

CHAPTER 16
STOCKBRIDGE-MUNSEE TRIBAL LAW
PUBLIC PEACE AND GOOD ORDER ORDINANCE

Stockbridge-Munsee Ordinance Relating to the
Regulation of Conduct for Public Peace and Good Order.

Statement of Purpose and Findings

The Stockbridge-Munsee Tribal Council enacts this Ordinance to provide for the public peace of the Stockbridge-Munsee Reservation and to minimize health and accident hazards within the exterior boundaries of the reservation. The Stockbridge-Munsee Council Tribal further finds that this chapter is necessary to protect social, economic and political well being of the Stockbridge-Munsee Community Indian Tribe and its members.

Section 16.1 Short Title

This ordinance may be cited as the Stockbridge-Munsee Public Peace and Good Order Ordinance.

Section 16.2 Interpretation

This ordinance shall be deemed as a reasonable and proper exercise of the sovereign power of the Stockbridge-Munsee Tribe for the protection of the tribe's land, welfare, health, peace and morals. All provisions of this ordinance shall be liberally construed for the accomplishment of these purposes.

Section 16.3 Definitions

In this ordinance, unless the context otherwise requires:

(A) "Conservation Officers" means those individuals employed by the Stockbridge-Munsee tribe to enforce federal and tribal conservation codes and tribal civil violations within the exterior boundaries of the reservation.

(B) "Reservation" means the area within the exterior boundaries of the Stockbridge-Munsee Community Reservation which encompasses the two townships described as Township 28 North, Range 13 East and Township 28 North, Range 14 East.

(C) "Tribal officer" means any officer employed by the Stockbridge-Munsee tribe and authorized by the Stockbridge-Munsee Tribal Council for the purpose of patrolling and enforcing state criminal laws and tribal civil regulatory laws within the exterior boundaries of the reservation.

(D) "Tribal parks" means any tribal land within the exterior boundaries of the reservation which are specifically set aside for recreational use by Stockbridge-Munsee tribal members and their families and guests.

Section 16.4 Damage to Property

Destruction or defacement of tribal or private property prohibited:

(A) Damage to Property: No person shall deface, mar, injure, break or damage any tribal or private property within the exterior boundaries of the Reservation. Tribal and private property inside the reservation boundaries includes, but is not limited to signs, statues, monuments, or buildings.

(B) Damage to Vegetation: No person shall maliciously destroy, remove or cut down, root up, sever or injure any fruit, trees, shrubs, plants, flowers, or other vegetation within the exterior boundaries of the reservation, except for the purposes of gathering of medicine or transplanting plants and trees, with the required permission from the Tribal Council where applicable.

Section 16.5 Disorderly Conduct/ Prohibition on Noise

(A) Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a violation of this ordinance.

(B) Loud and unnecessary noise prohibited: No person shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises which may annoy or disturb any person within the boundaries of the Reservation.

Section 16.55 Unlawful Use of Telephone

(A) Whoever does any of the following is guilty of a violation of this ordinance:

(1) With intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or the property of any person.

(2) With intent to frighten, intimidate, threaten or abuse, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(3) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to abuse or threaten any person at the called number.

(4) With intent to harass or offend, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(5) Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.

(6) Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.

(7) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to harass any person at the called number.

(8) Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section.

Section 16.56 Harassment

(A) In this section:

(1) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

(2) "Credible threat" means a threat made with the intent and apparent ability to carry out the threat.

(3) "Personally identifiable information" means information that can be associated with a particular individual through one or more identifiers or other information or circumstances.

(4) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of the physical form or characteristics, which has been created or is being kept by an authority including the Tribe.

(B) Whoever, with intent to harass or intimidate another person, does any of the following is guilty of a violation of this ordinance:

(1) Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.

(2) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

(C) Whoever violates subsection (B) under any of the following circumstances is guilty of an additional violation of this ordinance:

(1) The act is accompanied by a credible threat that places the victim in reasonable fear of death or great bodily harm.

(2) The act occurs while the actor is subject to an order or injunction under Stockbridge-Munsee Community Domestic Abuse Restraining Order and Injunction ordinance that prohibits or limits his or her contact with the victim.

Section 16.6 Loitering Prohibited

No person shall loiter, lounge, or loaf in or about the Tribal Administrative offices, clinic, or housing project area or other tribal buildings, facilities or grounds. Upon being requested to move, a person must immediately comply with such request by leaving the premises or area thereof at the time of the request.

Section 16.65 Smoking Prohibited

The use of cigarettes, pipes and any other tobacco products which produce smoke is prohibited inside all tribal buildings except where exceptions have been approved by the Tribal Council.

Section 16.7

[Section 16.7 has been superseded by Chapter 14 - Curfew and Hitchhiking Ordinance]

Section 16.8 Littering Prohibited

No person shall throw any glass, refuse, or waste, filth, or other litter upon the streets, parks, or other public or private property within the exterior boundaries of the reservation.

Section 16.9 Junked Motor Vehicles, Garbage, and Unsightly Areas

(A) Junked Motor Vehicles:

(1) No person shall allow any disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, or other junked or discarded property to be stored or remain in the open on tribal or private property within the exterior boundaries of the reservation for a period of time in excess of thirty (30) days unless otherwise authorized by the Tribal Council.

(2) Whenever the Tribal Officer or any other authorized tribal personnel finds such vehicles of other junked or discarded property placed or stored in the open upon property inside the boundaries of the reservation, he/she may cause such property to be removed to a junk or salvage yard until either claimed by the owner or disposed of by the junk or salvage yard.

(B) Unsightly Areas: No person shall allow any scrap, refuse, junk, salvage, rubbish or property within the exterior boundaries of the Stockbridge-Munsee Reservation that creates unsightly areas and/or contributes to health and safety hazards.

(1) Whenever the Tribal Officer or any other authorized tribal personnel finds such property placed or stored in the open upon property within the exterior boundaries of the Reservation, he/she shall notify the resident or owner of the property upon which such vehicles or other property are placed or stored. Such notice may be given to such owner personally or mailed to the resident or owner at any place such owner or resident may be found or at his/her last known address. Such officer or authorized tribal personnel must indicate that it is the tribe's intention to remove such property. If such property is not removed within thirty (30) days, the tribe may cause the same to be removed, the cost of such removal to be charged to the owner or resident where such property is stored.

Section 16.10 Animal Control

The purpose of this section is to provide conditions and restrictions on keeping domestic animals on the Stockbridge-Munsee Reservation. Additionally, the purpose of this section is to identify "vicious dogs and "potentially dangerous dogs" and to impose conditions and restrictions on the ownership of such dogs on the Stockbridge-Munsee Reservation as well as enforcement guidelines for law enforcement and conservation officers.

16.10(A) Except as otherwise provided, no person on the reservation may:

- (1) Allow any dog owned by that person to run at large on the Reservation.
- (2) Allow any dog or cat owned by that person to be untagged on the Reservation. Untagged, for purposes of this section, means that a valid license tag is not attached to a collar that is kept on the dog whenever the dog is outdoors.
- (3) Treat any dog, whether belonging to the person or another, in a cruel manner. Cruel means causing unnecessary and excessive pain or suffering or unjustifiable injury or death by any means.

a. **Dog License.** The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license fee to the Public Safety Department and obtain a license and a rabies tag from Public Safety. Public Safety is authorized to adopt procedures for issuing and enforcing the license process. Each license shall have a serial number specific to each dog and the Public Safety Department shall be responsible for maintaining a record of the licenses issued.

i. The Tribal Council shall annually, by resolution, set the dog licensing fee. Upon approval of this subsection, the fee of \$2.00 per license shall be in affect until changed by resolution. The licensing fee shall be collected by the Public Safety Department and used for rabies clinics, public awareness and other programs related to the care and control of animals on the Reservation.

ii. Owners of dogs more than five months of age shall insure that the dog is immunized against rabies and that the immunizations are administered every 3 years. Owners shall obtain a rabies certificate from the veterinarian which properly identifies the dog by name, species, breed and physical description and which clearly states the date of the immunization and the due date for the next immunization.

iii. A late fee of \$5.00 shall be collected by the Public Safety Department from every owner of a dog 5 months of age or over, if the owner fails to obtain a license prior to October 1 of each year, or within 30 days of acquiring ownership of a licensable dog, or if the owner fails to obtain a license on or before the dog reaches a licensable age. All late fees collected shall be paid into Tribal treasury as revenue of the Tribe.

(4) Allow any animal owned by that person to be abandoned on the Reservation.

(5) Own an animal which assaults or attacks any person.

(6) Own or keep an animal, which by frequent howling, whining, yelping, barking, or otherwise shall cause serious annoyance or disturbance to a person or persons living in the area. No persons shall be convicted under the provisions of this subsection except upon the evidence of 2 persons each of whom lives in a separate residence, including, but not limited to, Stockbridge-Munsee law enforcement officers, Stockbridge-Munsee conservation officers or Shawano County law enforcement officers, not living on the Reservation.

(7) Own or keep an animal which acts in such a manner as to justify the belief that it is vicious. Any animal which shall have bitten any person or other animal within the Reservation and off the owner's property shall be presumed a vicious animal.

(8) Own more than two (2) dogs per residence, except that if a person owns more dogs than 2 on the effective date of this ordinance, those dogs are grandfathered in, so long as the total number does not exceed 5. This provision is not intended to grant owner permit authorization to keep more than 2 dogs on a permanent basis.

a. **Exceptions.** The following exceptions will be allowed, so long as the exception is registered with the Public Safety Department:

i. A litter of puppies until the puppies reach 6 months of age;

ii. A business enterprise such as a kennel or dog training business, so long as the business is properly permitted under tribal law;

iii. Sled dogs, *working dogs*, and hunting *dogs*, as long as they are properly maintained and do not create a nuisance.

16.10(B) In addition to any of the foregoing, for purposes of this section:

1. **“Potentially dangerous dog”** means:

a. Any individual dog which when either unmuzzled, unleashed, or unattended by its owner or custodian, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon roadways, streets, sidewalks, private property of others, or any public grounds or places – off the owner’s property.

b. Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or custodian of the dog.

c. Any dog, which, when unprovoked, bites a person or otherwise engages in aggressive behavior causing injury.

d. Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner or custodian of the dog.

2. **“Vicious dog”** means:

a. Any dog that engages in or has been found to have been trained to engage in exhibitions of fighting.

b. Any individual dog that when unprovoked inflicts bites, attacks or otherwise inflicts injury on a human being or other animal either on public or private property.

c. Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

d. Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

e. Any individual dog which attacks a human being or domestic animal without provocation.

f. Any individual dog previously determined to be and currently listed as a “potentially dangerous dog” which, after its owner has been notified of this determination, continues the behavior described in subsection 1 and this section.

3. No dog shall be deemed “vicious” if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to a breed.

4. **Enforcement for “potentially dangerous dogs.”** Conditions of ownership and penalties for violations stemming from a “potentially dangerous dog” finding include that the dog be:

- a. properly licensed, micro-chipped for tracking, and vaccinated;
- b. kept indoors or in a security fenced yard or enclosure when on the owner’s property;
- c. muzzled and restrained by a substantial leash and only under the control of an adult capable of restraining and controlling it if off the owner’s premises;
- d. complete an obedience course;
- e. be spayed or neutered; and that
- f. dog may be required to wear a bright fluorescent yellow collar that identifies it as a potentially dangerous dog.
- g. Owner may be required to maintain general liability insurance;
- h. Owner shall pay a fine not to exceed \$500;
- i. Owner shall pay all charges for services performed by law enforcement or conservation officers pursuant to this section;
- j. Owner shall be liable for the full amount of damages caused by the dog injuring or causing injury to a person, livestock, or property.
- k. A judicial officer may impose such other reasonable conditions as are deemed necessary to protect the public safety and welfare.

5. A law enforcement officer, when called to or coming upon the scene of a potentially dangerous dog situation, may take that action deemed necessary under the set of circumstances presented, to protect the public safety and welfare, the safety of him or herself and the safety of domestic animals and property, including taking the dog into custody or placing the dog in quarantine, or disposing of the dog in a humane manner if the dog cannot

be controlled by the law enforcement officer or an owner or custodian on the scene. Any costs related to the quarantine will be charged to the owner or custodian.

6. Department of Public Safety shall maintain a central database for determinations of “potentially dangerous dogs.”

7. **Enforcement for “vicious dogs.”** Consequences of “vicious dog” determinations. If a dog is found to meet this definition, it may be destroyed. If the dog is not destroyed, the judge shall:

- a. impose the conditions set forth under “potentially dangerous” as well as require a special enclosure to contain the dog;
- b. order that the owner give written notice of the vicious dog to the postal service and all utility companies;
- c. order the owner to post signs on the premises where the dog lives, giving notice to the dog’s presence on the property;
- d. require the owner to pay a fine not to exceed \$1,000.00;
- e. may prohibit the owner from owning, possessing, controlling, or having custody of any dog for a period of up to three (3) years;
- f. failure of owner to comply with any of these conditions constitutes a basis for law enforcement to cite owner under any applicable WI State criminal statutes

8. A law enforcement officer, when called to or coming upon the scene of a potentially dangerous dog situation, may take that action deemed necessary under the set of circumstances presented, to protect the public safety and welfare, the safety of him or herself and the safety of domestic animals and property, including taking the dog into custody pending notification to owner, or disposing of the dog in a humane manner if the dog cannot be controlled by the law enforcement officer or an owner or custodian on the scene. Any costs related to the quarantine will be charged to the owner or custodian.

9. The Department of Public Safety shall maintain a central database for determinations of “vicious dogs.”

10. Any dog quarantined for a bite will be micro-chipped by a licensed veterinarian prior to its release from quarantine at the expense of the owner or custodian of said animal.

16.10(C) Authority of the Tribe to protect the public safety and welfare of the Community.

1. An authorized officer or employee of the Tribe shall attempt to capture and restrain any dog running at large or any untagged dog on the Reservation. The dog may be taken into custody and kept at a place designated by the Tribe for such purposes.

a. If the identify of the owner of a dog taken into custody under this ordinance is known or can be determined, the Public Safety Director shall provide written notice to the owner that the dog is in custody and that if the owner fails to claim the dog, have the dog properly tagged, and pay the costs of impoundment and care incurred by the Tribe within 7 days after receipt by the dog's owner, the dog will be considered abandoned. No dog in custody of the Tribe, or taken into custody by the Tribe and housed with the County, shall be returned to the owner or an agent of the owner unless the dog is properly tagged and all custody, care, vaccination and treatment costs incurred by the Tribe are fully paid by owner or agent of owner.

b. If the identity of the owner of a dog taken into custody under this ordinance is not known or cannot be determined with reasonable diligence, the dog shall be considered a stray dog.

2. Unclaimed stray dogs remaining in custody of the Tribe for more than 7 days and abandoned dogs remaining in the custody of the Tribe for 7 days after issuance of the notice to the owner, may be released to a person other than the owner or euthanized, pursuant to policies put in place by Public Safety.

16.10(D) General Penalties. Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this section shall be subject all penalties and remedies as set forth in this ordinance, or other relevant provisions of tribal law, plus the applicable assessments and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this ordinance. In addition, the Tribe may seek injunctive relief from the Tribal Court to enjoin further violations.

Section 16.11 Park Rules

(A) All persons using the tribal park facilities shall abide by the following special terms and conditions:

- (1) Camping is permitted in designated camping areas only.
- (2) No fires are permitted except in designated campfire areas.
- (3) There shall be no littering of any kind inside park boundaries.
- (4) Defacing of any park property or vegetation is strictly prohibited.
- (5) The maximum speed limit on park and campground roads is 10 m.p.h.
- (6) Through traffic is prohibited on the campground road when the Pow Wow or other tribal functions are scheduled in the park area.

(7) Fishing (by tribal member or those with required permits) in the river is prohibited in designated swimming areas, when swimmers are present.

(8) Excessive noise is prohibited.

(9) Campers shall observe established campground rules.

(10) No alcohol shall be allowed in any tribal parks from the hour of 10 p.m. until the hour of 10 a.m.

(11) After 8 p.m., no minors are allowed except if accompanied by a responsible adult, such as a parent or guardian.

(12) Fireworks are not permitted.

(13) Any visibly intoxicated, boisterous, or discourteous person(s) will be subject to immediate removal in addition to any other penalties.

(14) There shall be no parking in private driveways without the land assignee's permission.

(15) No weapons or firearms are permitted at any time.

(16) Camping is by permit only.

a. Permits are available to Tribal members from the Property and Equipment Department, Monday through Friday 8 a.m. to 4:30 p.m., and shall be available on line at the Tribe's website.

1. Tribal Members and their family and/or guests may camp.

b. All campers must abide by all Tribal rules and regulations.

c. If the camper will utilize electricity, a \$3.00 charge per night must be paid prior to permit being issued.

d. Permits are subject to revocation if rules and regulations are violated and the applicant may be barred from applying for camping permits in the future.

(17) Use of the park, including the campground, by others may be granted by Tribal Council upon such terms and conditions as the Tribal Council shall deem appropriate.

(B) Pow wow Weekend and Other Special Tribal Events

During the annual pow wow weekend and five days before and after pow wow weekend, and other special Tribal events that may arise, the following additional rules apply:

1. Stockbridge-Munsee Public Safety Department shall be responsible for the overall security of the event(s) including appointing, hiring, staffing, and training of all security personnel.
2. No alcohol is allowed in the entire park, including the campground.
3. Quiet time shall be from 8 p.m. to 10 a.m.
4. Camping, parking, and vending shall only be in designated areas.
5. No pets or other animals are permitted at any time.

(C) Penalties and Enforcement

In addition to any other penalty, including criminal charges,

1. Citations against minors may also be issued against the parent(s) or guardian of the minor.
2. Violators are subject to immediate removal and eviction from the event and are subject to being banned for up to 12 months.
3. Vehicles may be towed from the park at the owner's expense.
4. Alcohol, fireworks, weapons, firearms or other dangerous or illegal items are subject to confiscation.

Section 16.12

[NOTE: Snowmobile and 4 wheeler regulation is now under Traffic Ordinance.]

Section 16.13 Mohican Housing Authority

[As of October 7, 1997, Mohican Housing Authority no longer exists as separate entity-housing issues now under the Tribe under the Division of Community Housing.]

Section 16.14 Enforcement/Violation: Jurisdiction

(A) In addition to any other penalty, any person who violates any provision of this ordinance or any rule or regulation authorized thereunder, shall be guilty of a tribal civil offense punishable by a fine of not more than five hundred dollars (\$500.00)

(B) The Stockbridge-Munsee Tribal Court shall have jurisdiction over all violations of this ordinance and may, in addition to the penalty described in Section 16.14 (A), grant such other relief as is necessary and proper for the enforcement of this ordinance.

(C) This ordinance is in effect and applicable throughout the entire reservation except that when enforced on lands owned by non-Indians in fee simple, the conduct at issue must be a threat to health, welfare and safety of the Stockbridge-Munsee Community or its members.

Section 16.15 Future Amendments

Amendments to this Ordinance will be effective upon enactment by the Stockbridge-Munsee Community Tribal Council without further review by the Secretary of the Interior.

Section 16.16 Severability

If a court of competent jurisdiction finds any portion of this Ordinance illegal, the remaining portions of this Ordinance shall remain unaffected and remain in force.

LEGISLATIVE HISTORY

1. Ordinance No. 5 an ordinance to minimize health and accident hazards within the reservation proper...adopted by the Tribal Council January 13, 1973 (No BIA approval); included Snowmobile Resolution No. 1 dated January 6, 1973.
2. Resolution No. 0506, dated May 3, 1974, established an ordinance entitled "Rules and Regulations-Stockbridge-Munsee Campground".
3. Public Peace and Good Order Ordinance presented to tribal council for consideration, public hearing held on August 26, 1986.
4. September 21, 1988, to ordinance committee for review.
5. Approved by tribal council, October 4, 1988, for posting with appropriate changes made.

6. Public Peace and Good order Ordinance adopted by Resolution No. 1113, November 1, 1988. Listing received from BIA shows they have it on file.
7. Resolution No. 1552-95, November 7, 1995, amends Ordinance by replacing “Tribal Council” with “Tribal Court” in Section 16.14 VIOLATION: JURISDICTION.
8. Amended in July 1996 to disallow alcohol in tribal parks.
9. Amended October 7, 1997, by Resolution No. 251-97.
10. Amended by Tribal Council on July 18, 2006 by repealing and recreating Section 16.10; Sections 16.11(A) 11-17 is created; Section 16.11(B) is created; Section 16.11(C) is created; Section 16.15 is created; and Section 16.15 is created, Resolution Number 050-06. Approved by BIA on August 15, 2006.