

LEECH LAKE BAND OF OJIBWE

TRAFFIC CODE

TABLE OF CONTENTS

CHAPTER 100 AUTHORITY, PURPOSE, TITLE, AND DEFINITIONS

Section 101	Authority.....	1
Section 102	Purpose.....	1
Section 103	Title.....	1
Section 104	Definitions.....	1
Section 105	Scope.....	3
Section 106	Nonwaiver of Sovereign Immunity.....	3

CHAPTER 200 TRAFFIC REGULATIONS

Section 201	Violations.....	3
Section 202	Failure to Comply or Obstruction of an Officer.....	4
Section 203	Defacement or Removal of Signs.....	4
Section 204	Duties of Driver Involved in an Accident.....	4
Section 205	Open Bottle Prohibitions.....	6
Section 206	Careless or Negligent Driving.....	6
Section 207	Reckless Driving.....	6
Section 208	Speed Restrictions.....	6
Section 209	Impeding Traffic.....	7
Section 210	U-Turns.....	7
Section 211	Depositing Refuse on Public Roadways or Adjacent Land.....	7
Section 212	Wheel Flaps on Trucks and Trailers.....	7
Section 213	Motor Vehicle Registration.....	8
Section 214	Motor Vehicle Insurance.....	8
Section 215	Drivers License.....	8
Section 216	Mandatory Use of Seat Belts and Child Passenger Restraints.....	9
Section 217	Other Violations.....	10
Section 218	Drivers of Emergency Vehicles.....	12

CHAPTER 300 PENALTIES

Section 301	Penalties.....	13
Section 302	Recurrent Violations.....	15
Section 303	Responsibility of Parents or Legal Custodians for Violations of Minor Children....	15

Section 304 Contempt of Court..... 15

CHAPTER 400 FORUM AND PROCEDURES

Section 401 Jurisdiction of the Leech Lake Tribal Court..... 16

Section 402 Initiation of Proceedings..... 16

Section 403 Citation Requirements..... 16

Section 404 Authority of the Tribal Court..... 17

Section 405 Default Judgment and/or Citation for Contempt of Court..... 17

Section 406 Recordkeeping and Dissemination of Information..... 17

CHAPTER 500 Transfer of Jurisdiction over offenses of persons not subject to jurisdiction of the Leech Lake Band..... 18

CHAPTER 600 Amendment and Effective Date..... 18

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TRAFFIC CODE

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CHAPTER 100. AUTHORITY, PURPOSE, TITLE, AND DEFINITIONS

Section 101. Authority.

This code is enacted pursuant to the inherent sovereign authority of the Leech Lake Band of Ojibwe by authority vested in the Leech Lake Reservation Business Committee, a/k/a Reservation Tribal Council (RTC), by the Revised Constitution of the Minnesota Chippewa Tribe, and as recognized by the United States under Section 16, of the Indian Reorganization Act, 25 U.S.C. Section 476.

Section 102. Purpose.

The purpose of this code is to protect the health, safety and welfare of residents and other persons found within the Leech Lake Indian Reservation, through the establishment of minimum standards for motor vehicle safety on all public roadways within the boundaries of the Leech Lake Reservation in the State of Minnesota.

Section 103. Title.

This code shall entitled Leech Lake Traffic Code.

Section 104. Definitions.

- A. Terms. The terms used in this code shall have the meanings subscribed to them as defined below.
- B. Band. "Band" shall mean the Leech Lake Band of Ojibwe, a/k/a the Leech Band of Chippewa.
- C. Band Member. "Band Member" shall mean an enrolled member of the Leech Lake Band.
- D. Officer. "Officer" shall mean any police or conservation officer of the Band, and any officer of a federal, state, or local government with which the Reservation Tribal Council (RTC) has entered into an agreement for the purposes of enforcing this code.
- E. Leech Lake Reservation. "Leech Lake Reservation" shall have the meaning and

encompass the territory described in Title 1. Judicial Code, Part II, Section 1A.

- F. Public Roadway. "Public roadway" shall mean the entire width between the boundary lines of any public street, road or highway when any part thereof is open to the use of the public for purposes of vehicular traffic and includes any area designated or used for public parking of motor vehicles within the Leech Lake Reservation.
- G. Registrar. "Registrar" shall mean the registrar of motor vehicles of the Band.
- H. Tribal Council. "Tribal Council" a/k/a RTC" shall mean the governing body of the Leech Lake Band.
- I. Motor Vehicle. "Motor Vehicle" or "Vehicle" means every vehicle which is self-propelled. Motor vehicle does not include a vehicle moved solely by human power. Motor vehicle includes automobiles, vans, pickup trucks, trucks, motorcycles, motorized bicycles, all-terrain vehicles, snowmobiles and all similar vehicles.
- J. Person. "Person" means every natural person, firm, partnership, association or corporation.
- K. Pedestrian. "Pedestrian" means every person who drives or is in actual physical control of a motor vehicle.
- L. Owner. "Owner" means a person who holds the legal title of a vehicle or who is entitled to immediate possession of a vehicle.
- M. Drive(s) or Operates. "Drive(s)" or "Operates" means being in actual physical control of a vehicle regardless of whether or not such vehicle is moving or stationary, and, regardless of whether or not the engine of such vehicle is then operating as long as the vehicle is operable.
- N. Registration. "Registration" means the required registering of ownership of a motor vehicle within the Leech Lake Reservation or within the State of Minnesota pursuant to the provisions of Minnesota Statutes, Chapter 168, and any amendments thereto.
- O. Insurance. "Insurance" means the motor vehicle insurance required of every driver, operator, or owner of a motor vehicle.
- P. Duties of Driver or Operator involved in an Accident. "Duties of driver or operator involved in an accident" means those duties imposed upon drivers and operators of motor vehicles involved in motor vehicle accidents within the

State of Minnesota pursuant to the provisions of Minnesota Statutes, Chapter 169, and any subsequent amendments thereto.

- Q. Intoxicating Liquor. "Intoxicating Liquor" means a substance which can impair any person's ability to safely operate a vehicle.
- R. Minnesota Traffic Regulations. "Minnesota Traffic Regulations" means those provisions of existing Minnesota statutes in effect as of February, 2000, and thereafter relating to the registration, ownership, driving, operation, insuring and use of vehicles within the State of Minnesota, which said statutes are generally found in Chapter 65B, et seq., and in Chapters 168, 168A, 169, 170, and 171 of Minnesota Statutes, and which have been enacted and incorporated by reference into the Leech Lake Traffic Code and which have not otherwise been altered, amended, modified or superseded by specific provisions of the Leech Lake Traffic Code.
- S. Other Definitions. Whenever any term, word or phrase is used in the Leech Lake Traffic Code and the definition of such term, word or phrase has not otherwise been defined herein, or is not otherwise clearly discernible from the context in which it is used, but such term, word or phrase has been defined in the traffic regulations of the State of Minnesota then, the definition given to such term, word or phrase in Minnesota traffic regulations shall apply.

Section 104. Scope.

The provisions of this code shall apply to all drivers or operators of motor vehicles within the boundaries of the Leech Lake Reservation, subject to such specific exemptions as are set forth under Section 218 with reference to authorized emergency vehicles, who are persons defined in Title 1. Courts, Part II. B.1 and 4.

Section 105. Nonwaiver of Sovereign Immunity.

Nothing in this code shall be construed to constitute a waiver of the sovereign immunity of the Band as specifically set forth in Leech Lake Code, Title 1, Courts, Part II, Section 2. The sovereign immunity of the Band shall extend to all officers, court personnel, employees and agents of the Band who are engaged in the administration or enforcement of the provisions herein.

CHAPTER 200. TRAFFIC REGULATIONS

Section 201. Violations.

It shall be a violation of this code for any person while within the boundaries of **the Leech Lake Reservation to do any act, whether by omission or commission** that would constitute a violation of any specific section of this chapter. Any person adjudged guilty of a violation of this Traffic Code by the Leech Lake Tribal

Court shall be subject to the penalties provided in Chapter 300 of this Traffic Code.

Section 202. Failure to Comply or Obstruction of an Officer.

It shall be unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of any officer who has been authorized by the RTC to administer or enforce the provisions of this code or to obstruct the efforts of any officer who is lawfully engaged in the administration or enforcement of this code.

Section 203. Defacement or Removal of Signs.

It shall be unlawful for any person to;

- A. without lawful authority, deface, alter, knock down, or remove any official traffic control device or boundary sign, or any part thereof.
- B. place or display any red light or red sign or signal or maintain such a light or signal in view of a highway or a railroad line so as to interfere with the effective functioning of a traffic control device or signal.

Section 204. Duties of Driver Involved in an Accident.

A. Driver to Stop.

1. Accidents resulting in bodily injury.

The driver of any vehicle involved in an accident resulting in bodily injury or death of any person shall immediately stop the vehicle at the scene of the accident, or as close thereto as possible under the circumstances, and shall then return to, and in every event, remain at the scene until he or she has fulfilled the requirements of subsection 2 of this section as to the provision of information and assistance. Every such stop shall be made without obstructing traffic more than is necessary.

2. Accidents not resulting in bodily injury.

The driver of any vehicle involved in an accident with a vehicle that is driven or unattended shall immediately stop such vehicle at the scene of the accident, or as close thereto as possible under the circumstances, and shall return to, and in every event shall remain at the scene until he or she has fulfilled the requirements of subsection 2 of this section as to the provision of information and assistance. *Every such stop shall be made without obstructing traffic more than is necessary.*

B. Driver to Provide Information and Assistance.

The driver of any vehicle involved in an accident resulting in bodily injury or death of any person, or damage to any vehicle which is driven or attended by any person, shall stop and provide the following information to any individual involved in the accident upon request and to any law enforcement officer responding to or investigating the accident:

1. Full name;
2. Address;
3. Date of birth;
4. Registration number of the vehicle he or she is driving;
5. Exhibit drivers license; and
6. Provide proof of insurance, including the name of the insurer, policy number, local agent for the insurer. If proof of insurance is not available at the scene, the driver shall, within 72 hours of the accident, provide proof that there was a policy of liability insurance on the vehicle at the time of the accident.

In addition to providing the information required above, the driver shall render reasonable assistance to any person injured in the accident.

C. Collision with unattended vehicle.

The driver of any vehicle which collides with and damages any vehicle that is unattended shall immediately stop and either locate the driver or owner of the vehicle and provide the information required under subsection B of this section or report the same to a law enforcement officer, or leave in a conspicuous place in the struck vehicle a written notice giving the name, address and telephone number of the driver and owner.

D. Notification to law enforcement of personal injury.

The driver of a vehicle involved in an accident resulting in substantial damage to another vehicle or another person's property, or resulting in injury or death of any person shall, after compliance with the provisions of this section, by the most expedient means of communication possible, give notice of such accident to law enforcement.

E. It shall be unlawful for any person to fail to comply with the requirements of the foregoing provisions of Section 204 and any person convicted of having violated the provisions of Section 204. A

through D may be sentenced as provided in Chapter 300 of this Traffic Code.

Section 205. Open Bottle Prohibitions.

It shall be unlawful for any person to:

- A. drink or consume intoxicating liquors or non-intoxicating malt liquors in any motor vehicle, or
- B. have in his/her possession or on his or her person while in a motor vehicle any bottle or receptacle containing intoxicating liquor or non-intoxicating malt liquor that has been opened, or the seal broken, or the contents of which have been partially removed, or
- C. keep or allow to be kept in a motor vehicle any bottle or receptacle containing intoxicating liquors or non-intoxicating malt liquors that has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or some other area of the vehicle not normally occupied by the driver or passenger if the vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

Section 206. Careless or Negligent Driving.

It shall be unlawful for any person to drive, operate or halt any vehicle upon any public roadway in a careless or negligent manner likely to endanger persons or property but which is not in a manner exhibiting gross negligence or recklessness or exhibiting a willful or wanton disregard for the safety of persons or property.

Section 207. Reckless Driving.

It shall be unlawful for any person to drive or operate a motor vehicle in a reckless and/or grossly negligent manner, or with willful or wanton disregard for the safety of persons or property.

Section 208. Speed Restrictions.

A. It shall be unlawful for any person to drive or operate a motor vehicle upon any public roadway, or upon a frozen lake, stream or pond, or in any other place open to the general public, including any area designated for the parking of motor vehicles:

1. at other than a careful and prudent speed, not greater or less than is reasonable and proper, having due regard to existing road, traffic and other conditions;
2. at a speed greater than that which will permit the vehicle to be stopped within a clear, assured distance ahead so as to avoid colliding with any person, vehicle, or other conveyance;
3. at a speed greater than the posted limit, or if not posted, then
 - (i) 10 miles per hour in any school zone when children are present;
 - (ii) 30 miles per hour in any municipality;
 - (iii) 65 miles per hour on divided highways;
 - (iv) 55 miles per hour on public trunk highways; and
 - (v) 45 miles per hour in other locations.

209. Impeding Traffic.

It shall be unlawful for any person to drive a motor vehicle at a speed that is so slow as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with applicable traffic regulations.

210. U-Turns.

It shall be unlawful to turn a vehicle so as to proceed in the opposite direction within any intersection, or upon any curve, or upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of another vehicle approaching from either direction within 1000 feet.

211. Depositing Refuse on Public Roadways or Adjacent Land.

It shall be unlawful for any person to throw or deposit upon any public roadway any refuse or litter.

Any person who throws or deposits upon any public roadway any material that is likely to be destructive or injurious to persons or property including glass, nails, tacks, or wire, may be sentenced to twice the penalty for violation of this section set forth in Chapter 300.

212. Wheel Flaps on Trucks and Trailers.

It shall be unlawful for any truck, trailer, or semi-trailer, except pole trailers and rear-end dump trucks, to be operated without being equipped with wheel flaps or other suitable protection above and behind the rearmost wheels of the vehicle or combination of truck and trailer to prevent, as far as reasonably possible, such

wheels from throwing dirt, water, or other materials on the windshields of following vehicles. Flaps or protectors shall have a ground clearance of not more than one-fifth of the horizontal distance from the center of the rearmost axle to the flap under any conditions of loading or operation of the motor vehicle and shall be at least as wide as the tires. Lamps or wiring shall not be attached to any such flap or protector.

213. Motor Vehicle Registration.

It shall be unlawful for any person:

- A. to drive or operate a motor vehicle within any area of the Leech Lake Reservation open to the public, including any areas designated for the public parking of motor vehicles, or upon frozen lakes, ponds or streams, if the vehicle is not currently registered pursuant to applicable Leech Lake motor vehicle registration laws;
- B. who is the owner of a motor vehicle to permit said motor vehicle to be driven or operated within any area of the Leech Lake Reservation open to the public, including any areas designated for the public parking of vehicles, or upon frozen lakes, ponds or streams, if said vehicle is not currently registered pursuant to applicable Leech Lake motor vehicle registration laws.

214. Motor Vehicle Insurance.

It shall be unlawful for any person:

- A. to drive or operate a motor vehicle within any area of the Leech Lake Reservation, including any areas designated for the public parking of motor vehicles, or upon frozen lakes, streams, or ponds, if the motor vehicle is not currently insured in accordance with the requirements of Minnesota statutes.
- B. who is the owner of a motor vehicle to allow said motor vehicle to be driven or operated within the Leech Lake Reservation, including any areas designated for the public parking of motor vehicles, or upon frozen lakes, streams, or ponds, if the motor vehicle is not currently insured in accordance with the requirements of Minnesota statutes.
- C. who is the owner, driver or operator, of a motor vehicle to fail to provide proof of insurance as required in Section 214 A. or 214. B. of this code when required to do so by a law enforcement officer.

Section 215. Drivers License.

It shall be unlawful for any person:

- A. to drive, operate, or be in physical control a motor vehicle anywhere within the Leech Lake Reservation, including any areas designated for the public parking of motor vehicles, or upon frozen lakes, streams, or ponds, without possessing a currently valid drivers license or permit issued by an authorized tribal, state or federal government agency;
- B. driving, operating or in actual physical control of a motor vehicle anywhere within the Leech Lake Reservation, including any areas designated for the public parking of motor vehicles, or upon frozen lakes, streams, or ponds, to refuse or fail, without lawful excuse, to display his/her drivers license or permit to any law enforcement officer who has requested of such person that the same be displayed;
- C. whose driving privileges, or whose driver's license or permit is revoked or suspended, to drive or operate a motor vehicle anywhere within the Leech Lake Reservation, including any areas designated for the public parking of motor vehicles, or upon frozen lakes, streams, or ponds;
- D. who is the owner of a motor vehicle to allow or permit another person to drive or operate the owner's motor vehicle anywhere within the Leech Lake Reservation, including any areas designated for the public parking of motor vehicles, or upon frozen lakes, streams, or ponds, if such owner knows or reasonably should know that the driver or operator has not been issued a currently valid driver's or operator's license or permit, or if such owner knows or reasonably should know that the driver's or operator's driving privileges, license, or permit has been revoked or suspended.
- E. to drive or operate a motor vehicle contrary to any valid restrictions or conditions imposed on his/her drivers license or permit, anywhere within the Leech Lake Reservation, including any areas designated for the public parking of motor vehicles, or upon frozen lakes, streams, or ponds.

Section 216. Mandatory use of Seat Belts and Child Passenger Restraints.

Except as otherwise provided in Subsection C herein it shall be unlawful for any person;

- A. to occupy the front seat(s), or if the person is between the age of 4 to 11 years, to occupy any seat, of a non-commercial motor vehicle being driven or operated upon any public roadway or in any other place open to the general public within the Leech Lake Reservation, including any area designated for the parking of motor vehicles, unless said person is securely fastened in his/her seat with a properly adjusted and operable seat belt.
- B. to drive or operate a non-commercial motor vehicle when any infant or child four (4) years of age or younger present in the vehicle is not properly

secured in a child passenger restraint system which meets Federal Motor Vehicle Safety Standards.

C. Exceptions to Safety Belt Requirements:

The safety belt requirements of Subsection A of this Section shall not apply to the following:

1. a person driving a passenger vehicle in reverse;
2. a person riding in a seat in which all the seating positions equipped with safety belts are in use;
3. a person who is in possession of a written certificate from a licensed physician verifying that the person is unable to wear a safety belt for medical reasons;
4. a person who is actively engaged in work that requires the person to leave a passenger vehicle at frequent intervals and who, while engaged in that work, does not drive the vehicle at speeds exceeding 25 miles per hour;
5. a rural mail carrier of the United States Postal Service while in the performance of those duties;
6. a person driving or riding in a passenger vehicle manufactured before January 1, 1965; or
7. a person driving or riding in a pickup truck while engaged in farm work.

Section 217. Other Violations.

It shall be unlawful for the driver or operator of any motor vehicle to:

- A. fail to stop for a "stop sign" or red traffic control light;
- B. fail to yield to any motor vehicle approaching from the right at any intersection or for any vehicle or pedestrian already within said intersection;
- C. fail to give way and stop for any approaching emergency vehicle whose emergency lights are flashing or whose siren is being sounded;
- D. fail to stop at least Fifty (50) feet distant from any marked school bus whose lights are flashing and whose stop arm is extended;

- E. pass another vehicle in a zone marked "No Passing", in an intersection, in the path of an on-coming vehicle, or in any manner in which the pass cannot safely be accomplished without risk of causing damage to another vehicle or injuries to other persons;
- F. fail, without lawful excuse, to obey the order(s) of any law enforcement officer directing traffic;
- G. cross over the center line of any roadway except for the purpose of lawfully passing another vehicle or to avert an obstruction and, in such an event, only when the vehicle can be brought back into the proper lane without reasonable risk of causing damage to another vehicle or injuries to another person;
- H. fail to keep and maintain a reasonable distance between the vehicle being driven and any vehicle immediately ahead;
- I. operate a motor vehicle without both headlights and taillights on and in working condition during any period of fog, rain, snow, sleet, freezing rain, drizzle or during the period from sunset to sunrise;
- J. fail to signal any turn or stop using appropriate turn signal lights or brake lights as the case may be;
- K. drive or operate a motor vehicle which is not equipped with a muffler in good working order and prevents excessive or unreasonable and unusual noise; or which motor vehicle has a cut-out, by-pass or similar device; or which emits or produces a popping or crackling sound; or which is not equipped with such parts and equipment so as to prevent carbon monoxide gas from entering the interior of the vehicle;
- L. purposefully flee in a motor vehicle from a law enforcement officer who is in pursuit or has signaled the subject vehicle to stop;
- M. operate a motor vehicle in a manner involving acceleration that unreasonably causes the projection of matter, disturbs the peace, or otherwise endangers the safety or well-being of others;
- N. to violate any of the following provisions of Minnesota Statutes which are hereby adopted by the Leech Lake Band as its law, incorporated herein by reference, and authorized to be enforced against any person subject to the jurisdiction of the Leech Lake Tribal Court.

Minn. Stat. 169.145 (Implements of Husbandry; Speed; Brakes)
Minn. Stat. 169.16 (Speed on Bridges)

Minn. Stat. 169.18 (Driving Rules)
Minn. Stat. 169.19 (Turning and Starting)
 Minn. Stat. 201 (Yield Sign)
 Minn. Stat. 169.21 (Pedestrians, except subd. (2))
 Minn. Stat. 169.22 (Hitchhiking; Solicitation of Business)
 Minn. Stat. 169.222 (Operation of Bicycles)
 Minn. Stat. 169.25 (Safety Zone)
 Minn. Stat. 169.26 (Special Stops at Railroads)
 Minn. Stat. 169.28 (Certain Vehicles to Stop at Railroads)
 Minn. Stat. 169.29 (Crossing Road with Certain Equipment)
 Minn. Stat. 169.29 (Designation of Through Highways)
 Minn. Stat. 169.305 subd. 1 and 2 (Controlled Access Rules)
 Minn. Stat. 169.31 (Stop at Sidewalks)
 Minn. Stat. 169.315 (Opening and Closing Vehicle Doors)
 Minn. Stat. 169.32 (Stopping, Standing, Parking)
 Minn. Stat. 169.34 (Prohibitions; Stopping, Parking)
 Minn. Stat. 169.35 (Parking)
 Minn. Stat. 169.36 (Brakes to be Set)
 Minn. Stat. 169.37 (Obstructing View of Driver)
 Minn. Stat. 169.39 (Coasting)
 Minn. Stat. 169.40 (Fire Apparatus; Fire Stations)
 Minn. Stat. 169.41 (Crossing Fire Hose)
 Minn. Stat. 169.43 (Swinging Gates)
 Minn. Stat. 169.025 (Application of Motor Carrier Rules)
 Minn. Stat. 169.03 subd. 8 (Application of rules to animals or animal drawn vehicles)
 Minn. Stat. 169.05 (Private Roadways)
 Minn. Stat. 169-33 (Police may move cars).

Section 218. Drivers of Emergency Vehicles.

The driver of any authorized emergency vehicle, when responding to an emergency, may enter against the run of traffic on any roadway where there is an authorized division of traffic to facilitate traveling to the area in which an emergency has been reported, may exceed the normal speed limit, or do other acts as necessary and reasonably required under the circumstances to respond effectively to the emergency. No driver of any emergency vehicle shall assume any special privilege except when such vehicle is operated in response to any actual emergency or in the immediate pursuit of any actual or suspected violator of the law.

CHAPTER 300

PENALTIES .

Section 301. Penalties.

Any person who violates any provision of Chapter 200 of this Traffic Code shall be subject to payment of a fine not to exceed the amount set forth below opposite the violation description and section number.

<u>Violation Description</u>	<u>Section #</u>	<u>Fine</u>
Failure to comply with lawful order or direction of law enforcement officer	202	\$50.
Obstruction of a law enforcement officer	202	\$50.
Defacement or removal of signs	203	\$25.
Failure to remain at scene of accident <u>not</u> resulting in injury	204.A.1	\$250.
Failure to remain at scene of accident not resulting in injury	204.A.2	\$50.
Failure to provide information or assistance at scene of accident	204.B	\$50.
Leaving scene of collision with unattended vehicle	204.C	\$50.
Failure to report accident involving substantial property damage or human injury	204.D	\$250.
Open Bottle	205.	\$100.
Careless Driving	206	\$50.
Reckless Driving	207	\$100.
Failure to reduce speed as appropriate for existing conditions	208.A.1	\$50.
Failure to reduce speed as appropriate to avoid collision	208.A.2	\$50.
Speeding from 1 to 10 miles per hour over the limit	208.A.3	\$25.
Speeding in excess of 10 miles per		

hour over the limit	208.A.3	\$50.
Speeding in excess of 20 miles per hour over the limit	208.A.3	\$100.
Speeding in excess of 30 miles per hour over the limit	208.A.3	\$200.
Impeding Traffic	209	\$50.
U-Turn	210	\$50.
Depositing non-hazardous material	211	\$100.
Depositing hazardous material	211	\$200.
Wheel flaps requirements	212	\$25.
Motor vehicle registration	213. A&B	\$25.
Motor vehicle insurance	214.A	\$200.
Motor vehicle insurance	214.B	\$200.
Proof of Insurance	214.C	\$25.
No drivers license	215.A	\$100.
Refusal to display drivers license	215.B	\$25.
Driving after revocation or suspension	215.C	\$200.
Owner permitting unlicensed person to drive	215.D	\$100.
Driving contrary to restrictions on license or permit	215.E	\$25.
Failure to use seat belts or child restraint devices	216	\$25.
Failure to stop for emergency vehicle	217.C	\$100.
Failure to stop for school bus	217.D	\$250.
Fleeing an officer	217.L	\$250.

Violations of Section 217, except
Subsections C.D. & L

217

\$25.

Section 302. Recurrent Violations.

Any person convicted of having violated the provisions of this Traffic Code, who has been previously convicted in the Leech Lake Tribal Court of any similar violations during the two (2) years immediately preceding the date of commission of the present offense may be sentenced to pay a fine of twice the amount otherwise authorized to be imposed in Section 301.

Section 303. Responsibility of Parents or Legal Custodians for Violations of Minor Children.

The parent or other legal custodian of a minor who is found guilty of violating any provision of this Traffic Code shall be legally responsible for the payment of any fines imposed in connection with the violation.

Section 30⁴. Contempt of Court.

Any person who, having been issued a citation or summons to appear in the Leech Lake Tribal Court who fails to appear as required; or any person who is found guilty of having committed the offense charged and is ordered to pay a fine or any parent or legal custodian of a minor who is found guilty of having committed an offense and is ordered to pay a fine, and fails to pay the fine within the time permitted or required by the court; or any person commits any act constituting contempt of court as defined in Leech Lake Code, Title , Part VI, Section 1 shall be subject to an additional penalty not to exceed five hundred dollars (\$500). In addition thereto the Leech Lake Tribal Court is authorized and empowered to do any or all of the following in order to enforce the penalties imposed for violations of this Traffic Code and for contempt of court:

- A. Order the seizure and impoundment of the license plates of any vehicle driven or operated by a defendant at the time of the issuance of the citation;
- B. Order that the citation be reported to the Minnesota Department of Public Safety;
- C. Order the seizure and impoundment of any vehicle driven or operated by a defendant in the commission of the offense charged;
- D. Use any of the means permitted in Leech Lake Code, Title 2 for the execution and enforcement of judgments ;

- E. Notify the Leech Lake Registrar of Motor Vehicles of the non-appearance or non-payment of fines and order that the amount due to be paid pursuant to the citation or judgment of the court be added to the fee charged for registration of any vehicle driven or operated in the commission of any offense or to any other vehicle which the defendant seeks to register.

Any motor vehicle which is seized or impounded pursuant to this Section shall be securely stored under the authority of the Leech Lake Department of Public Safety (LLDPS). The LLDPS may arrange for the towing and storage of any garage or towing and storage facility approved for such purposes by the LLDPS. The vehicle may be released to the owner upon payment of the penalties imposed by the Tribal Court and any reasonable and necessary towing and storage fees approved by the LLDPS.

CHAPTER 400

FORUM AND PROCEDURES

Section 401. Jurisdiction of the Leech Lake Tribal Court.

The Leech Lake Tribal Court shall exercise exclusive jurisdiction over violations of this Traffic Code by Indians as defined the Leech Lake Judicial Code, Title 1, Part II, Section 1.B.1. unless otherwise provided by applicable law.

Section 402. Initiation of Proceedings.

All prosecutions for alleged violations of this Traffic Code shall be initiated by serving either a citation or a complaint upon the defendant and filing the same with the Administrator of the Leech Lake Tribal Court.

Section 403. Citation Requirements.

A citation may be issued by a duly authorized law enforcement officer and shall contain, at a minimum, the name, address, and age of the defendant; the time and place of the alleged violation with reference to the section of the code alleged to have been violated; the license plate number and vehicle identification number of the vehicle, a brief description of the act(s) complained of and the amount of the fine for the violation(s). The citation shall also contain a conspicuous notice to the defendant to appear before the Leech Lake Tribal Court at a given time and date for the purpose of answering the citation. The officer issuing the citation shall sign and date the same, swearing that the person named as a defendant committed the offense charged. In every citation for a speeding violation under this code, the officer shall specify the speed at which the defendant is alleged to have driven and the applicable speed limit at the location of the citation.

A person who has been issued a citation may, in lieu of appearing in Tribal Court on the date specified in the citation, enter a plea of guilty by signing the citation in the space provided on the citation, and paying the amount of the fine stated thereon to the Tribal Court at any time prior to the date set forth for his/her court appearance.

Section 404. Authority of the Tribal Court.

The Leech Lake Tribal Court, sitting without a jury, shall have jurisdiction to hear and determine all cases arising under this code in accordance with its terms and Leech Lake Rules of Procedure, Title 2, except where the specific provisions of this Traffic Code require otherwise.

Section 405. Default Judgment and/or Citation for Contempt of Court

Any person who has been duly served ⁽ⁱⁿ⁾ with a citation in accordance with this code who fails to appear as required before the Tribal Court, or who has not paid a designated fine, without just cause, shall be subject to a default judgment and citation for contempt of court pursuant to Section 303.

Notice of intent to seek a default judgment and/or an Order to Show Cause issued by the Tribal Court as to why the defendant should not be held in contempt, shall be served upon him or her by the Band prosecutor either personally or by mail at least 20 days prior to the date set for hearing on the motion for a default judgment.

In conspicuous writing the notice shall inform the defendant (1) of the additional fine for contempt of court which may be imposed pursuant to Section 303 of this code and (2) the enforcement mechanisms and penalties which the Tribal Court is authorized to order pursuant to Section 303 A-E.

At the hearing on a motion for entry of a default judgment the Band prosecutor shall prove or make an offer of proof to the court on each element of the underlying offense charged and the contempt.

Section 406. Recordkeeping and Dissemination of Information.

Information collected and maintained in the administration of this Traffic Code shall be kept on file with the Tribal Court for a period of at least five (5) years, and shall otherwise be maintained in accordance with the data practices procedures of the Band.

Information collected and maintained in the administration of this Traffic Code shall not be released to other law enforcement agencies or courts of another

jurisdiction unless authorized by formal agreement between the Leech Lake *Band and such other jurisdiction.*

CHAPTER 500
TRANSFER OF JURISDICTION OVER OFFENSES OF PERSONS NOT
SUBJECT TO JURISDICTION OF THE LEECH LAKE BAND

Upon the discovery by a Band law enforcement officer that any person who has been stopped, detained or questioned is either (1) not subject to the jurisdiction of the Leech Lake Band pursuant to applicable law, or (2) the person is subject to the jurisdiction of the Leech Lake Band but probable cause exists to believe that the person stopped, questioned or detained has committed a criminal offense under federal or state law, the officer shall notify the appropriate federal, state or local law enforcement agency and cooperate with that agency in transferring jurisdiction over such individual to that agency.

CHAPTER 600
AMENDMENT & EFFECTIVE DATE

The provisions of this Traffic Code may be amended by resolution of the Reservation Tribal Council *a/k/a* RTC.

This Traffic Code supersedes and replaces any prior codes or ordinances regulating traffic within the Leech Lake Reservation and shall be effective upon certification by the Leech Lake Code Reviser pursuant to the requirements of Title 1, Part 1, Section 5.D.



Leech Lake Band of Ojibwe

Eli O. Hunt, Chairman
Linda G. Johnston, Secretary/Treasurer

District I Representative
Peter D. White

District II Representative
Lyman L. Losh

District III Representative
Richard Robinson, Jr.

RESOLUTION NO. 01-50

**Adopting Revised Traffic Code
of
The Leech Lake Band of Ojibwe**

WHEREAS, the Band previously enacted the Traffic Code of the Band, and

WHEREAS, the Traffic Code as previously enacted, is in need of revision to correct internal inconsistencies, add previously omitted violations, and provide for better enforcement mechanisms for persons who fail to appear in the Leech Lake Tribal Court, or, appear but fail to pay assessed fines,

NOW THEREFORE BE IT RESOLVED that the Traffic Code previously enacted is hereby rescinded in its entirety, and

BE IT FURTHER RESOLVED that the attached Traffic Code is hereby adopted in its stead.

CERTIFICATION

I DO HEREBY CERTIFY that the foregoing resolution was duly presented and adopted by a vote of 3 For Against 0, 0 silent at the Tribal Council of the Leech Lake Band, a quorum being present, held on November 21, 2000 at Carlton, Minnesota.

Eli O. Hunt
Eli O. Hunt, Chairperson
Leech Lake Reservation

Linda G. Johnston
Linda G. Johnston, Secretary-Treasurer
Leech Lake Reservation