



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 R. Robinson, Jr.

LEECH LAKE TRIBAL COUNCIL

ORDINANCE NUMBER 99-06

ALL-TERRAIN AND OFF-ROAD RECREATIONAL VEHICLES REGULATIONS

Section 1 **Scope and Purpose:** The purpose of this Code is to regulate the registration, licensing, safe use and operation of Recreational Motor Vehicles intended or used for off-road purposes within the boundaries of the Leech Lake Reservation. This Code does not apply to snowmobiles. By regulating these vehicles and their operation, the Leech Lake Tribal Council also seeks to meet its trust responsibility of protecting and preserving the natural resources of the Reservation for present and future generations; preserving the rich cultural legacy of the Leech Lake Anishinabe, as well as to permit the safe usage of these vehicles for functional use and recreational pleasure.

Section 2 No person shall operate a Recreational Motor Vehicle defined herein, excluding snowmobiles, within in the boundaries of the Leech Lake Reservation, without compliance with Leech Lake Reservation registration requirements; safety standards; operating procedures and required environmental protection and preservation mandates.

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

3.01 Accompanied: means being subject to continuous direction or control.

3.02 All-Terrain Vehicle (ATV): a motorized flotation-tired vehicle of not less than three, but not more than six, low pressure tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight of less than 800 pounds. ATV's with a total dry weight of more than 800 pounds are classified as OHV's.

- 3.03 Boundaries: The geographical, legal and jurisdictional area that comprises the Leech Lake Reservation, as defined by the Treaties of 1855 and 1867 and Executive Orders dated October 29 and November 4, 1873 and May 26, 1874 and described specifically in an unpublished judgment in Leech Lake v. Herbst Nos. 3-69 and 3-70 Civ. 228 (U.S. Dist. Of Minn.), June 18, 1973. Depending upon the activity, "boundaries" may also include the boundary waters of the Leech Lake Reservation as defined by the Memorandum of Understanding between the Leech Lake Band of Chippewa Indians and the State of Minnesota entered into on the sixteenth (16th) day of August 1995.
- 3.03 Off-Highway Motorcycles (OHM): motorized, off-highway vehicles traveling on two wheels. OHMs have a seat or saddle designed to be straddled by the operator and have handlebars for steering control. Motorcycles may be legal for highway use and are still considered to be OHMs if used for off-highway operation on trails or natural terrain.
- 3.04 Off-Road Vehicle (ORV): motorized, recreational vehicles capable of cross-country travel on natural terrain, such as four-wheel drive trucks. Vehicles which are not considered OHM's include snowmobiles, ATV's, motorcycles, watercraft or aircraft. Farm, logging, military, emergency, law enforcement, utility, trail-grooming and construction vehicles are **not** considered to be ORV's when used for their intended purpose.
- 3.05 Operator: Any individual or person who is in control, or should be in control, of a motor vehicle.
- 3.06 Owner: The person in whom the legal or equitable title rests.
- 3.07 Person: Any individual, partnership, corporation or association.
- 3.08 Public Road Right-of-Way: means the entire right-of-way of a roadway that is not privately owned, including the traveled portions, banks, ditches, shoulders and medians.
- 3.09 Recreational Motor Vehicle: For the purpose of this code, a recreational motor vehicle is a term used to describe All-Terrain Vehicles (ATV's), Off-Highway Motorcycles (OHM's) and Off-Road Vehicles (ORV's).
- 3.10 Supervision: guidance by a competent and responsible parent, legal guardian or other person at least eighteen (18) years of age and who holds a valid drivers license.

- 3.11 Taking: Hunting - Trapping: pursuing, shooting, killing, capturing, trapping, snaring and 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 Registration of Recreational Vehicles:

- 4.01 Repeal of Leech Lake Code No. 82-3: Upon final passage of this Code, Leech Lake Ordinance No. 82-3, Section 2, is hereby repealed.
- 4.02 Registration/License: No Indian shall operate any Recreational Motor Vehicle, for which a license is required, within the boundaries of the Leech Lake Reservation without first making an application to register said vehicle and applying for a license issued by the Leech Lake Reservation.
- 4.03 Application: Applications for vehicle licenses for Recreational Motor Vehicles shall be made to the Director of the Leech Lake Reservation Department of Natural Resources in such form as the Director shall prescribe. Each application shall state the name and address of every owner of the Recreational Motor Vehicles and be signed by at least one (1) owner.
- 4.04 Timeliness: Recreational Motor Vehicles should be registered prior to operation within the boundaries of the Leech Lake Reservation, but in no case shall operate on the Leech Lake Reservation without proper registration thirty (30) days after acquisition of the vehicle.
- 4.05 Affidavit: Every vehicle registered with the Leech Lake Division or Resources Management must file, at the time of registration, an affidavit attesting to compliance with pollution/safety standards and equipment standards (such as a spark arrester).
- 4.06 Fees: The fees for registration and licensing for Recreational Motor Vehicles shall be set by the Director of Resources Management.
- 4.07 Display of Registration/Decal: Proof of registration shall be the prominent display and non-obstructive view of the decal and a registration number upon the vehicle registered, which shall be issued to the owner upon registration.
- 4.08 The Issuance of Duplicate Registration/Decal: For a fee, duplicate licenses and proof of Registration/Decal may be issued by the Director of the Leech Lake Division of Resources Management upon satisfactory proof of the loss or destruction of a previously issued registration/decal.

- 4.09 Expiration: 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, the Leech Lake Tribal Court may order Revocation/Cancellation or Suspension for cause, including the non-payment of fines.
- 4.11 Exceptions: No license or fee shall be required for the following Recreational Motor Vehicles:
- A. Recreational Motor Vehicles owned by the Leech Lake Reservation or the Minnesota Chippewa Tribe.
 - B. Recreational Motor Vehicles owned by Indians who do **not** reside within the boundaries of the Leech Lake Reservation **and** are temporarily being used within the Reservation **and** are registered elsewhere.
 - C. Recreational Motor Vehicles registered by the State of Minnesota, another state, or another Indian Band or Tribe which have **not** been within the Leech Lake Reservation for more than thirty (30) consecutive days.

Section 5 Operation: The following regulations shall apply to all Recreational Motor Vehicles operating within the boundaries of the Leech Lake Reservation.

- 5.01 Equipment: Recreational Motor Vehicles operated within the boundaries of the Leech Lake Reservation must be equipped as follows:
- A. Headlights and taillights: If equipped by the factory, headlights and taillights must be turned on one-half (½) hour before sunset and one-half hour after 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;
 - 3. Mufflers may not be altered to increase motor noise, or have a cutout, bypass, or similar device except for organized events;
 - E. Towing:
 - 1. A straight arm bar must be used to tow a sled or trailer containing passengers;
 - 2. A disabled vehicle towed by any means may contain a person to steer;

3. At least 16 square inches of reflective material that is unobstructed and visible, must be mounted on each side and at the rear of a sled or trailer;

5.02 Where: Operation of any of the specified regulated vehicle on any road, trail and street within the boundaries of the Leech Lake Reservation shall be in compliance with this Ordinance.

A. Regulated Recreational Motor Vehicles **may** be operated:

1. On the operator's private property (if not restricted by laws, codes or ordinances);
2. On private land with the landowner's permission;
3. On frozen waters where you have legal access (if not restricted by laws, codes or ordinances).

B. Regulated Recreational Motor Vehicles **may not** be operated:

1. on the median of a four-lane highway;
2. within the right-of-way of any interstate highway;
3. on the right-of-way between opposing lanes of traffic;
4. in any national or state parks, federal or state recreation areas, any declared cultural, spiritual or historic site, Wildlife Management Areas, scientific and Natural Areas or research and Natural Areas with the exception of posted trails and areas;
5. on any frozen waters located in a restricted area, or frozen waters where you don't have legal access;
6. in any areas restricted by state, federal or local statutes, laws or ordinances;
7. in any tree nursery or planting areas;
8. along or on the roadway, shoulder, inside bank or slope of a public right-of-way;
9. on agricultural land without permission;
10. on any land or property so posted.

5.03 Operator Restrictions: The following restrictions apply to minors who operate a Recreational Motor Vehicles within the boundaries of the Leech Lake Reservation:

- A. Operators under the age of twelve (12) may only operate a Recreational Motor Vehicle only on private property with the permission of the owner of the property, the permission of the owner of the Recreational Motor Vehicle and the permission of a parent or guardian.
- B. Operators between the ages of twelve (12) to sixteen (16) years of age may:
 1. operate a Recreational Motor Vehicle with a safety certificate and shall be valid only for engine sizes of 90cc or less;

2. operate a Recreational Motor Vehicle with an engine size of 90cc or less on public lands and waters with safety certificate and under supervision;
 3. may direct crossing of highways with a safety certificate and while under supervision;
 4. must wear a helmet while operating on reservation and public lands, waters and rights-of- ways.
- C. Operators between the ages of sixteen (16) and eighteen (18):
1. may operate a Recreational Motor Vehicle on Reservation and public lands and waters without a safety certificate;
 2. Must have a valid driver's license to make direct crossing of highway, or to operate on road rights-of-way;
 3. must wear a helmet while operating on Reservation or public lands, waters and road right-of-ways.
- 5.04 Speed: A Recreational Motor Vehicle 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. Speed limits, when posted, along specific portions of trails must be adhered to.
- 5.05 Exceptions to Speed Limits: Speed Limits may be waived for limited periods of time and for limited purposes by the Director of the Division of Resources Management when permission is prearranged for events such as organized races.
- 5.06 Trails: When utilizing trails within the boundaries of the Leech Lake Reservation, the following regulations must be followed:
- A. all trails signs must be obeyed;
 - B. one-way trails must be traveled in the direction indicated.
 - C. when meeting or being passed by another trails user, the operator must stay to the operators right half of the trail;
 - D. when passing another trails user, the operator 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;
 - E. when entering or crossing a trail the operator must yield to trail traffic;
 - F. when two trail users are about to enter an unmarked trail intersection from different directions, the trail user to the right has the right of way;
 - G. motorized trail users must yield the right-of-way to non-motorized trail users;
 - H. operators of motorized vehicles must shut off their machines when meeting a horse and must remain off until the horse has passed or until the operator is waived on.

- 5.07 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 a 90 degree angle;
 - D. cross a divided road only at an intersection;
 - E. use headlights and taillights from one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility.
- 5.08 Bridges and Obstructions: If necessary to avoid obstructions to travel, a recreational motor vehicle may be operated on a bridge, a roadway shoulder or on the inside bank of a public road right-of-way.
- 5.09 Other Prohibitions: The following operation, activity or conduct is not permitted:
- A. operate a recreation motor vehicle in a careless, reckless or heedless manner that endangers another person or their property, or endangers wildlife;
 - B. litter;
 - C. enter or leave lands by cutting wire or tearing down any fence or entering a locked gate;
 - D. mutilate, destroy, damage or remove any facility of any trail on reservation or public land;
 - E. post, damage or remove any signs on any reservation or public lands or waters unless it is the operators property or unless it is with the full consent of the landowner, occupant or lessee of the property;
 - F. Motorized Recreational Vehicles shall not be operated in areas prohibited by the Endangered Species Act or the Bald Eagle Protection Act, or by the Leech Lake Division of Resources Management;
 - G. no person shall use a Recreational Motor Vehicle in depositing any garbage, rubbish, offal, the body of any dead animal, or other litter upon lands, waters or ice within the boundaries of the Leech Lake Reservation, other than in containers provided for such a purpose, or without the permission and consent of the owner of private lands or the Leech Lake Reservation Division of Resources Management.
 - H. no person shall chase or harass wildlife;
 - I. no person shall transport a loaded or uncased firearm, or discharge a firearm while on, or from, a Motorized Recreational Vehicle.

Section 6 **Exceptions**: In situations of emergency or in the case of an authorized and prearranged special event, the Director of the Division of Resources Management may provide a temporary exception to the general rules of this ordinance.

Section 7 **Enforcement**: Enforcement of this Code shall be the responsibility of the Leech Lake Conservation Officers and Tribal Police Officers or others so authorized.

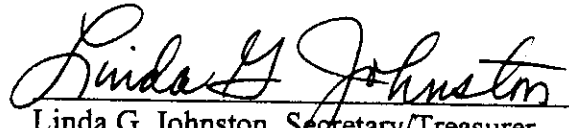
Section 8 **Legal Forum and Penalties:** Any person who violates the terms and provisions of this Ordinance may be cited, ordered to appear before the Leech Lake Tribal Court, or other court of competent jurisdiction, and may subject to fines, confiscation of property, future restrictions of privileges or any other penalty as the court may deem appropriate.

CERTIFICATION

We do hereby certify that the foregoing Leech Lake Ordinance entitled "All Terrain Vehicles and Off-Road Recreational Vehicles Regulations" was duly presented and adopted by a vote of 4 For, 0 Against, and 0 Silent, at a Special Meeting of the Leech Lake Tribal Council, a quorum being present, held on May 4, 1999, held at Cass Lake, Minnesota.



Eli O. Hunt, Chairman
LEECH LAKE TRIBAL COUNCIL



Linda G. Johnston, Secretary/Treasurer
LEECH LAKE TRIBAL COUNCIL

**LEECH LAKE TRIBAL COURT
BAIL SCHEDULE
ORDINANCE #99-06
All Terrain and Off-Road Recreational Vehicles**

Code Section No.	Violation Description	Fine Amount
4.02	No Registration	\$50.00
4.07	Display/Proof of Registration	\$25.00
5.01	Improper/No Equipment	\$25.00
5.02	Improper Area of Operation	\$50.00
5.03 A.	Operator Restriction (under 12)	\$25.00 (includes helmet)
5.03 B.	Operator Restriction (12-16)	\$25.00 (includes helmet)
5.03 C.	Operator Restriction (16-18)	\$25.00 (includes helmet)
5.04	Speed	\$25.00
5.06	Trails	\$25.00
5.07	Crossing Public Roads	\$50.00
5.09 C.	See Code	\$25.00
5.09 D.	See Code	\$25.00
5.09.E	See Code	\$25.00
5.09 F.	Operating in Prohibited Areas	\$50.00
5.09 G.	Disposal of Rubbish, etc.	\$25.00
5.09 H.	Harass Wildlife	\$50.00
5.09 I.	Firearm	\$50.00

The foregoing bail schedule is hereby approved this _____ day of _____, 2003 by the undersigned Judge of the Leech Lake Tribal Court.

Margaret Treuer, Chief Judge

**LEECH LAKE TRIBAL COURT
BAIL SCHEDULE
ORDINANCE #99-06
All Terrain and Off-Road Recreational Vehicles**

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5.03 B.	Operator Restriction (12-16)	\$25.00 (includes helmet)
5.03 C.	Operator Restriction (16-18)	\$25.00 (includes helmet)
5.04	Speed	\$25.00
5.06	Trails	\$25.00
5.07	Crossing Public Roads	\$50.00
5.09 A.	Reckless/Careless	\$100.00
5.09 B.	Litter	\$50.00
5.09 C.	Cutting/Tearing Down Fences	\$75.00
5.09 D.	Destroy/Damage Property	\$100.00
5.09 E.	Damage/Remove Property	\$100.00
5.09 F.	Operating in Prohibited Areas	\$50.00
5.09 G.	Disposal of Rubbish, etc.	\$50.00
5.09 H.	Harass Wildlife	\$100.00
5.09 I.	Firearm	\$100.00

The foregoing bail schedule is hereby approved this _____ day of _____, 2006 by the undersigned Judge of the Leech Lake Tribal Court.

Korey Wahwassuck, Chief Judge