

CIVIL TRESPASS AND LOITERING ORDINANCE
of the
HOOPA VALLEY TRIBE
Hoopa Valley Indian Reservation
Title 43

ORDINANCE NO: 4-96

DATE APPROVED: June 14, 1996

SUBJECT: Civil Trespass and Loitering Ordinance of the Hoopa Valley Tribe.

WHEREAS: The Hoopa Valley Tribe adopted a Constitution and Bylaws (Tribal Constitution) on June 20, 1972, which was approved by the Commissioner of Indian Affairs on August 18, 1972, and ratified and confirmed by Congress on October 31, 1988, § 8 of Pub. L. 100-580, and amended on June 19, 1990 and, by tribal law, the sovereign authority of the Tribe over the matter described herein is delegated to the Hoopa Valley Tribal Council, acting by law; and

WHEREAS Article V of the Hoopa Tribal Constitution establishes the 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 Tribal Council finds that the presence of transients and persons occupying land illicitly presents a clear and present danger to the safety and health of our Tribal members; the Tribal Council has received numerous reports of dangerous and violent incidents traceable to trespass and loitering;

*WHEREAS the State of California prohibitions respecting trespass and loitering are not in fact enforced;

WHEREAS the Tribal Council finds this state of affairs to constitute an emergency sufficient to justify immediate effective legislation in conformance with 6 Hoopa Tribal Code, Legislative Procedures Act § 6.10.1.

NOW THEREFORE BE IT RESOLVED that it shall be a civil offense for any person within the exterior boundaries of the Hoopa Valley Indian Reservation to trespass or loiter on Tribal, residential or business property, trust or fee;

BE IT FURTHER RESOLVED that Trespass shall be defined as entering and occupying real property or structures of any kind absent the written consent of the owner, the owner's agent or a person in lawful possession;

BE IT FURTHER RESOLVED that Loitering shall be defined as accosting other persons in a public place, prowling or wandering on roads or in public places in circumstances such as to indicate to a reasonable person that the public safety requires that they identify themselves and account for their presence and they refuse to do so when requested by a Tribal Police Officer;


BE IT FURTHER RESOLVED that the Tribal Police are authorized to issue a civil citation to persons found to be trespassing or loitering, requiring their appearance in Tribal Court; and

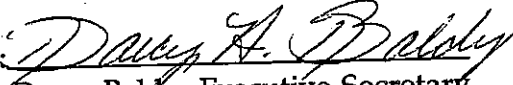
BE IT FINALLY RESOLVED that the Tribal Court shall have jurisdiction to find persons to have committed civil trespass or loitering, subjecting them to a fine not in excess of \$2000 or community service requiring cleaning and beautification of the Hoopa Valley Indian Reservation, minimum 8 hours, or both.

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 eight (8) were present, constituting a quorum of regular meeting thereof; duly and regularly called, noticed, convened and held on this 14th day of June, 1996; that this Ordinance was adopted by a vote of seven (7) in favor, none (0) opposed and none (0) abstaining, and that said Ordinance has not been rescinded or amended or modified in any way.

Dated this 14th day of June 1996.


Dale Risling, Sr., Chairman
Hoopa Valley Tribal Council

Attest: 
Darcy Baldy, Executive Secretary
Hoopa Valley Tribal Council