

FIREARMS ORDINANCE
OF THE
HOOPA VALLEY TRIBE
HOOPA VALLEY INDIAN RESERVATION

TITLE 38
HOOPA VALLEY TRIBAL CODE

ORDINANCE NO: 2 - 95

DATE APPROVED: March 6, 1995

SUBJECT: **Firearms in Populated Locations**

WHEREAS the Hoopa Valley Tribe adopted a Constitution and Bylaws on June 20, 1972, approved by the Commissioner of Indian Affairs on August 18, 1972, and ratified and confirmed by Congress, § 8, PL 100-580 [1988];

WHEREAS Article V of the Hoopa Constitution establishes a Hoopa Valley Tribal Council as the governing body of the Tribe.

WHEREAS Article IX of the Hoopa Constitution grants to the Tribal Council the power and the duty: to administer tribal property [Section 1(a)]; and to safeguard and promote the peace, safety, morals and general welfare of enrolled members of the Hoopa Valley Tribe [Section 1(l)];

WHEREAS the Hoopa Valley Tribe, through its governing body, retains the inherent sovereign authority to regulate the location and manner of using firearms on the Hoopa Valley Indian Reservation;

WHEREAS the Tribal Council has received numerous complaints of discharging, brandishing and carrying loaded firearms in or nearby populated locations of the Hoopa Valley Indian Reservation;

WHEREAS the Humboldt County Sheriff's Department and the Humboldt County District Attorney's Office have not invoked California law to assure the safety, health, welfare and economic security of persons resident on the Hoopa Valley Indian Reservation at risk and in harm's way by the actions of irresponsible persons discharging, brandishing and carrying

loaded firearms in or nearby populated locations of the Hoopa Valley Indian Reservation;

WHEREAS the unregulated discharging, brandishing and carrying of loaded firearms in or nearby populated locations of the Hoopa Valley Indian Reservation presents a continuing threat to the safety, health, welfare and economic security of Tribal members and the Tribe;

WHEREAS the reported incidents of discharging, brandishing and carrying of loaded firearms in or near populated locations of the Hoopa Valley Indian Reservation have lately increased and are reasonably likely to so continue;

WHEREAS the vast majority of population on the Hoopa Valley Indian Reservation resides or carries on business within one mile on either side of the Trinity River's course through the Hoopa Valley Indian Reservation; and

WHEREAS in light of the recitals herein and the information on which they are grounded, the Tribal Council finds and hereby determines that there is an immediate threat to the Tribe, its Enrolled tribal members and its resources and assets, and further that emergency regulation is called for to eliminate or to at least reduce the risk of harm to Hoopa children, women and men by the unregulated discharge, brandishing and carrying of loaded firearms within one mile of either side of the Trinity River's course through the Hoopa Valley Indian Reservation.

THEREFORE BE IT RESOLVED THAT it shall be a civil offense for any person, while within the exterior boundaries of the Hoopa Valley Reservation:

1. to discharge a firearm in a grossly negligent manner which could result in injury or death to a person or to property not his own; or
2. to discharge a firearm at an inhabited dwelling house, an inhabited mobile home, an inhabited camper, an occupied building, an occupied motor vehicle, an occupied aircraft; as used in this section "inhabited" means currently being used for dwelling purposes, whether occupied or not;

THEREFORE BE FURTHER RESOLVED THAT the Hoopa Tribal Department of Public Safety shall enforce this Ordinance by citing alleged violators to the Hoopa Valley Tribal Court and by impounding the subject firearms pending a hearing; the Hoopa Valley Tribal Court shall afford the

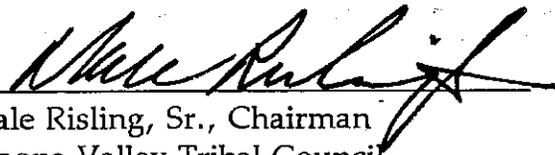
alleged violator notice and an opportunity to be heard no later than 45 days following issuance of the citation; if the Hoopa Valley Tribal Court finds by a preponderance of the evidence that a violation of this Ordinance has occurred, then the violator shall be subjected to a civil fine not to exceed \$2,000 and a confiscation of the subject firearms for not less than 90 days.

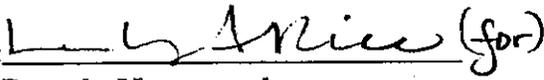
THEREFORE BE IT FINALLY RESOLVED THAT this Ordinance is not intended, nor shall it be so interpreted, to infringe on the right of Hoopa Tribal members either to fish and hunt or to defend their children, spouses or themselves against intruders.

CERTIFICATION

I, the undersigned, as Chairman of the Hoopa Valley Tribal Council, do hereby certify that the Hoopa Valley Tribal Council is composed of eight (8) members of which five (5) were present, constituting a quorum by regular meeting thereof; duly and regularly called, noticed, convened and adopted by a vote of four (4) in favor, zero (0) opposed and zero (0) abstaining, and that said resolution has not been rescinded or amended or modified in any way.

Dated this 6th day of March, 1995.


Dale Risling, Sr., Chairman
Hoopa Valley Tribal Council

Attest:  (for)
Pamela Hammond
Interim Executive Secretary
Hoopa Valley Tribal Council