

RESOLUTION NO. 6-24-80-85

BUREAU OF INDIAN AFFAIRS
GREAT LAKES AGENCY

1980 JUN 30 AM 10:17

AN ORDINANCE TO PROVIDE FOR THE POWERS OF TRIBAL WARDENS

WHEREAS, the Bad River Tribal Council has adopted various ordinances regulating the use of natural resources of the Bad River Reservation by both tribal members and non-members; and

WHEREAS, the Bad River Tribal Council has provided criminal and civil penalties for violation of said ordinances by members, and civil remedial sanctions for breach of said ordinances by non-members; and

WHEREAS, the tribe, through its Rights Protection Program, employs tribal wardens to enforce said ordinances;

NOW, THEREFORE, BE IT RESOLVED, that the attached ordinance, entitled "An Ordinance to Provide for the Powers of Tribal Wardens", is hereby adopted as a tribal ordinance effective the date of adoption hereof, and all prior acts of the tribal wardens consistent herewith are hereby ratified and affirmed by the Bad River Tribal Council.

CERTIFICATION

I, the undersigned, as Secretary of the Bad River Tribal Council, hereby certify that the Tribal Council is composed of 7 members, of whom 5 being present constituted a quorum at a meeting thereof duly called, convened and held on this 24th day of June, 1980, and that the fore-

going resolution was duly adopted at such meeting by an
affirmative vote of 4 for and 0 against, and that
said resolution has not been rescinded or amended in any way.

Barbara Livingston
Secretary, Bad River Tribal Council

AN ORDINANCE TO PROVIDE FOR THE POWERS OF TRIBAL WARDENS

Section 1 -- Warrants and Process.

Any tribal warden may execute and serve warrants and processes issued by the tribal court in the same manner as any law enforcement officer of the State of Wisconsin may serve and execute such state warrants and processes under state law.

Section 2 -- Stop and Search.

For the purpose of enforcing any natural resource ordinance of the tribe or such other ordinance as the Tribal Council may direct, any tribal warden may stop and board any boat and stop any automobile, snowmobile, or other vehicle, if the tribal warden reasonably suspects there is a violation or breach of such ordinance. Any tribal warden may, with or without warrant, open, enter, and examine all buildings, camps, vessels or boats, wagons, trailers, automobiles or other vehicles, snowmobiles, stages, tents, suit cases, valises, packages, and other receptacles and places where the tribal warden has probable cause to believe that game, fish, or other natural products of the Bad River Reservation taken or held in violation or breach of any tribal natural resource ordinance are to be found.

Section 3 -- Arrest of Members.

Any tribal warden may arrest, with or without a warrant, any tribal member detected in the actual violation, or whom such warden has probable cause to believe guilty of a violation of any

tribal natural resource ordinance or such other tribal ordinance as the Tribal Council may direct, whether such violation is punishable by criminal penalties or civil remedial measures, and may take such member before the tribal court and make proper complaint.

Section 4 -- Civil Remedial Enforcement.

Any tribal warden may issue a citation to any member or non-member if the tribal warden reasonably believes that such person has breached a provision of any tribal natural resource ordinance or such other ordinance as the Tribal Council may direct, and may seize and hold any property authorized to be seized in such ordinance, pursuant to the civil remedial forfeiture provisions of the Tribal Court Code. Upon a decree of forfeiture issued by the tribal court, the property forfeited shall be sold by the tribal wardens at the highest price obtainable and the proceeds remitted to the tribe, pursuant to the civil remedial forfeiture provisions of the Tribal Court Code.