



CERTIFICATION OF CODE REVISOR

The undersigned Code Revisor for the Leech Lake Band of Ojibwe Tribal Court hereby certifies that the attached **Off Highway Vehicle Code, Ordinance No. 2011-01**, is a true and correct copy thereof, which was duly approved by the Leech Lake Tribal Council (a/k/a Reservation Business Committee) of the Leech Lake Band of Ojibwe on the 18th day of February, 2011.

Signature of Code Revisor:



Date Signed: February 28, 2011



LEECH LAKE RESERVATION TRIBAL COUNCIL

RESOLUTION NO. 2011-107

Off-Highway Vehicle Code

WHEREAS, the Leech Lake Band of Chippewa Indians is a Federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, and operating under the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe; and

WHEREAS, the Leech Lake Reservation Tribal Council is the duly elected and authorized governing body of the Leech Lake Reservation; and

WHEREAS, the Leech Lake Tribal Council is charged with responsibility of protecting and advocating for the health and welfare of Leech Lake Band members within the Leech Lake Reservation boundaries; and

WHEREAS, the Leech Lake Division of Resource Management is requesting that the Leech Lake Tribal Council Repeal Ordinance No. 99-06; and

WHEREAS, the Leech Lake Division of Resource Management is requesting that the Leech Lake Tribal Council approve Ordinance No. 11-1; and

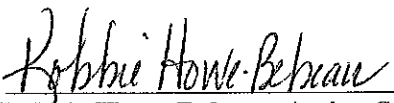
NOW THEREFORE BE IT RESOLVED, that effective immediately that Leech Lake Tribal Council will repeal Ordinance No. 99-06 and approve Ordinance No. 11-1

CERTIFICATION

WE DO HEREBY CERTIFY that the foregoing Resolution was duly presented and acted upon by a vote of 3 for, 0 against, and 0 silent at a Special Meeting of the Leech Lake Tribal Council, a quorum being present, held on February 18, 2011 at Cass Lake, Minnesota.



Arthur "Archie" LaRose, Chairman
Leech Lake Reservation



Robbie Howe-Bebeau, Acting Secretary/Treasurer
Leech Lake Reservation



Leech Lake Band of Ojibwe

ORDINANCE NUMBER 2011-01

OFF-HIGHWAY VEHICLES CODE

Section 1 Purpose: The Purpose of this Code is to regulate the registration, licensing, use and operation of Off-Highway Vehicles (OHV) intended or used for off-highway purposes within the exterior boundaries of the Leech Lake Reservation. By regulating these vehicles and their operation, the Leech Lake Tribal Council also seeks to meet its responsibility of protecting and preserving the natural resources of the Reservation for present and future generations; preserving the rich cultural traditions of the Leech Lake Band of Ojibwe; as well as to permit the safe usage of these off-highway vehicles for functional use and recreational pleasure.

Section 2 Scope: No person shall operate an OHV as defined herein, excluding snowmobiles, within the exterior boundaries of the Leech Lake Reservation, without compliance with the Leech Lake Reservation licensing requirements, safety standards, operating procedures and required environmental protection and preservation mandates.

2.1 **Repeal of Leech Lake Ordinance No. 99-06:** This code supersedes Leech Lake Ordinance 99-06 and its passage hereby repeals Leech Lake ordinance 99-06.

Section 3 Definitions: For the purpose of interpreting this code the following terms shall be given the following meaning:

3.1 **Leech Lake Reservation:** shall mean all lands and waters within the exterior boundary line described in the Memorandum of Settlement and Agreement entered into with the State of Minnesota and described in the Settlement Agreement between the Leech Lake Band of Chippewa Indians and the State of Minnesota in the Federal District Court case of Leech Lake Band of Chippewa Indians -vs- Robert L. Herbst, et al. This boundary designation is for the limited purpose of this code and shall not be construed as recognition or acceptance by the Leech Lake Band of Ojibwe as to the accuracy of these boundaries.

3.2 **Off-Highway Vehicles (OHV):** for the purpose of this code, an Off-Highway Vehicles is a term used to describe All-Terrain Vehicle (ATV), Off-Highway Motorcycle (OHM) and Off-Road Vehicle (ORV).

3.3 **All-Terrain Vehicle (ATV):** are motorized, tracked or flotation-tired with at least three, but no more than six low pressure tires, with an engine displacement of less than 800 cubic centimeters or total dry weight of less than 900 pounds.

3.4 **Off-Highway Motorcycle (OHM):** A motorized OHV traveling on two wheels. An OHM has a seat or saddle designed to be straddled by the operator and has handlebars for steering control. Motorcycles may be legal for highway use and still considered to be an OHM if used for off-highway operation on trails or natural terrain.

- 3.5 **Off-Road Vehicle (ORV):** Any motorized or tracked vehicle capable of cross country travel on natural terrain, with a total dry weight of 900 pounds or more, more than 6 flotation- tires or an engine with a displacement of more than 800 cubic centimeters are classified as an ORV.
- A.** Vehicles that are not considered an ORV: include snowmobiles, ATV's, motorcycles, watercraft or aircraft. Farming, logging, military, emergency, law enforcement, trail grooming and construction vehicles are not considered to be ORV's when used for their intended purpose.
- 3.6 **Operator:** Any individual or person who is driving or in physical control of the Vehicle.
- 3.7 **Owner:** The person in whom the legal or equitable title rests.
- 3.8 **Person:** Any individual, partnership, corporation, association or government subject to Leech Lake reservation jurisdiction.
- 3.9 **Indian:** Enrolled member of a federally recognized Indian Tribe or Canadian First Nations.
- 3.10 **Public Road Right-of-way:** means the entire right-of-way of a roadway that is not privately owned, including the travel portion, banks, ditches, shoulders and medians.
- 3.11 **Resident:** shall mean a person whose primary residence is located within the exterior boundaries of the Leech Lake Reservation for at least 90 days in accordance with Reservation Tribal Council Resolution #80-87.
- 3.12 **Supervision/Accompanied:** physically present guidance by a competent and responsible parent, legal guardian or other person at least eighteen (18) years of age who holds a valid drivers license.
- 3.13 **Taking-Hunting-Trapping:** pursuing, shooting, killing, capturing, trapping, snaring or netting any wild animal and all lesser acts such as intentionally disturbing, harrying, worrying or placing, setting, drawing, using any net, trap or other device to take wild animals and includes every attempt to take, every act of assistance to any other person in taking or attempting to take wild animals.

Section 4 **Registrations of Recreational Vehicles:**

- 4.1 **Registration/License:** No person shall operate any OHV within the exterior boundaries of the Leech Lake Reservation with out first properly registering said vehicle with the LLDRM and receiving an OHV license.

- 4.2 **Resident Non Band License:** If the LLDRM determines that it is in the best interest of the Leech Lake Band of Ojibwe Indians, it may issue an OHV license to (1), any other resident member of the Minnesota Chippewa Tribe not enrolled with the Leech Lake Band (2) any other Resident Indian who is an enrolled member of a federally recognized tribe, Alaskan village or Canadian First Nation tribe who resides within the Leech Lake Reservation but is not enrolled with the Minnesota Chippewa Tribe, and (3) to any visiting officials in accordance with RTC Resolution 2006- 116. Such a permit must be in the possession of any such person who operates an OHV within the Leech Lake Reservation.
- 4.3 **Application:** Applications for OHV license shall be made to the Director of LLDRM in such form as the Director shall prescribe. Each application shall state the name and physical address of every owner of the OHV and be signed by at least one (1) owner.
- 4.4 **Timeline:** OHVs must be properly registered and licensed with LLDRM prior to operation within the boundaries of the Leech Lake Reservation and every OHV must be registered with the LLDRM within thirty (30) days after acquisition of the OHV.
- 4.5 **Affidavit:** Every vehicle registered/licensed with the LLDRM must file, at the time of registration, an affidavit attesting to compliance with pollution/safety standards and equipment standards.
- 4.6 **Fees:** The LLDRM shall set the fees for registration and licensing of OHVs.
- 4.7 **Display of Registration/Decal:** Proof of registration shall be displayed on the OHV in a manor so that there is a non-obstructed view of the permit decal and registration numbers. Registration numbers must be at least 1½ inches high with a 3/16-inch stroke in English and placed from left to right. A registration number and decal shall be issued to the owner upon registration with the LLDRM.
- 4.8 **The Issuance of Duplicate Registration/ Decal:** For a fee, duplicate licenses and proof of registration/decal may be issued by the Director of the LLDRM upon satisfactory proof of the loss or destruction of a previously issued registration/decal.
- 4.9 **Expiration Date:** Each license shall be issued for a period of three (3) years.
- 4.10 **Revocation/Cancellation or Suspension:** Revocation/cancellation shall automatically occur upon expiration, without renewal, of the registration/decal of the vehicle. In addition, any person who is duly served 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 the Leech Lake Tribal Court may order revocation/cancellation or suspension of OHV License or Conservation Permits.

4.11 **Exceptions:** No LLDRM license or fee shall be required for the following OHVs:

- A. OHVs owned by the Leech Lake Band of Ojibwe
- B. OHVs owned by Indians who do not reside within the boundaries of the Leech Lake Reservation and are temporarily being used within the Reservation boundaries and are registered with another state.
- C. OHVs registered by the State of Minnesota, or another Indian Band or Tribe, which have not been within the exterior boundaries of the Leech Lake Reservation for more than thirty (30) consecutive days.

Section 5 Operation: the following regulations shall apply to all OHVs operating within the boundaries of the Leech Lake Reservation.

5.1 **Equipment:** An OHV operated within the exterior boundaries of the Leech Lake Reservation must be equipped as follows:

- A. **Headlights and taillights:** Headlights and taillights must be used one half (1/2) hour before sunset until one half hours before sunrise or during any hours of darkness or reduced visibility.
- B. **Brakes:** Brakes must control movement, and stop and hold the vehicle.
- C. **Throttle:** The throttle must return the engine to idle when pressure to advance the throttle is removed. The throttle must not be modified in any way.
- D. **Mufflers:**
 - 1. Mufflers must have a federally approved spark arrester;
 - 2. Overall noise emission may not exceed 99 decibels at a distance of 20 inches while the throttle is being engaged.
 - 3. Mufflers may not be altered to increase motor noise, or have a cutout, bypass, or similar device, except during organized events authorized by the Director of LLDRM.

5.2 **Where:** All OHV shall be in compliance with this code when operated anywhere within the exterior boundaries of the Leech Lake Reservation.

- A. **OHVs if not otherwise restricted by other Leech Lake Band of Ojibwe laws, codes or ordinances may be operated:**
 - 1. on any public lands;
 - 2. on the operator's private property;
 - 3. on private land with the landowner's permission.

B. OHVs may not be operated:

1. on the median of a four-lane highway;
2. on any Leech Lake DRM restricted area
3. on private property without permission;
4. in areas prohibited by the Endangered Species Act or the Bald Eagle Protection Act.

C. ORV's trails:

1. An ORV may be operated only on trails designated by the LLDRM.

5.3 **Operation Restrictions for Minors:** The following restrictions apply to minors who operate an OHV within the exterior boundaries of the Leech lake Reservation:

A. Operators under the age of twelve (12) may only;

1. operate an OHV when wearing a safety helmet;
2. operate an OHV on private property with the permission of the owner of the property, the permission of the owner of the OHV and the permission of a guardian or parent.

B. Operators between the ages of twelve (12) to fifteen (15) years of age;

1. may only operate an OHV on public lands and frozen waters with a Minnesota DNR or LLDRM safety certificate and under supervision;
2. may only directly cross the highways with safety certificate and while under supervision;
3. must wear a helmet while operating on reservation or public lands, frozen waters and public right-of-ways;
4. may not operate an OHV between 10 P.M. and 6 A.M. in compliance with Leech Lake Reservation Tribal Council (LLRTC) Ordinance 99-03.

C. Operators that are the age of sixteen (16) years of age:

1. may only operate an OHV on public lands and frozen waters with a valid driver license or Minnesota DNR or LLDRM safety certificate;
2. must wear a helmet while operating on reservation or public lands, frozen waters and public right-of-ways;
3. may not operate an OHV between 10 P.M. and 6 A.M. in compliance with Leech Lake Reservation Tribal Council (LLRTC) Ordinance 99-03.

D. Operators that are the age of seventeen (17):

1. may only operate an OHV on public lands and frozen waters with a valid driver license or Minnesota DNR or LLDRM safety certificate;
2. must wear a helmet while operating on reservation or public lands, frozen waters and public right-of-ways.
3. may not operate an OHV between 12 A.M. and 6 A.M. in compliance with Leech Lake Reservation Tribal Council (LLRTC) Ordinance 99-03.

- 5.4 **Speed:** An OHV may not be operated at a speed greater than is reasonable under all the surrounding circumstances or greater than the posted speed limit on any reservation or public lands, waters, trails or road right-of-ways.
- 5.5 **Trails:** When utilizing trails within the exterior boundaries of the Leech Lake Reservation, following regulations must be followed:
- A. One-way trails must be traveled in direction indicated.
 - B. When meeting or being passed by another trail user, the operator must stay to the operator's right half of the trail.
 - C. When passing another trail user, the operators must pass on the left half of the trail and only when the trail is free from oncoming traffic for a sufficient distance to safely pass the other trail user.
 - D. When entering or crossing a trail, the operator must yield to traffic.
 - E. When two trail users are about to enter an unmarked trail intersection from different directions, turning traffic must yield.
 - F. Motorized trail users must shut off their vehicles when meeting a horse and must remain off until the horse has passed or until the operator is waved on.
 - G. Motorized trail users must yield the right-of-way to non-motorized trail user.
- 5.6 **Crossing Public roads:** When crossing a street or road, the operator must:
- A. come to a complete stop and look both ways;
 - B. yield to all traffic;
 - C. cross the road at 90 degree angle;
 - D. cross a divided road only at an intersection;
- 5.7 **Bridges and Obstructions:** If necessary to avoid obstructions to travel, an OHV may be operated on a bridge, roadway shoulder or on the inside bank of a public right-of-way.

5.08 **Other Restrictions:** the following acts, actions or conduct are not permitted:

A. Wildlife-Hunting-Trapping Restrictions:

1. No person shall chase or harass wildlife.
2. No persons shall carry a loaded firearm in or on any OHV.
3. No person shall discharge a firearm while on, or from an OHV.
4. All firearms/bow carried on an OHV shall be kept completely cased and unloaded, during the period from one-half hour after sunset until one-half hour before sunrise.
5. Post, damage or remove any signs on any reservation or public lands or waters

B. General Restrictions:

1. Operating an OHV in a careless, reckless or heedless manner that endangers another person or their property, endangers wildlife or any other natural resource;
2. Littering;
3. Entering or leave lands by cutting wire or tearing down any fence;
4. Mutilating, destroying, damaging or removing any facility of any trail on reservation or public land;
5. Operating an OHV under the influence of alcohol and drugs is prohibited.
6. All passengers are required to wear a helmet.
7. Filing a false Affidavit with the LLDRM.

Section 6 Exceptions: in situations of emergency or in case of an authorized and prearranged special event, the Director of LLDRM may provide a temporary exception to the general rules of this Code.

Section 7 Enforcement: Enforcement of this Code shall be the responsibility of duly authorized conservation officers or law enforcement officers.

Safety tips and other Information:

- OHVs Safety Certificate classes are available at the LLDRM
- Yield to all highway vehicles.
- Check with the LLDRM to find out what areas are closed to OHV Travel.
- Fleeing an enforcement officer on an OHV is a felony.
- Respect private property and ask for permission.
- Help protect our wetlands.
- Any OHV operated on a public road within the exterior boundaries may be subject to the Leech Lake Reservation Traffic code.


Section 13 Effective Date: This Ordinance Shall be effective upon the date of adoption by resolution of the Leech Lake Tribal Council.

Section 14 Severability:

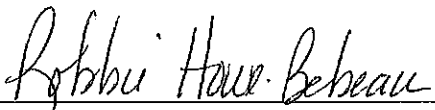
- a. General application.** If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
- b. Specific application.** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, use, building, or other structure, such judgment shall not affect the application of said provision to any other property, use, building or other structure not specifically included in said judgment.

Certification

WE DO HEREBY CERTIFY, that the foregoing Leech Lake Ordinance entitled “Off highway vehicle code” was duly presented and acted upon by a vote of 3 for, 0 against and 0 silent, at a Special Meeting of the Leech Lake Tribal Council, a quorum being present, held on February 18, 2011 at Cass Lake, Minnesota.



Arthur “Archie” LaRose, Chairman
Leech Lake Tribal Council



Robbie Howe-Bebeau, Acting Secretary/Treasurer
Leech Lake Tribal Council