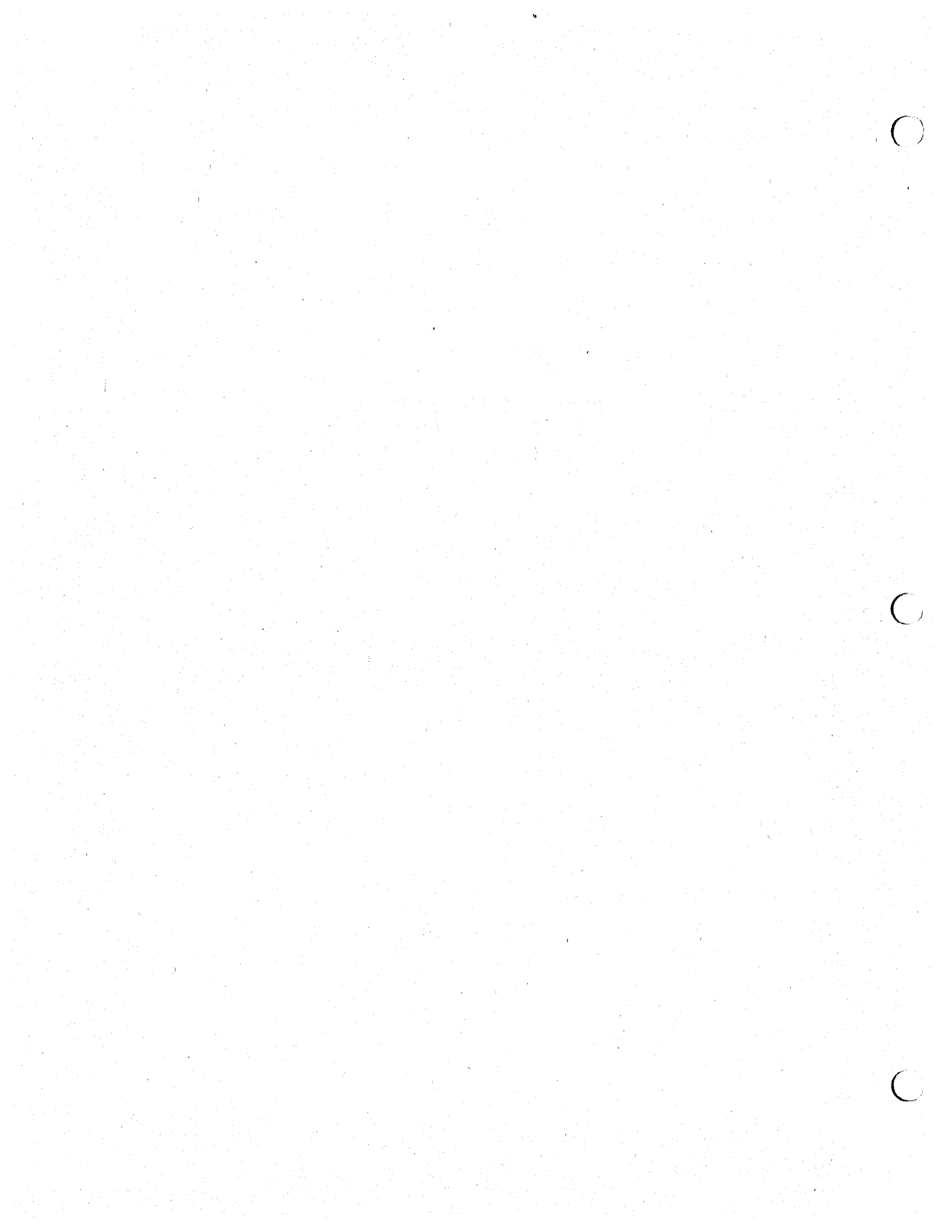




CHAPTER 22

RESERVATION REGULATIONS



CHAPTER 22

RESERVATION REGULATIONS

GENERAL ORDINANCES OF THE PENOBSCOT NATION

General Provisions

§1 No person shall, within the limits of any public street on the Penobscot Reservation, play at any game of ball or engage in any other form of recreation.

This section shall not apply to any street which, for a designated period of time, is declared by the Governor and Council to be a "play street."

§2 No person shall loiter as in obstructing traffic, or disturbing the peace, on the Indian Island Bridge or the entrance and exit ramps thereof, nor shall any person dive off the Indian Island Bridge.

§3 No person shall throw or propel by any means, any rock, stone, bullet or other substance or missile in any street or public place within Indian Island.

§4 No person shall write upon any fence, sidewalk, street, building or other public place on the Reservation, nor shall any person willfully mutilate, damage, or destroy any other public property, or private property, not his own.

§5 No person shall leave his vehicle stationary on a public way so as to obstruct the free passage of other vehicles along such way.

§6 No person shall dig or make any excavation in any public way for any purpose, without obtaining permission in writing from the Governor and Council, or their designated authority or department.

§7 Every bicycle, when in use in the nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 200 feet and with a red reflector on the rear which shall be visible from the rear when such bicycle is directly in front of the lawful normal head lights on a motor vehicle, and shall ride on the right-hand side of the road with traffic.

Any person who violates this section shall be punished by a fine of not more than \$2, or by impoundment of the owner's bicycle for a period not to exceed 30 days, or by a combination of both.

§8 The Community Building, Parish Hall, and other public buildings on the Reservation, together with the grounds and parking areas adjacent to such buildings, shall be closed to the public outside of normal business hours or such times as such buildings shall be officially opened to the public by an agency which controls such a building. Bus stop shelters shall also be deemed closed to the public except during times of regularly scheduled bus service. No person shall trespass upon any of the said buildings, grounds, or parking areas when they are closed to the public.

§9 No person shall place, pile, throw, sweep or deposit, or cause to be placed, piled, thrown, swept or deposited, any ashes, carrion, trash, dirt, manure, rubbish or refuse of any kind into any street, sidewalk, or other public place, other than an officially designated dumping area.

No person shall deposit any refuse described above on land of another without the permission of the owner of such land, and any such owner who shall grant such permission shall assume responsibility for any nuisance conditions which may result from the deposit of any such waste materials or refuse on his/her land.

§10 No person other than a member of the Penobscot Nation, or the spouse of such a member, shall be present on the Penobscot Reservation between the hours of 10:00 p.m. and 5:00 a.m., unless such person is a guest within the home of a member of the Penobscot Nation. All other persons shall be treated as unattached.

§11 No person shall start a fire upon any lands owned by the Penobscot Nation without first obtaining a permit for such fire from the Penobscot Nation Fire Chief or person he may designate Fire Officer in his absence, provided however, that no permit shall be required for ceremonial fires.

§12 Pedestrians shall have the right-of-way over all motor vehicles and shall not abuse this privilege or right in obstructing traffic or endangering life or harm.

§13 No person shall discharge any firearm, air rifle or air pistol, sling shot or slingbow and arrow, crossbow, or any other dangerous weapon capable of inflicting serious bodily harm upon another, within a half-mile of any occupied dwelling on the reservation.

This section shall not apply to any person who obtains from the Governor and Council to use any of the above-mentioned weapons for exhibitions or show, nor shall this section apply to any person who obtains permission from the Governor and Council to use any of said weapons for the purpose of practice and instruction,

in an area designated by the Governor and Council as suitable for such activity.

§14 Games of Chance. Be it enacted by the people of the Penobscot Nation, that the Penobscot Tribal Council is empowered and authorized to organize and conduct games of chance on lands of the Penobscot Nation. Such games of chance may include, but are not limited to bingo, gaming machines and other methods of devices. The Tribal Council shall within 90 days of the enactment of this Ordinance develop rules, regulations and requirements for the operation of said games of chance and thereafter make rules, regulations and requirements for games of chance operations as needed. This Ordinance shall not extend to raffles of goods or items conducted by individual tribal members or church activities.

(General Meeting 11/19/80)

§15 Dangerous Buildings. Whenever the Governor and Council shall find a building or structure or any portion thereof of any wharf, pier, pilings, or any portion thereof which is located on or extending from land within the boundaries of the Penobscot Indian Territory, as measured from the low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property, they may after notice and hearing on this matter, adjudge the same to be a nuisance or dangerous building or structure and may make and record an order prescribing what disposition shall be made thereof.

§15-A Notice. The notice shall be served on the owner and all parties in interest, as defined in Title 14, Section 6321 of the Maine Revised Statutes Annotated, in the same way Service of Process is made in accordance with the Penobscot Nation Rules of Civil Procedures.

§15-B Notice how Published. When the name or address of any owner or co-owner is unknown, is not ascertainable with reasonable diligence, then the notice shall be published once a week for three (3) successive weeks prior to the date of hearing in a newspaper generally circulated in the county, or a Penobscot Tribal Newspaper.

§15-C Order. The order made by the Governor and Council shall be recorded by the Tribal Clerk who shall forthwith cause and attest a copy to be served upon the owner and all parties in interest in the same way Service of Process is made in accordance with the Penobscot Nation Rules of Civil Procedure. If the name or address cannot be ascertained the Tribal Clerk shall publish a copy of the

order in the same manner as provided for notice in Section 14-A.

§15-B Proceedings in Tribal Court. In addition, to proceedings before the Governor and Council, the Nation may seek an Order of demolition by filing a complaint in the Tribal Court. The complaint shall identify the location of the property and set forth the reason why the Nation seeks its removal. Service of the complaint shall be made upon the owner and parties in interest in accordance with the Penobscot Nation's Rules of Civil Procedure. After hearing before the court sitting without a jury, the court shall issue an appropriate order and, if it requires removal of the structure, it shall award costs, as authorized by this Ordinance to the Nation. Appeal from a decision of the Tribal Court shall be made to the Tribal Appellate Court in accordance with the Rules of Appellate Procedure.

Historical Note

Section 13 of the General Ordinances has been added at this time. This Ordinance has been on the books since July 14, 1976, but has been over-looked in various drafts of the Ordinances of the Nation. On October 21, 1980, this particular Ordinance had been rewritten to make it a crime for a person 16 years of age or younger to possess the various listed weapons. This Ordinance was voted down at that General Meeting but the prior Ordinance had never been repealed at that time; therefore, the law still remains on the books.