exceed three (3) months, or both.

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 103]

**Section 105. Driving While Intoxicated**

(a) It shall be unlawful to drive or be in actual physical control of any motor vehicle upon any private or public road within the tribal jurisdiction while under the influence of intoxicating liquor or controlled dangerous substances or any other drugs which impair the ability to control or operate a vehicle.

(b) A person is presumed to be under the influence of intoxicating liquor if there is 0.1% or more of alcohol in the blood by weight, and a person is presumed not to be under the influence if there is less than 0.05% of alcohol in their blood by weight. Between such percentages, results of tests showing such fact may be received in evidence with other tests or observations for consideration by the Court or jury. A breath or blood test must be administered with the consent of the subject by a qualified operator using a properly maintained apparatus in order to be admissible, provided that if any person refuses to take such test when requested to do so by an Officer having a reasonable suspicion that such person may be intoxicated, the person's driving privileges within the Tribal jurisdiction shall be suspended by the Court for a period of six (6) months whether or not such person is convicted of any offense. Such suspension is mandatory.

(c) Driving under the influence shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by a term of imprisonment in the Tribal Jail not to exceed six (6) months or by suspension of driving privileges for a period not to

exceed two (2) years or any combination of the above punishments. For a second or subsequent conviction under this Section or a violation resulting in serious injury, a term of banishment may be imposed for a period not less than one (1) year nor more than five (5) years, in addition to the above mentioned punishments.

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 105]

**Section 106. Duties of Drivers Involved in Accidents Involving Deaths or Personal Injuries**

(a) It shall be unlawful for the driver of any motor vehicle directly involved in an accident resulting in injury to or death of any person or damage to any other moving or attended vehicle to fail to immediately stop his vehicle at the scene of the accident or as close thereto as possible; or fail to return to and remain at the scene of the accident and render such aid and assistance as may be necessary in the circumstances; or fail to give his name, address, and the registration number of his motor vehicle and his operator's or chauffeur's license number and security verification information to all other drivers involved in the accident; or fail to render to any injured person such assistance as may be necessary in the circumstances; or fail to notify or have another notify the Tribal Police of the accident and its location as soon as possible.

(b) Failure to perform the Duties of Drivers Involved in Accidents Involving Deaths or Personal Injuries shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by a term of imprisonment in the Tribal Jail not to exceed six (6) months or by suspension of driving privileges for a period not to exceed one (1) year.

[History: L. 1999, September 22; R-34-99:  
PUBLIC LAW # T 6A § 106]

**Section 107. Duty Upon Striking Unattended Vehicle**

(a) It shall be unlawful for the driver of any motor vehicle which collides with any unattended vehicle to fail to immediately stop and attempt to locate and notify the operator or owner of such vehicle of both the name and address of the driver and owner of the vehicle striking the unattended vehicle;

or to fail to leave securely attached in a place where it may be easily seen in the vehicle struck, a written notice giving the name and address of the driver and the circumstances thereof; or to fail to inform the Tribal Police of the accident and its location as soon as possible.

(b) Failure to perform the duty of a driver upon striking an unattended vehicle shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00) or by a term of imprisonment in the Tribal Jail not to exceed three (3) months or by suspension of driving privileges for a period not to exceed one (1) year.

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 107]

**Section 108. Duty Upon Striking Highway Fixtures**

(a) It shall be unlawful for the driver of any motor vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway to fail to take reasonable steps to locate and notify the owner or person in charge of such property of such fact and his name and address and of the registered number of the vehicle he is driving; or to fail to report such accident to the Tribal Police as soon as possible.

(b) Failure to perform the duty of a driver upon striking highway fixtures shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00), by a term of imprisonment in the Tribal Jail not to exceed three (3) months, or both.

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 108]

**Section 109. When Driver Unable to Report**

(a) It shall be unlawful for another occupant in the vehicle at the time of the accident who is capable of making the report to fail to do so when the driver of the vehicle is physically unable to make the required accident report to the Tribal Police.

(b) Failure to make such a report shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 109]

**Section 110. Driver's License in Possession**

(a) It shall be unlawful to operate a motor vehicle upon any private or public road within the Tribal jurisdiction without possession of a valid Federal, Tribal, or State operator's license, chauffeur's license, or permit, which must be exhibited upon demand by an authorized person.

(b) Failure to have a driver's license in possession shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 110]

**Section 111. Permitting Unauthorized Person to Drive**

(a) It shall be unlawful to knowingly cause or permit any unauthorized person to operate a motor vehicle upon any public road.

(b) Permitting an unauthorized person to drive shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 111]

**Section 112. Traffic Control and Signal Devices**

(a) It shall be unlawful to turn a vehicle from a direct course on a public road until such movement can be made with safety, and then only after giving an appropriate signal, either by hand or arm or by a directional signal device.

(b) Failure to properly signal shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

(c) It shall be unlawful to disobey the lawful command or instruction of any law enforcement officer. Failure to obey a

lawful command shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 112]

**Section 113. Following Too Closely**

(a) It shall be unlawful to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon the condition of the highway.

(b) Following too closely shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 113]

**Section 114. Stopping for School Bus**

(a) It shall be unlawful when meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging passengers, to fail to stop immediately and not proceed again until all passengers are received or discharged and the bus is again in motion.

(b) Failure to stop for a school bus shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 114]

**Section 115. Entering Public Road from Private Road**

(a) It shall be unlawful for the driver of a motor vehicle about to enter or pass a public road from a private road or driveway to fail to yield the right of way to all vehicles approaching on said public road.

(b) Failure to yield the right of way when entering a public road from a private road shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 115]

**Section 116. Right of Way at Intersection**

(a) It shall be unlawful for the driver of a motor vehicle approaching an intersection to fail to yield the right of way to any vehicle approaching from the right, unless otherwise directed by sign, traffic light, or a proper official directing traffic.

(b) Failure to yield the right of way at an intersection shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 116]

**Section 117. Failure to Stop at Stop Sign and Yielding Right of Way**

(a) It shall be unlawful for the driver of a motor vehicle to fail to come to a complete stop at all intersections marked by a stop sign before entering the intersection, unless otherwise directed by an officer directing traffic.

(b) Failure to stop at a stop sign or to yield the right of way shall be punishable by a fine not to exceed one hundred dollars (\$100.00)

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 117]

**Section 118. Driving on Right Side**

(a) It shall be unlawful to fail to drive on the right half of the roadway, except when overtaking and passing another vehicle proceeding in the same direction.

(b) Failure to drive on the right side shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 118]

**Section 119. Passing Oncoming Vehicle**

(a) It shall be unlawful for drivers proceeding in opposite directions to fail to pass each other to the right and to give to the other at least half of the main traveled portion of the roadway.

(b) Improper passing of oncoming vehicles shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 119]

**Section 120. Passing and Turning on Curve or Crest**

(a) It shall be unlawful to pass a vehicle going in the same direction unless the driver can see the road for sufficient distance ahead to pass safely and such passing can be accomplished safely without colliding with oncoming traffic.

(b) It shall be unlawful for a vehicle to be driven so as to pass or turn in any direction on a curve or crest or on any approach to a crest or on a bridge on any approach to a bridge unless such vehicle can pass or be turned safely and seen by traffic approaching from either direction.

(c) Improper passing on a curve or crest shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 120]

**Section 121. Unsafe Vehicles**

(a) It shall be unlawful for any person to drive or cause or knowingly permit to be driven on any public road any motor vehicle which is in such unsafe condition so as to endanger any person or is not at all time equipped with the following:

(1) HEADLIGHTS: One on each side of the front of the motor vehicle, said lights to be multi-beam so that the

driver can adjust lights from bright to dim, and such lights must be in proper working order at all times so as to be seen by oncoming traffic for a reasonable distance during hours of darkness or other times when lights conditions require the use of headlights.

(2) REAR LAMPS: One lighted red lamp on each side of the back of the motor vehicle that will be plainly visible for a reasonable distance to the rear, and such lamp must be in proper working order at all times.

(3) STOP LIGHTS: All motor vehicles shall be equipped with a stop light in good working order at all times, such stop lights to be automatically controlled by brake adjustment.

(4) BRAKES: Every motor vehicle shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle.

(5) HANDBRAKE: Every motor vehicle shall be equipped with a handbrake.

(6) HORN: Every motor vehicle shall be equipped with a horn in good working order.

(7) WINDOWS UNOBSTRUCTED - WIPERS: No person shall drive any motor vehicle with any sign or other nontransparent material upon the windshield, side wings, side or rear windows of such vehicle that would obstruct the driver's view other than a paper or certificate required to be so displayed by law. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other obstructions from the windshield and must be in proper working order at all times.

(8) LICENSE TAG LIGHT: All motor vehicles shall be equipped with a rear tag light in good working order at all times.

(9) PROOF OF VEHICLE INSPECTION TO BE DISPLAYED: All motor vehicles shall display a valid state motor vehicle inspection decal.

(b) Violation of this Section is punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 121]

**Section 122. Speed Limits**

(a) Speed limits on any public road shall be set by the Tribal Police Chief. Speed limits may be posted at such places and at such maximum allowable speeds as deemed necessary by the Chief of Tribal Police.

(b) In any area of the Tribal jurisdiction where the speed limit is not posted and where no special hazard exists, the following speeds shall be lawful, but any speed in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

(1) School zones, grounds, and crossing, designated areas - 20 MPH

(2) Residential areas - 30 MPH

(3) Open highway - 55 MPH

It shall be unlawful to exceed the above limits, the limits posted by authority of the Chief of the Tribal Police, or a speed which is reasonable and proper under the conditions prevailing upon the roadway.

(c) The fact that the speed of a motor vehicle is lower than the foregoing prima facie limits does not relieve the driver from the duty of all persons to use due care.

(d) Exceeding the speed limit or operating a motor vehicle at a speed which is not reasonable and proper shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 122]

**Section 123. When Lights are Required to be On**

(a) It shall be unlawful for a vehicle to be on a public roadway at any time from a half hour after sunset to a half hour

before sunrise or at any other time when objects on the road cannot be seen clearly at a distance of five hundred feet because of light conditions without displaying lighted lamps on the vehicle.

(b) Every vehicle stopped or parked on the side of any road or highway during the hours set forth above, shall burn lamps, flares, or otherwise alert other drivers of the potential danger, unless the vehicle is positioned at least thirty inches from the main traveled portion of the roadway in such fashion that no part of the main traveled portion of the roadway, nor the thirty inch safety zone is impeded.

(c) Violation of this Section shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 123]

#### **Section 124. Pedestrians**

(a) It shall be unlawful for a pedestrian crossing a roadway at any point other than a marked crosswalk or within an unmarked crosswalk at an intersection to fail to yield the right of way to all motor vehicles on the roadway.

(b) Notwithstanding the provisions of Subsection (a) herein, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian on any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any person upon a public road.

(c) Violation of this Section shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 124]

#### **Section 125. Throwing Trash on Roads and Roadways**

(a) It shall be unlawful to discard trash or refuse of any type on a roadway or public highway or right-of-way within the Tribal jurisdiction.

(b) Throwing Trash on Road and Roadways shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, R-33-97, T 6A § 125; August 29.  
PUBLIC LAW #

**Section 126. Illegal Parking**

(a) It shall be unlawful to stop, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of a public roadway when it is practical to stop, park, or leave such vehicle such part of said roadway, but in every event a clear and unobstructed width of at least twenty feet of such part of the roadway opposite such standing vehicle shall be left for the free passage of other vehicles, a clear view of such stopped vehicles shall be available from a distance of two hundred (200) feet in each direction upon said roadway, and the vehicle must be positioned at least thirty inches outside the main traveled portion of the roadway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position, provided that reasonable provision is made by the driver thereof for the warning and safety of other vehicles traveling upon such roadway until the vehicle can be removed.

(c) It shall be unlawful to stop, park, or leave standing a vehicle except when necessary to avoid collusion with other traffic or in compliance with the directions of a police officer or traffic control sign, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within twenty-five (25) feet of a fire hydrant;
- (5) On a crosswalk.

(d) A violation of this Section shall be punishable by a fine not to exceed one hundred dollars (\$100.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 126]

**Section 127. No Proof of Insurance**

(a) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of this Tribal Government.

(b) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of this Tribal Government.

(c) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of liability insurance to a Law Enforcement Officer. The Law Enforcement Officer shall issue a citation to any person who fails to display evidence of liability insurance upon such demand.

(d) Any person violating any provision of this Section shall be guilty of a violation of this Ordinance and subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred and fifty dollars (\$250.00) for the first conviction, or by a term of imprisonment in the Tribal Jail not to exceed three (3) months, or both. Except that any person convicted of violating any provision of this Section within three (3) years of any such prior conviction shall be guilty of a violation of this Ordinance and subject to a fine not less than two hundred and fifty dollars (\$250.00) nor more than one thousand dollars (\$1000.00) or by imprisonment in the Tribal Jail not to exceed six (6) months, or both.

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 127]

**Section 128. Vehicle License; Illegal Tag**

(a) It shall be unlawful for any person to:

(1) Operate, or for the owner thereof knowingly to permit to operation, upon a highway or upon property open to use by the public, any vehicle which is not registered, or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the license plate or plates assigned thereto by the division for the current registration year, including any registration decal required to be affixed to any such license plate.

(2) Display or cause or permit to be displayed, or to have in possession, any registration receipt, certificate of title, registration license plate, registration decal, accessible parking placard or accessible parking identification card knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. A violation of this Subsection (2) shall constitute an Ordinance violation punishable by a fine not less than one hundred dollars (\$100.00) and forfeiture of the item. A mandatory Court appearance shall be required of any person violating this Subsection (2).

(3) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, certificate of title, registration license plate or registration decal issued to the person so lending or permitting the use thereof.

(4) Remove, conceal, alter, mark, or deface the license number plate or plates or any other mark of identification upon any vehicle. License plates shall be kept clean and they shall be placed on all vehicles within the Sac and Fox Reservation as required by law so as to be plainly legible.

(5) Carry or display a registered number plate or plates or registration decal upon any vehicle not lawfully issued for such vehicle.

(b) Violation of any Subsection shall result in the vehicle being towed away at the owner's expense and, violation of any Subsection shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or by a term of imprisonment in the Tribal Jail not to exceed six (6) months, or both.

[History: L. 1997, August 29; R-33-97:

## PUBLIC LAW # T 6A § 128]

**Section 129. Seat Belts**

(a) Each front seat occupant of a passenger car manufactured with safety belts shall have a safety belt properly fastened about such person's body at all times when the vehicle is in motion.

(b) Persons violating this Ordinance shall be fined fifteen dollars (\$15.00) plus court costs.

(c) Law enforcement officers shall not stop drivers for violations of this Ordinance in the absence of another violation of law. A citation for violation of this Ordinance shall not be issued without citing the violation that initially caused the Officer to effect the enforcement stop.

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 129]

**Section 130. Transportation of Alcoholic Beverage**

(a) No person shall transport in any vehicle upon a highway or upon property open to use by the public, any alcoholic beverage unless such beverage is:

(1) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork, or other means of closure has not been removed;

(2) In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or

(3) In the exclusive possession of a passenger in a vehicle which is a recreational vehicle or a bus, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.

(b) Violation of this Section is punishable by a fine not to exceed two hundred dollars (\$200.00) or by imprisonment in the Tribal Jail not to exceed six (6) months, or both.

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 130]

**Section 131-132. Reserved**

**Section 133. Child Passenger Safety Restraining System**

(a) Every driver who transports a child under the age of four (4) years in a passenger car on a highway or upon property open to use by the public shall provide for the protection of such child by properly using an approved child passenger safety restraining system.

(b) No driver charged with violating this Section shall be convicted if such driver produces in the office of the arresting officer or in Court, proof that the child was four (4) years of age or older at the time the violation was alleged to have occurred.

(c) Violation of this section is punishable by a thirty dollar (\$30.00) fine and Court costs.

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 133]

**Section 134. Accessible Parking**

(a) No person shall stop or park any vehicle in a parking space, whether on public or private property, which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of persons with a disability, unless such vehicle bears a special license plate, permanent placard or temporary placard and is being operated by or used for the transportation of a person with a disability or disabled veteran. In addition to the temporary placard, a person issued such temporary placard shall carry the state or county receipt showing the name of the person who is issued such temporary placard. If a parking space on private property is clearly marked as being reserved for the use of a specified person with a disability, it shall be unlawful for any other person to park in such space.

(b) Violation of this Section is punishable by a thirty dollar (\$30.00) fine and court costs.

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 134]

**Section 135. Accessible Parking; Revoked or Suspended Drivers**

(a) Any person who utilizes any accessible parking identification device which has expired or has been revoked or suspended shall be guilty of a violation of this Section.

(b) Any person who utilizes any accessible parking identification device issued to another person, an agency or business, to park in any parking space which could be utilized by a person with a disability, except when transporting or arriving to transport a person with a disability to whom or for whom the identification device was issued, shall be guilty of a violation of this Section.

(c) Violation of this Section is punishable by a fine not less than one hundred dollars (\$100.00), nor more than three hundred dollars (\$300.00).

[History: L. 1997, August 29; R-33-97:  
PUBLIC LAW # T 6A § 135]

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## CHAPTER TWO

## OFFENSES AGAINST PUBLIC SAFETY

**Section 201. Failure to Disperse**

(a) A civil citation may be issued to any person for refusing or knowingly failing to obey an order to disperse or leave the immediate vicinity given by a Law Enforcement Officer or other public servant performing an enforcement function at the scene of a riot, fire, or other public disorder, or given in the course of the investigation of the commission of an accident, fire, offense or suspected offense.

(b) Failure to disperse shall be subject to a civil judgment not to exceed five hundred dollars (\$500.00).

[History: L. 1999, September 22; R-34-99:  
PUBLIC LAW # T 6A § 201]

**Section 202. Disorderly Conduct**

(a) A civil citation may be issued to any person who purposely causes public inconvenience, annoyance or alarm, or recklessly creates a risk thereof, by:

(1) Engaging in fighting, or threatening to engage in violent or tumultuous behavior; or

(2) Making unreasonable noise or offensively course utterances, gestures, or displays, or addressing abusive language to any person present; or

(3) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor; or

(4) Appearing in public places in an intoxicated condition and doing any of the following:

(i) passing out, falling or sleeping in a public place or on the property of another without permission, or

(ii) bothering, disrupting or otherwise intruding upon another person or group of persons.

(b) "Public" means affecting or likely to affect persons in a place to which the public or substantial group of the public has access and includes, but is not limited to, streets, highways, the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, businesses open to the public, and places of entertainment or amusement.

(c) Disorderly Conduct shall be subject to a civil judgment not to exceed two hundred and fifty dollars (\$250.00). Upon a second or subsequent finding of disregard for civil conduct under this Section, a judgment may be granted not to exceed five hundred dollars (\$500.00).

[History: L. 1999, September 22; R-34-99:  
PUBLIC LAW # T 6A § 202]

### **Section 203. Harassment**

(a) A civil citation may be issued to any person for challenging another in a manner likely to provoke a violent or disorderly response; or to make repeated communication anonymously or at extremely inconvenient hours; or in offensively course language.

(b) Harassment shall be subject to a civil judgment not to exceed two hundred and fifty dollars (\$250.00). Upon a second or subsequent finding of a violation of this Section, under this Section, a judgment may be granted not to exceed five hundred dollars (\$500.00).

[History: L. 1999, September 22; R-34-99:  
PUBLIC LAW # T 6A § 203]

### **Section 204. Public Nuisance**

(a) A civil citation may be issued to any person who does any act, or fails to perform any duty, without lawful authority to do so, which act or omission either:

(1) Unreasonable and substantially annoys and injures or endangers the comfort, repose, health or safety of a person; or

(2) Offends public decency; or

(3) Substantially interferes with, obstructs, or tends to obstruct, or renders dangerous for use or passage any lake, stream, campground, pow-wow ground, public park, square, street, highway or road; or

(4) In any way unreasonably renders any person insecure in life or the use of property.

(b) Public Nuisance shall be subject to a civil judgment not to exceed five hundred dollars (\$500.00).

[History: L. 1999, September 22; R-34-99:  
PUBLIC LAW # T 6A § 204]

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## CHAPTER THREE

## WEAPONS OFFENSES

**Section 301. Firearms Offense**

(a) A civil citation may be issued to any person found to:

(1) Have a dangerous weapon in his physical possession while:

(i) being at a Blood Alcohol Level of .08 or higher; or

(ii) being in possession or under the influence of any illegal narcotic or drug; or

(iii) being in violation of any Court order requiring them not to possess any firearm; or

(iv) being under the age of eighteen (18) years old without the consent of a parent or guardian.

(2) Carry a loaded firearm in a vehicle on a public road without lawful authority to do so; or to discharge any kind of firearm from a motor vehicle without lawful authority to do so; or to discharge a firearm from, upon or across any public highway without lawful authority to do so.

(b) Definitions:

(1) "Dangerous Weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In determining whether an item, object or thing the character of the wound produced, if any, and the manner in which the instrument, item or thin was used shall be determinative.

(2) "Firearms" means pistols, revolvers, rifles, shotguns, and any device that is capable of being used as a weapon because it expels a projectile by some means of force.

(3) A firearm or other weapon shall be deemed loaded when there is an unexpended cartridge, shell or projectile

in the firing position except in the case of pistols and revolvers, in which case they shall be deemed loaded when the unexpended cartridge, shell or projectile is in such position as to be fired next.

(c) Refusal to submit to a Blood Alcohol Testing will result in a citation being issued and weapons being seized.

(d) Weapons offenses shall be subject to a civil judgment not to exceed five hundred dollars (\$500.00), and possible seizure of weapon(s) involved.

[History: L. 1999, September 22; R-34-99:  
PUBLIC LAW # T 6A § 301]

### **Section 302. Use of Weapon**

(a) It shall be a civil violation for any person within the jurisdiction of the Sac and Fox Nation of Missouri to:

(1) Sell, manufacture, purchase, possess, or carry any bludgeon, sand-club, metal knuckles or throwing star, or any knife commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; or

(2) Carry, concealed on one's person, or in possession with an intent to use the same against another, a dagger, dirk, billy-club, blackjack, sling shot, dangerous knife, straight-edged razor, stiletto, or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four (4) inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument; or

(3) Carry on one's person or in any land, water or air vehicle, with an intent to use the same, a tear gas or smoke bomb or projector or any object containing noxious liquid, gas or substance; or

(4) Carry any pistol, revolver or other firearm concealed on one's person, except when on the person's land or in the person's abode or fixed place of business; or

(5) Set a spring gun; or

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sell, manufacture, purchase, possess, or carry a shotgun with a barrel less than eighteen (18) inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger; or

(8) Possess or transport any incendiary or explosive material, liquid, solid or mixture equipped with a fuse, wick or any other detonating device, commonly known as a Molotov cocktail or a pipe bomb.

(b) Law Enforcement Officers or any persons summoned by any such Officers to assist in making arrests or preserving the peace while actually engaged in assisting such Officers are exempt from Articles (1), (2), (3), (4), and (7).

(c) Other exemptions include Security personnel, members of the Armed Services or Guards while on duty and performing their duties, licensed hunters or fishermen while actually hunting or fishing, state of Kansas or Nebraska Fire Marshall or its employees while engaged in the performance of the duties, Railroad Detectives or Officers while in the performance of their assigned duties.

(d) Violators of this Section shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than ten thousand dollars (\$10,000.00), plus Court costs and seizure of item(s) for destruction.

[History: L. 1999, September 22; R-34-99:  
PUBLIC LAW # T 6A § 302]

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## CHAPTER FOUR

## PROPERTY OFFENSES

**Section 401. Forgery**

(a) It shall be a civil violation for any person within the jurisdiction of the Sac and Fox Nation of Missouri to knowingly and with intent to defraud any person, tribal member or tribally owned business, to commit Forgery.

(b) Forgery is defined as:

(1) Making, altering or endorsing any written instrument in such a manner that purports to have been made, altered or endorsed by another person, either real or fictitious, and if a real person, without the authority of such person; or altering any written instrument in such a manner that it purports to have been made at another time or with different provisions without the authority; or

(2) Issuing or delivering such written instrument knowing it to have been thus made, altered or endorsed; or

(3) Possessing, with intent to issue or deliver, any such written instrument knowing it to have been thus made, altered or endorsed.

(c) In any proceeding or suit under this Section, it may be alleged in the complaint that it is not known whether a purported person is real or fictitious, and in such case there shall be rebuttable presumption that such purported person is fictitious.

(d) Violation of this Section shall be subject to a judgment of damages in the form of restitution, plus up to three (3) times the amount of restitution and Court costs.

[History: L. 1999, September 22; R-34-99:  
PUBLIC LAW # T 6A § 401]

**Section 402. Giving a Worthless Check**

(a) It shall be a civil violation for any person within the jurisdiction of the Sac and Fox Nation of Missouri to knowingly

and with the intent to make, draw, issue, or deliver to any person, tribal member, or tribally owned business, a worthless check.

(b) "Worthless Check" is defined as: the making, drawing, issuing, delivering, causing, or directing the making, issuing, or delivering of any check, order or draft on any bank, credit union, savings and law association, or depository for the payment of money or its equivalent with the intent to defraud and knowing, at the time of the making, drawing, issuing, or delivering of such check, order, or draft, that the maker or drawer has no deposit in or credits with the drawee or has not sufficient funds in, or credits with, the drawee for the payment of such check, order, or draft in full upon its presentation.

(c) In any suit or proceeding against the maker or drawer of a check, order, or draft payment, of which has been refused by the drawee on account of insufficient funds, the making, drawing, issuing, or delivering of such check shall be prima facie evidence for intent to defraud and of knowledge of insufficient funds in, or on deposit with, the drawee, unless the maker or drawer pays the holder thereof the amount due thereon, and a service charge not exceeding ten dollars (\$10.00) for each check, within seven (7) days after notice has been given to the maker or drawer that such check, draft, or order has not been paid by the drawee.

(d) As used in this Section, "notice" includes oral or written notice to the person entitled thereto. Written notice shall be presumed to have been given when deposited as restricted matter in the United States mail, addressed to the person to be given notice at such person's address as it appears on such check, draft, or order.

(e) It shall be a defense to a suit or proceeding under this Section that the check, draft, or order upon which such suit or proceeding is based:

(1) was postdated; or

(2) was given to a payee who had knowledge or had been informed, when the payee accepted such check, draft, or order, that the maker did not have sufficient funds in the hands of the drawee to pay such check, draft, or order upon presentation.

(f) Giving a Worthless Check shall be subject to a judgment of, and in the amount equaling complete restitution and also paying up to three (3) times the amount of restitution, plus court costs.

[History: L. 1999, September 22; R-34-99:  
PUBLIC LAW # T 6A § 402]

**Section 403. Theft, Conversion or Misappropriation**

(a) It shall be a civil violation for any person within the jurisdiction of the Sac and Fox Nation of Missouri to knowingly and with intent to permanently deprive any person, tribal member, or tribally owned business of the possession, use, or benefit of its property.

(b) Theft is defined as:

(1) Obtaining or exerting unauthorized control over property; or

(2) Obtaining by deception, control over property; or

(3) Obtaining by threat, control over property; or

(4) Obtaining control over stolen property knowing the property to have been stolen by another.

(c) Theft of property shall be subject to a civil judgment not to exceed five hundred dollars (\$500.00), plus restitution to victim, plus court costs.

[History: L. 1999, September 22; R-34-99:  
Amended L. 2004, March 23; R-28-04: § 403(c):  
PUBLIC LAW # T 6A § 403]

**Section 404. Conversion of Lost or Mislaid Property**

(a) It shall be a civil violation for any person within the jurisdiction of the Sac and Fox Nation of Missouri to fail to take reasonable measures to restore lost or mislaid property to the lawful owner by a person who has obtained control of such property, who knows or learns the identity of the owner thereof, and who intends to deprive the owner permanently of the possession, use or benefit of the property.

(b) Theft of lost or mislaid property shall be subject to a civil judgment not to exceed five hundred dollars (\$500.00), plus restitution to victim, plus court costs.

[History: L. 1999, September 22; R-34-99:  
Amended L. 2004, March 23; R-28-04: § 404:  
PUBLIC LAW # T 6A § 404]

**Section 405. Desecration**

(a) It shall be a civil violation for any person within the jurisdiction of the Sac and Fox Nation of Missouri to:

(1) Obtain or attempt to obtain unauthorized control of a dead body or remains of any human being or coffin, urn or other article containing a dead body or remains of any human being; or

(2) By means other than fire or explosive to:

(i) damage, deface or destroy the flag, ensign or other symbol of the Sac and Fox Nation in which another has a property interest without the consent of such other person; or

(ii) damage, deface or destroy any Tribal monument or structure; or

(iii) damage, deface or destroy any tomb, monument memorial, marker, sign, grave, crypt gate, tree, shrub, plant, or any other property; or

(iv) damage, deface or destroy any place of worship, with exception to Tribal ceremonies during which, grave, remains or other memorials, markers or monuments are being removed for relocation.

(b) Desecration shall be subject to a fine of not less than one thousand dollars (\$1000.00), nor more than one million dollars (\$1,000,000.00), plus costs of repair, replacement, services and other collateral damages and Court costs and fees.

[History: L. 1999, September 22; R-34-99:  
PUBLIC LAW # T 6A § 405]

**Section 406. Dangerous Drug Offense**

(a) It shall be a citable offense, except as authorized and controlled by federal law, to manufacture, distribute, possess with intent to distribute, dispense, create, possess, or cultivate a controlled or counterfeit substance by misrepresentation, fraud, forgery, deception, or subterfuge; or to knowingly or intentionally use any communication facility in committing any of the above prohibited acts.

(b) Controlled or counterfeit substances shall consist of the substances listed in 21 U.S.C. Section 812 (1972), and any other chemical substance, natural or artificial, defined as a controlled or dangerous substance with possession, sale, distribution, or use of which is prohibited by federal law, except peyote.

(c) A dangerous drug offense shall be subject to a judgment not to exceed five hundred dollars (\$500.00), costs of handling, testing, mailing, transporting, storing such substance, plus Court costs. Upon a finding of liability under this Section for sales distribution, possession with intent to distribute, manufacture with the intent to sell, or cultivation with the intent to distribute, banishment may also be imposed for a term not to exceed ten (10) years.

(d) Any substance handled in violation of this Section is hereby declared to be contraband and forfeiture proceedings may be had against such substance as provided by law.

(e) Any personal property used to transport, conceal, manufacture, cultivate, or distribute the controlled substance in violation of this Section shall be subject to forfeiture as contraband by a separate civil proceeding as provided by law.

[History: L. 1999, September 22; R-34-99:  
PUBLIC LAW # T 6A § 406]

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## CHAPTER FIVE

## ANIMAL ORDINANCE

**Section 501. Number and Type of Pets Allowed**

(a) A maximum of two (2) domestic pets may be kept by tenants and home buyers in Sac and Fox Housing Authority property, PROVIDED THAT:

(1) The owner(s) of the animal(s) deposit a total of fifty dollars (\$50.00) with the Sac and Fox Housing Authority; and

(2) The pet(s) is (are) maintained in a clean and sanitary manner, including having all vaccinations required by law; and

(3) The pet(s) is (are) maintained constantly either by penning or leashing; and

(4) The pet(s) cause(s) no disturbance to neighbors in their peaceful enjoyment of their own homes and property; and

(5) The animal(s) is(are) not a farm animal nor animal kept for the purpose of breeding for profit, and is(are) of varieties usually and customarily kept as pets and companion animals.

(b) Examples of animals allowed as pets include: domesticated breeds of dogs and cats, rabbits, caged birds, ferrets, hamsters, gerbils, fish in tanks or aquariums, and small turtles.

(c) Examples of animals not allowed as pets include, but are not limited to: cattle, sheep, hogs or swine, ratites, horses, poultry (but not caged birds), large cats, any wild or feral animal including such dogs or cats, large reptiles, poisonous or other inherently dangerous animals.

[History: 1998, January 22; R-03-98: Amend. 2004,  
December 14; R-??-04: PUBLIC LAW # T 6A § 501]

**Section 502. Barking Dogs**

Barking dogs will be declared a nuisance if the owner/keeper of the dog or dogs allows the animal(s) habitually to bark, howl, or yelp frequently enough, or at hours which, disturb any person or neighborhood.

[History: 1998, January 22; R-03-98: Amend. 2004,  
December 14; R-??-04: PUBLIC LAW # T 6A § 502]

**Section 503. No Animals at Large**

No owner/keeper shall permit animals to run at large at any time and all animals shall be confined to the owner's/keeper's property by fence or leash, and shall be on a leash when off the owner's/keeper's property.

It shall be unlawful for anyone authorized by the Sac and Fox Housing Authority to pursue and capture an animal at large and isolate the same by taking the animal to an authorized animal shelter or veterinary clinic.

No animal shall be considered to be at large while in attendance at a scheduled obedience class or show: provided, that the animal is being trained to participate in obedience trials, or authorized sporting events within the City or Tribal boundaries or reservation. Such animals must nonetheless be under direct visual and voice control of a competent handler while participating in the event.

[History: 1998, January 22; R-03-98: Amend. 2004,  
December 14; R-??-04: PUBLIC LAW # T 6A § 503]

**Section 504. Complaints**

Complaints concerning animal nuisances shall be made directly to the Sac and Fox Housing Authority or, if outside business hours, to the Sac and Fox Police Department.

A complaint does not have to be received from a member of the public for the Housing Authority to authorize the Tribal Police to act upon a violation of this ordinance.

[History: 1998, January 22; R-03-98: Amend. 2004,  
December 14; R-??-04: PUBLIC LAW # T 6A § 504]

Section 505. Action to be Taken Upon Violation of This Ordinance

(a) When the Sac and Fox Housing Authority or an officer of the Tribal Police department receives a complaint or observes a violation of this ordinance, the following procedure shall be followed:

(1) If an owner/keeper can be identified and contacted, the officer will notify them of the problem and require that they contain and secure the animal.

(2) If the owner/keeper cannot be identified and/or contacted within a reasonable time under the circumstances, the animal shall be caught and taken to the nearest animal shelter or authorized veterinary clinic where it will be kept for three (3) business days, after which it may be destroyed.

(3) If the animal cannot be caught and the officer has made reasonable and good faith attempts to both detain the animal and notify the owner/keeper, the officer will cease his attempts to capture the animal and prepare a written report to be submitted to the Housing Authority or the Tribal Council for evaluation and any further action deemed necessary.

(4) In all cases, the officer will complete an incident report with narrative, animal owner/keeper information, a description of the animal and any complainant information.

(5) The owner/keeper will be issued a citation with the date and time of the violation, disposition of the matter and notice of the fine and/or costs assessed for violation of this ordinance.

(6) If the animal is impounded or placed in a veterinary clinic the necessary and required immunizations will be administered and assessed to the owner/keeper, the animal owner/keeper will be notified of the ordinance infraction and the animal's whereabouts, unclaimed animals may be placed for adoption and if not adopted within a reasonable time, at the sole discretion of the animal shelter or veterinary clinic, may be euthanized.

[History: 1998, January 22; R-03-98: Amend. 2004,  
December 14; R-??-04: PUBLIC LAW # T 6A § 505]

**Section 506. Fines and Costs**

(a) Fines: Owners/keepers of animals found to be in violation of this ordinance are subject to civil citation and fines in the following amounts:

(1) First confirmed incident, fined fifteen dollars (\$15.00);

(2) Second confirmed incident, fined twenty dollars (\$20.00);

(3) Third and subsequent incidents, fined fifty dollars (\$50.00).

(b) Costs: All costs incurred in capturing, keeping, feeding, boarding, treating and otherwise caring for the animal during custody and confinement shall be assessed to and become the responsibility of the owner/keeper. These costs may be in addition to any civil penalties issued by the Tribal Court for violation of this ordinance.

Costs of care, custody and confinement of the animal will be assessed to the owner/keeper and will be paid at the Housing Authority office during regular business hours within thirty (30) days of billing and are subject to fifteen percent (15%) late payment penalty on all unpaid balances.

Failure to pay such costs after ten (10) days may be considered a violation of the lease/MHO agreement. A receipt for payment of costs will be issued and necessary for release of the animal to the owner/keeper.

Fees for animal boarding are subject to change, but at the time of adoption of this ordinance were:

(1) Per day boarding costs:

(i) Five dollars (\$5.00) for a small animal;

(ii) Five dollars and fifty cents (\$5.50) for a medium sized animal;

(iii) Six dollars and ninety cents (\$6.90) for a large animal.

(2) Euthanasia costs seven dollars and fifty cents (\$7.50);

(3) Animal disposal fees are ten dollars (\$10.00) per animal euthanized.

[History: 1998, January 22; R-03-98: Amend. 2004,  
December 14; R-??-04: PUBLIC LAW # T 6A § 506]

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