

Title 9

HUNTING

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Chapter 9.01

General Provisions

Section 9.01.01 Title

This ordinance shall be known as the Jamestown S'Klallam Tribe Revised Treaty Hunting Code.

Chapter 9.02

Jurisdiction

Sections:

- 9.02.01 Territory**
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Definitions:

- A. "Adult" means any person who is eighteen (18) years or older.
- B. "Bag Limit" means the maximum number of animals which may be taken, caught, killed, or possessed by any person, specified by ordinance or regulation, for any particular period or time, and may include limits on size, sex, or species.
- C. "Bait" means any substance placed with the intent of attracting wildlife.

- D. "Big Game" means elk or wapiti, blacktail deer, mountain goat, cougar or mountain lion, and black bear.
- E. "Closed Areas" means any place described or designated by regulation where it is unlawful to hunt.
- F. "Closed Season" means all times during the entire year except those times an "open season" is designated by regulation.
- G. "Enforcement Officer" means any person authorized by the Jamestown S'Klallam Tribe to enforce this ordinance, or Jamestown S'Klallam hunting regulations.
- H. "Game Animals" means all wild animals other than "big game" animals and marine mammals that are classified by regulation as game animals.
- I. "Game Birds" means all wild birds that are classified by regulation as game birds.
- J. "Game Tag" means a card, label or other identification device issued for attachment to the carcass of any game animal.
- K. "Hunt" and its derivatives, "hunting," "hunted," etc., and "trap" and its derivatives, "trapping," etc., mean any effort to kill, injure, capture, or disturb a wild animal or wild bird.
- L. "Jamestown S'Klallam Tribal Member" or "Member" means an enrolled member of the Jamestown S'Klallam Tribe.
- M. "Marine Mammal" means mammals who live the majority of their lives in marine waters and are classified by regulation as marine mammals.
- N. "Minor" means any member who is under the age of 18.
- O. "Muzzle-loader" means a single or double-barrel wheel lock, matchlock, flintlock, or percussion rifle with exposed ignition in which the black powder and ball, or bullet, must be loaded from the muzzle.
- P. "Open Season" means those times, manners of taking and area established by regulation for lawful hunting. "Open Season" includes the first and last days of the established time, unless otherwise specified.
- Q. "Public Roads" means those roads maintained by a county or the State of Washington, or the Federal Government.
- R. "Regulation" means any rule or regulation promulgated by the Jamestown S'Klallam Fish and Game Committee or the Tribal Council.
- S. "Revocation of Hunting Privileges" means the recall of all rights and privileges granted by a Jamestown S'Klallam Tribal Hunting Permit, and the loss of eligibility to apply for a Jamestown S'Klallam Tribal Hunting Permit, for the duration specified by this ordinance.
- T. "Tribal Council or Council" means the Jamestown S'Klallam Tribal Council.
- U. "Tribe" means the Jamestown S'Klallam Tribe.

V. "Wildlife" means all species of the animal kingdom whose members exist within the jurisdiction of the Jamestown S'Klallam Tribe, except fish, including shellfish, and domesticated animals.

Section 9.02.01 Territory

The provisions of this ordinance and all rules and regulations adopted under it shall apply to the full extent of the sovereign jurisdiction of the Jamestown S'Klallam Tribe and within all open and unclaimed lands and usual and accustomed grounds and stations, as provided in the Treaty of Point No Point, 1855.

Section 9.02.02 Provisions

The provisions of this Title and all rules and regulations adopted under it shall apply to all persons purporting to exercise hunting rights secured to the Jamestown S'Klallam Tribe by the Treaty of Point No Point, or other applicable treaties or agreements.

Section 9.02.03 Violation OF 18 U.S.C. SS. 1165

Any person who hunts on the Jamestown S'Klallam Indian Reservation in violation of the provisions of this ordinance or hunting regulations, shall be deemed to be hunting on the Jamestown S'Klallam Indian Reservation without lawful authority or permission, as those terms are used in 18 U.S.C. Subsection 1165.

Chapter 9.03

Fish and Game Committee

Sections:

9.03.01 Establishment of Committee

9.03.02 Quorum; Majority Vote; Dissent

9.03.03 Voting by Committee Chair

9.03.04 Role of Fisheries Manager

9.03.05 Advisory role of Committee

9.03.06 Reporting; Approval of Actions; Member Qualifications; Delegation Additional Provisions:

Section 9.03.01 Establishment of Committee

The Tribal Council shall appoint a Fish and Game Committee which shall be made up of nine (9) persons who are familiar with natural resource issues, hunting techniques, and treaty hunting and fishing rights within the Tribe's jurisdiction. The membership of the Fish and Game Committee shall be as follows:

- A. The Fish and Game Committee shall have seven (7) voting members who are tribal members, no more than three (3) of whom shall be commercial fishers. For purposes of this section a commercial fisher is a person who earns at least 50% of his/her income from fishing.
- B. The Fisheries Manager shall be a permanent member of the Fish and Game Committee, and shall not vote.
- C. The Tribal Council Chair shall be a permanent member of the Fish and Game Committee, and shall not vote.

D. Fish and Game Committee members shall be appointed for three year terms. Their terms shall be staggered so that no more than three positions are subject to appointment within any one year.

E. If a Fish and Game Committee member resigns or a position otherwise becomes vacant before the term of that position expires, the Council shall appoint someone to serve the unexpired term.

F. The Fish and Game Committee is authorized to elect a Chair and Vice-Chair from its voting membership by simple majority vote. In the event of a tie in the election of the Fish and Game Committee Chair or Vice-Chair, the Tribal Council shall select a Chair or Vice-Chair. Elections shall be held at the request of a Fish and Game Committee member.

Section 9.03.02 Quorum; Majority Vote; Dissent

For the purpose of conducting business, a quorum of the Fish and Game Committee shall be five members, one of whom shall be the Fisheries Manager, and four of whom shall be voting members. Fish and Game Committee decisions shall be simple majority vote of the members present. Whenever two or more of the Fish and Game Committee members disagree with the decisions of the Fish and Game Committee they may file their dissent and their reasons therefore with the Tribal Council.

Section 9.03.03 Voting by Committee Chair

The Fish and Game Committee Chair shall vote in Fish and Game Committee business only in elections or in the event of a tie vote.

Section 9.03.04 Role of Fisheries Manager

The Fisheries Manager shall be responsible for notifying Fish and Game Committee members of Fish and Game Committee meetings. No Fish and Game Committee meetings shall be held unless the Fisheries Manager has made a good faith effort to notify each and every Fish and Game Committee member of the meeting. The Fisheries Manager shall call a meeting at the request of a Tribal Council or Fish and Game Committee member, or at any time required to implement this ordinance, or as deemed necessary by the Fisheries Manager.

Section 9.03.05 Advisory role of Committee

The Fish and Game Committee shall act in an advisory capacity to the Fisheries Manager, the Tribal Council, and/or the Point No Point Treaty Council, except as noted in Section 6.10.03(J) of the Revised Jamestown S' Klallam Fishing Ordinance and Section 9.03.05 of the Revised Jamestown S' Klallam Treaty Hunting Ordinance, and shall carry out other fishing, hunting and gathering related duties assigned to it by the Tribal Council or this Title. Issues which may be addressed by the Fish and Game Committee include:

A. Recommending times and places, when and where the taking and possession of any or all of the various classes of wildlife, game, and flora is lawful, prohibited, or otherwise limited; and

B. Recommending and defining the types, size and other characteristics of hunting and gathering gear, including weapons, not already herein defined; and the time, place and manner in which it will be lawful to use or possess any of the aforementioned gear; and

C. Recommending additional requirements and conditions for the issuance of tribal hunting and gathering permits beyond those set in this ordinance as well as any further restrictions on the use of such permits, and recommending procedures for the application for and issuance of such permits. In making these recommendations the Fish and Game Committee shall give preference to the use of wildlife, game, and flora for subsistence, religious, and ceremonial purposes; and

D. Regulating any other aspects of Tribal hunting and gathering activities which the Tribe refers to the Fish and Game Committee.

**Section 9.03.06 Reporting; Approval of Actions; Member Qualifications; Delegation
Additional Provisions:**

A. The Fish and Game Committee shall regularly report to the Tribal Council its decisions, actions and recommendations.

B. Except as otherwise provided in this ordinance, or by the Tribal Council, no recommendation, action, or decision of the Fish and Game Committee shall become effective unless and until it has been reviewed and approved by the Tribal Council.

C. No person who has been convicted of a conservation violation of this ordinance, or a regulation promulgated under it, may be allowed to serve on the Fish and Game Committee or be employed by the Natural Resources Department for a period of two years after their conviction. A person so convicted during their term of office on the Fish and Game Committee, or employment with the Natural Resources Department, may be removed from said office or employment upon conviction. Such removal shall be at the discretion of the Tribal Council in accordance with guidelines and procedures established by the Council.

D. The Fish and Game Committee may at their discretion delegate any of their activities and authorities to a Tribal staff person according to all other policies and procedures set forth by this ordinance or regulations.

Chapter 9.04

Adoption of Annual Regulations

Sections:

9.04.01 Regulations:

9.04.02 Emergency Regulations

Section 9.04.01 Regulations:

A. Prior to each hunting season, the Fish and Game Committee shall formulate and recommend to the Tribal Council any annual and seasonal regulations which are necessary to carry out the purpose of this ordinance. The regulations may establish open seasons, areas closed or open to hunting or trapping, bag limits, limitations on methods of taking game, and other measures for the protection and wise harvest of wildlife resources within the Tribe's jurisdiction.

B. Before proposing regulations as provided in this section the Fish and Game Committee shall make an effort to get all available information on the abundance and territories of various animal species within areas of the Jamestown S'Klallam Tribe's jurisdiction by consulting with appropriate personnel in the United States Fish and Wildlife Service, the United States Forest Service, and the Washington Department of Fish and Wildlife, as well as tribal technical staff.

C. No later than fifteen days after it receives recommended regulations from the Fish and Game Committee the Tribal Council shall either approve or amend, and adopt the regulations, or refer the

proposed regulations back to the Fish and Game Committee with suggestions for changes. If the Tribal Council does not act on the Fish and Game Committee's recommendations within fifteen days, the Committee's proposed regulations shall be considered approved by the Council and shall take effect immediately or according to their terms.

Section 9.04.02 Emergency Regulations

Adoption of Emergency Regulations:

- A. The Fish and Game Committee may make emergency changes in annual or seasonal hunting regulations whenever it gets information which indicates that the changes are necessary for proper management of wildlife resources in areas under tribal jurisdiction.
- B. Emergency regulations shall take effect as soon as they are adopted or at the time specified in the regulations. They shall remain in effect until withdrawn by the Fish and Game Committee, until they lapse by their own terms, or until the Tribal Council withdraws them.
- C. All emergency regulations must be posted promptly at a public location on the reservation and must indicate the date and hour they were adopted. No penalty shall be imposed for violation of an emergency regulation unless 24 hours have passed since the regulation was issued or unless the violator was served personally with a notice of the regulation before the violation occurred.

Chapter 9.05

General Closures

Section 9.05.01 General Closures

General closures:

- A. The Jamestown S'Klallam Tribe Indian Reservation is closed to hunting by all people unless specifically opened by regulation adopted pursuant to this ordinance. All areas within the Tribe's jurisdiction are closed to hunting by enrolled members of the Jamestown S' Klallam Tribe unless those areas have been specifically opened by regulations adopted pursuant to this ordinance.
- B. Any areas within the boundaries of State and National Parks are closed to hunting, unless specifically opened by emergency regulation.
- C. Hunting within any area closed to public access due to extreme fire danger by the U.S. Forest Service or the Washington Department of Natural Resources is closed.

Chapter 9.06

Eligible Hunters

Sections:

9.06.01 Eligible Hunters

9.06.02 Hunting by Minors

9.06.03 Assistance by Non-member Spouses of Members Nonmember spouses of members may assist members as follows:

9.06.04 Assistance by Non-Member Relatives

Section 9.06.01 Eligible Hunters

Only enrolled members of the Jamestown S'Klallam Tribe may exercise treaty hunting rights under the authority of this Title.

Section 9.06.02 Hunting by Minors

Hunting by Minors:

A. Enrolled members of the Jamestown S'Klallam Tribe under the age of 18 may hunt under the provisions of this ordinance, provided they have been awarded a certificate of satisfactory completion from a qualified Hunter Safety course, are accompanied by an eligible Tribal member who is 18 years old or older, and do not have a handgun in their possession. The determination of whether a minor may hunt under this section shall be made by the Fish and Game Committee based on information regarding the minor's completion of a qualified Hunter Safety course, and who will be accompanying the minor.

B. It is the duty of the parent or guardian of any minor who exercises treaty hunting rights pursuant to this section to insure compliance. No minor shall be issued a hunting permit without the signed consent of his or her parent or guardian. Said consent shall clearly indicate the duty of the parent or guardian to insure compliance with this subsection. Both the parent or guardian who permits a minor to hunt under this section and the minor shall be subject to prosecution for violation of this ordinance.

Section 9.06.03 Assistance by Non-member Spouses of Members Nonmember spouses of members may assist members as follows:

A. The nonmember spouse of a Jamestown S' Klallam tribal member has no right to exercise treaty hunting rights of the Jamestown S'Klallam Tribe. The privilege to be assisted by his or her nonmember spouse belongs to the tribal member.

B. An enrolled member of the Jamestown S'Klallam Tribe may be assisted by his/her nonmember spouse so long as they are married to each other. The member spouse must be immediately present during any treaty hunting activity.

C. A nonmember spouse who is eligible to assist shall obtain the appropriate tribal identification cards and hunting permits before hunting, as specified in Section 9.09.04 (d)of this Title.

D. Members are responsible for the conduct of their nonmember spouses in hunting related activities; violations of this ordinance or regulations promulgated under it shall subject the member spouse to citation to the Tribal Court in the place of the nonmember spouse.

E. Under this provision the term "assist" shall be defined to include any normal hunting activities permitted by this ordinance except carrying or discharging weapons. Non-member spouses may bear weapons only if licensed under the provisions of Section 9.08.01 of this Title.

Section 9.06.04 Assistance by Non-Member Relatives

Tribal members may be assisted by nonmember relatives consisting of the Tribal member's forebear, children, sibling, or grandchildren as follows:

- A. The nonmember relative of a Jamestown S'Klallam tribal member has no right to exercise treaty hunting rights of the Jamestown S'Klallam Tribe. The privilege to be assisted by his or her nonmember relative belongs to the tribal member.
- B. An enrolled member of the Jamestown S'Klallam Tribe may be assisted by his/her nonmember relative so long as they are direct blood relatives. The Tribal member must be immediately present during any treaty hunting activity.
- C. A nonmember relative who is eligible to assist shall obtain the appropriate tribal identification cards and hunting permits before hunting as specified in Section 9.09.01(d) of this Title.
- D. Members are responsible for the conduct of their nonmember relatives in hunting related activities; violations of this ordinance or regulations promulgated under it shall subject the Tribal member to citation to the Tribal Court in the place of the nonmember relative.
- E. Under this provision the term "assist" shall be defined to include any normal hunting activities permitted by this ordinance except carrying or discharging weapons. Non-member spouses may bear weapons only if licensed under the provisions of Section 9.08 of this Title.

Chapter 9.07

Hunting for Ceremonial Use

Sections:

9.07.01 Hunting for Ceremonial Use

9.07.02 Hunting for Another

9.07.03 Designated Hunter

Section 9.07.01 Hunting for Ceremonial Use

The Fish and Game Committee or Tribal Council may issue Tribal Hunting Permits and game tags to allow wildlife to be bagged for funerals, ceremonies, and other Tribal uses. The Tribal Hunting Permit and game tags shall specify the type, sex and number of animals to be hunted, and any other conditions the Committee or Council attaches. Tribal hunting permits and game tags under this section may be issued for use during a closed season. The Fish and Game Committee or Tribal Council shall authorize a "designated hunter" to receive the Tribal Hunting Permit and game tags. Requests for Tribal Hunting Permits and game tags under this section must be submitted in writing to the Fish and Game Committee or Tribal Council.

Section 9.07.02 Hunting for Another

The Fish and Game Committee may issue tribal hunting permits to allow a "designated hunter" to hunt for another member of the Jamestown S'Klallam Tribe. Requests for tribal hunting permits under this section must be submitted in writing to the Fish and Game Committee. Requests must state why the person or family making the request is unable to hunt for himself or themselves, and must demonstrate a need to the Fish and Game Committee. No member of the household making the request may exercise treaty hunting rights themselves that hunting year. All provisions of this ordinance and Jamestown S'Klallam game regulations shall apply to hunting under this section.

Section 9.07.03 Designated Hunter

Any eligible hunter with a valid tribal hunting permit may submit his or her name to the Fish and Game Committee to be considered for placement on a list of "designated hunters." When the Fish and Game Committee grants a request under Section 9.07.01 or 9.07.02 of this Title, it shall notify a designated hunter and issue the appropriate tribal hunting permit and game tag(s). The designated hunter shall comply with the terms of the tribal hunting permit and all other applicable provisions.

- A. Eligibility requirements for designated hunters are:
- B. Be an enrolled member of the Jamestown S'Klallam Tribe.
- C. Be at least 18 years old.
- D. Demonstrated hunting ability.
- E. Have no tribal hunting conviction for the previous two years.
- F. Persons prohibited from carrying a firearm under tribal, state, or federal law are not eligible.

Chapter 9.08

Hunting with Non-Members

Sections:

9.08.01 Hunting with Non-Members

Section 9.08.01 Hunting with Non-Members

It shall be lawful for members to exercise hunting rights with nonmembers likewise hunting, provided that the nonmember is appropriately licensed by the State of Washington and is hunting according to current State laws and regulations, and provided further that the member shall be limited to the same areas, laws and regulations as apply to the nonmember.

Chapter 9.09

Required Identification and Permits

Sections:

9.09.01 For Tribal members

9.09.02 Ceremonial Hunting

9.09.03 For a Tribal Member Minor

9.09.04 Non-member Spouse/Relative

Section 9.09.01 For Tribal members

For Tribal Members:

- A. No Tribal member who is eligible to hunt under Section 9.06.01 of this Title shall exercise any treaty hunting right unless he or she is in possession of valid tribal identification and permit, consisting of a

Treaty Indian Fishing and Hunting Identification card issued by the Tribe and a Tribal Hunting Permit issued by the Tribe, as provided in Section 9.09.01(b)

B. All Tribal members purporting to exercise treaty hunting rights shall obtain an annual Tribal Hunting Permit. All such permits shall be nontransferable and shall expire on January 15th of each year. The Tribal Hunting Permit shall also serve as a reporting card for game bagged, as provided in Section 9.10.07.

C. All Tribal members who have obtained a Tribal Hunting Permit shall obtain a separate game tag prior to hunting the following species: deer, elk, bear, cougar, mountain goat, and marine mammals. Successful hunters shall immediately fill out the game tag and attach the game tag to the carcass of the harvested animal.

D. All identification cards, hunting permit documents, and game tags issued by the Jamestown S'Klallam Tribe and/or the Treaty Council shall remain the property of the Jamestown S'Klallam Tribe and shall be returned to the Tribe upon order of the Tribal Court, or as otherwise provided in this ordinance.

E. No Tribal Hunting Permit shall be issued for a given year unless and until the hunter has paid all tribal fines for hunting violations levied during previous seasons.

Section 9.09.02 Ceremonial Hunting

Only enrolled members of the Jamestown S'Klallam Tribe shall exercise ceremonial hunting rights. Non-member spouses and relatives are eligible to assist members exercise their treaty hunting rights during ceremonial hunts. Members hunting for ceremonial purposes shall have in their possession valid and current identification cards, permits, and tags issued by the Tribe, as provided in Section 9.07. Each ceremonial hunter shall report his or her ceremonial catch to the Fish and Game Committee, as provided in the Tribal Hunting Permit and emergency regulation.

Section 9.09.03 For a Tribal Member Minor

Minors who are members of the Tribe and are purporting to exercise treaty hunting rights under Section 9.06.02 must have in their possession a Treaty Indian Fishing and Hunting Identification card issued by the Tribe and a Tribal Hunting Permit issued by the Tribe. Minors must also have in their possession a game tag when hunting big game.

Section 9.09.04 Non-member Spouse/Relative

Required Identification:

A. Non-member spouses and relatives shall have in their possession a Tribal non-member spouse/relative card while engaged in assisting Tribal members in the exercise of Treaty hunting activities. The Tribal non-member Spouse/Relative card shall be an unembossed identification card issued or approved by the Tribal Council or the Point No Point Treaty Council for the purpose of identifying the holder as the nonmember spouse/relative of an enrolled member of the Jamestown S'Klallam Tribe and eligible to assist said Tribal member in the exercise of their treaty hunting and fishing rights. The card shall bear a photograph of the holder and shall show the Tribal member's name, the BIA number of the member, holder's name, address and physical description, and any other information the Tribal Council deems necessary.

B. The Tribe, acting through its Fish and Game Committee, retains the right to suspend or revoke identification cards issued to nonmembers who have been violating this ordinance. A determination whether such a violation has occurred shall be made by the Fish and Game Committee in open hearing. Decisions of the Fish and Game Committee may be appealed to the Tribal Council whose decision shall not be subject to judicial review.

C. Any person hunting under this ordinance shall produce for examination the applicable identification cards, permits, and tags required by this section upon demand of any tribal, state or federal law enforcement official. Failure to produce the required forms of identification shall be probable cause to believe that such person is not authorized to exercise treaty hunting rights.

Chapter 9.10

General Offenses

Sections:

- 9.10.01 General Offenses**
- 9.10.02 Hunting Permits and Tags**
- 9.10.03 Hunting During Closed Season**
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- 9.10.20 Use of Dogs**
- 9.10.21 Hunting While Intoxicated**
- 9.10.22 Unauthorized Hunting by Minors**
- 9.10.23 Prohibition on Hunting Eagles**
- 9.10.24 Laying Out Bait**
- 9.10.25 Laying Out A Drug, Explosive, Or Poison**
- 9.10.26 Mutilation Of Wildlife**
- 9.10.27 Accidentally Shooting A Person**
- 9.10.28 Accidentally Shooting Livestock**
- 9.10.29 Big Game Hunting Firearms Restrictions**
- 9.10.30 Crossbow Hunting Prohibited**
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- 9.10.37 Hunting While Privilege Is Revoked**
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- 9.10.39 Unauthorized Transfer Of Identification, Permit Or Tags Is Prohibited**
- 9.10.40 Unauthorized Assistance**

- 9.10.41 Violation of Regulations and Permits**
- 9.10.42 Failure To Produce Identification, Permit Or Tags To Enforcement Officers**
- 9.10.43 Assault**
- 9.10.44 Resisting Arrest**
- 9.10.45 Eluding**
- 9.10.46 Escape**
- 9.10.47 Interference With Wildlife Management Personnel**
- 9.10.48 Giving False Information to an Officer**
- 9.10.49 Failure to Appear/Response**

Section 9.10.01 General Offenses

Hunting by Tribal members within the jurisdiction of the Jamestown S' Klallam Tribe is permitted whenever all citizen hunting is opened and/or whenever any such areas are specifically opened by regulations under this Title.

Section 9.10.02 Hunting Permits and Tags

Any person who exercises, or purports to exercise, any treaty hunting right without first obtaining valid and current tribal identification, permits, and tags, as required by Section 9.09 or by regulation, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$250.00 and shall have their hunting privileges revoked for one calendar year from the date of sentencing.

Section 9.10.03 Hunting During Closed Season

Any person who hunts during closed season, as established by this ordinance or regulation, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$500.00 and shall have their hunting privileges revoked for one calendar year from the date of sentencing, and/or jail for a period not to exceed 30 days.

Section 9.10.04 Animals Wrongfully Taken

Any person who kills, injures, takes, captures, or possesses wildlife in any manner or by any means contrary to this ordinance or regulation, is guilty of an offense, and upon conviction shall be sentenced to:

- A. Minimum fine for each animal as follows, and/or:
 - 1. Eagles:\$5,000.00
 - 2. Elk: \$1,000.00
 - 3. Swans: \$1,000.00
 - 4. Cougar : \$250.00
 - 5. Deer: \$500.00
 - 6. Bear: \$250.00
 - 7. Mountain Goats: \$250.00
 - 8. Marine Mammals: \$100.00
 - 9. Game Animals: \$100.00
 - 10. Game Birds:\$100.00
- B. Jail for a period not to exceed 30 days; and/or
- C. Both.

Section 9.10.05 Hunting in Closed Areas

Any person who hunts within the boundaries of a closed area, designated by this ordinance or regulation, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$500.00 and shall have their hunting privileges revoked for one calendar year from the date of sentencing.

Section 9.10.06 Bag Limits

Any person who exceeds the bag limit set by regulation is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$250.00 and/or have their hunting privileges revoked for one calendar year from the date of sentencing.

Section 9.10.07 Reporting Bagged Game

- A. Each time a Jamestown S' Klallam hunter bags game, except birds, the species, sex, and location must be immediately recorded on their Tribal Hunting Permit.
- B. All game in the hunter's possession, except birds, must be recorded on their Tribal Hunting Permit.
- C. Each hunter shall return their Tribal Hunting Permit to the Tribal Office by the time limit specified in the annual hunting regulations, regardless of whether an animal was harvested or not.
- D. Failure to comply with any of the above provisions is an offense, and upon conviction, the hunter shall be sentenced to a minimum fine of \$100.00 and a revocation of all hunting privileges for a period of one calendar year from the date of sentencing.

Section 9.10.08 Trap Inspection

Any person who fails to inspect any trap or trapline they have set, and such failure results in the spoilage of game, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$100.00.

Section 9.10.09 Interference with Traps

Any person who takes wildlife from another person's trap without permission, or springs, damages, possesses or removes another person's trap, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$100.00.

Section 9.10.10 Wasting Big Game

Any person who kills big game and causes it to go to waste, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$250.00 and shall have their hunting privileges revoked for one calendar year from the date of sentencing.

Section 9.10.11 Wasting Game Birds for Game Animals

Any person who kills game birds or game animals and causes them to go to waste, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$100.00 and shall have their hunting privileges revoked for one calendar year from the date of sentencing.

Section 9.10.12 Selling Wildlife Prohibited

Any person who sells edible portions of wildlife that they have killed or taken from the jurisdiction of the Jamestown S'Klallam Tribe, is guilty of an offense, and upon conviction shall be sentenced to a minimum

fine of \$500.00, or jail time for a period not to exceed six months, or both; and shall have their hunting privileges revoked for one calendar year from the date of sentencing.

Non-edible portions of game species (antlers, hides, teeth) may be sold or traded, except for cougar, mountain goat, marine mammals, velvet antlers of deer or elk, or the gall bladder of bear.

Section 9.10.13 Transporting Big Game without a Game Tab

Any person who transports a big game animal without a valid game tag affixed to the animal, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$250.00.

Section 9.10.14 Transporting Loaded Firearms

Any person, except authorized law enforcement officers, who carries, transports, conveys or possess: a) a shotgun or rifle containing shells or cartridges in the magazine or chamber, or b) a muzzleloading firearm loaded and capped or primed; in or on a motor vehicle is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$250.00.

Section 9.10.15 Shooting Firearms Across Public Roads

Any person, except authorized law enforcement officers, who discharges a firearm from, across, or along the maintained portion of a public road is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$250.00.

Section 9.10.16 Shooting Arrows Across Public Roads

Any person who shoots an arrow from a vehicle or shoots an arrow from, across, or along the maintained portion of a public road is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$250.00.

Section 9.10.17 Hunting from a Vehicle or Boat Under Power

Any person who hunts from a moving vehicle or pursues game off the road with a motor vehicle, or discharges a firearm from a boat under power (in gear) is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$100.00.

Section 9.10.18 Hunting Other Than Daylight Hours

Any person who hunts earlier than one half hour before sunrise or later than one half hour after sunset is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$250.00.

Section 9.10.19 Hunting With Artificial Light

Any person who hunts with an artificial light, is guilty of an offense, and upon conviction shall be sentenced to:

- A. A minimum fine of \$500.00, and
- B. Revocation of their hunting privileges for one calendar year from the date of sentencing.

Section 9.10.20 Use of Dogs

Any person accompanied by a dog while deer or elk hunting, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$100.00.

Section 9.10.21 Hunting While Intoxicated

Any person who hunts while under the influence of alcohol or illegal drugs is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$250.00 and shall have their hunting privileges revoked for one calendar year from the date of sentencing.

Section 9.10.22 Unauthorized Hunting by Minors

Any person under the age of eighteen (18) years old who hunts unaccompanied by an authorized adult under this ordinance, has not been issued a hunter safety certificate, or is hunting with a pistol in their possession is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$100.00. The court, in its discretion, may allow the defendant to provide work for the Tribe in lieu of all or part of the fine, at a rate not to exceed the federal minimum wage.

Section 9.10.23 Prohibition on Hunting Eagles

Any person who kills, takes, catches, or possesses eagle, or eagle part, nest or egg in violation of any federal statute passed for the protection of eagles is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$5,000.00, or jail time not to exceed six months, or both; and shall have their hunting privileges revoked for one calendar year from the date of sentencing.

Section 9.10.24 Laying Out Bait

Any person who lays or sets out any bait to lure wildlife for hunting, including but not limited to salt licks, is guilty of an offense, except as provided in annual hunting regulations, and upon conviction shall be sentenced to a minimum fine of \$100.00.

Section 9.10.25 Laying Out A Drug, Explosive, Or Poison

Any person who lays or sets out a drug, explosive or poison that endangers, injures, or kills wildlife is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$250.00.

Section 9.10.26 Mutilation Of Wildlife

Any person who mutilates wildlife so that the species or sex cannot be determined visually in the field or while being transported is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$250.00.

Section 9.10.27 Accidentally Shooting A Person

Any person who accidentally shoots any other person while hunting is guilty of an offense, and upon conviction shall be sentenced by the judge to pay restitution to the affected party, on a case-by-case basis.

Section 9.10.28 Accidentally Shooting Livestock

Any person who accidentally shoots domestic livestock while hunting is guilty of an offense, and upon conviction shall be sentenced by the judge to pay restitution to the affected party, on a case-by-case basis.

Section 9.10.29 Big Game Hunting Firearms Restrictions

Any person who hunts big game with any of the following, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$250.00.

- A. A fully automatic firearm.
- B. A rifle with a bore diameter less than .240 of an inch (6mm), or barrel length less than 16 inches.
- C. A rifle cartridge with a bullet weighing less than 85 grains, or that develops less than 900 pounds of energy at 100 yards.
- D. A rifle cartridge containing a bullet other than a mushrooming or expanding type, designed for big game hunting.
- E. A shotgun; except that shotgun which is 20 gauge to 10 gauge, shooting slugs or buckshot size #1 or larger, may be used to hunt deer, bear, and cougar; and other big game may be hunted with a 10 or 12 gauge shotgun using slugs.
- F. A handgun; except that a deer, bear or cougar may be hunted with a 41 magnum, 44 magnum, 44 automatic magnum, 45 Winchester magnum, or any handgun, 24 caliber or larger provided its barrel is at least 6 inches long and uses a centerfire cartridge with a minimum overall length of at least 2 inches and is loaded with mushrooming or expanding type bullet or 100 grains or more, designed for big game hunting.
- G. A bow that possesses less than 40 pounds of pull, measured at 28 inches or less draw length.
- H. Any arrows, except those having sharp broadhead blade or blades at least seven eighths of an inch wide. The broadhead must be unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line shall not angle toward the point.

Section 9.10.30 Crossbow Hunting Prohibited

Any person who hunts with a crossbow, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$100.00.

Section 9.10.31 Hunting Of Game Animals With Shotgun

No person shall hunt animals with a shotgun larger than 10 gauge. Violation of this section is an offense, and upon conviction a person shall be sentenced to a minimum fine of \$100.00.

Section 9.10.32 Game Birds Special Restrictions

Special Restrictions:

- a. No person shall hunt game birds with:
 - (1) A shotgun larger than 10 gauge.
 - (2) A rifle or pistol, with the exception of blue grouse, spruce grouse, and ruffed grouse.
- b. No person shall hunt migratory waterfowl with lead shot.

c. Violation of this section is an offense, and upon conviction a person shall be sentenced to a minimum fine of \$100.00.

Section 9.10.33 Firearms Restrictions for use of Muzzle Loaded Rifles

No person shall carry or possess any muzzleloaded rifle which does not meet the following requirements:

a. If the rifle has a removable breech plug, such removal must require the use of tools. Has a single or double barrel of at least 20 inches in length, rifled or smoothbore; such measurement to be taken from land to land in the barrel. Minimum caliber is .40. Ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements. Sights must be open, peep, or of other open sight design. Telescopic sight or sights containing glass are prohibited. Fiber optic sights are legal.

b. This section shall not apply to carrying a muzzle loading pistol.

c. Violation of this section is an offense, and upon conviction a person shall be sentenced to a minimum fine of \$100.00.

Section 9.10.34 Defacing

Hunting without Any person who destroys, tears down, shoots at, defaces or erases any printed matter or signs placed to assist in the enforcement of hunting and fishing regulations is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$100.00.

Section 9.10.35 Obstructing Enforcement Officers Prohibited

Any person who resists or obstructs any duly authorized enforcement agent in the discharge of his duties under this ordinance or regulations is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$1,000.00.

Section 9.10.36 Aiding and Abetting

Any person who knowingly aids and abets another person to engage in conduct which is unlawful under this ordinance or regulation is guilty of an offense and upon conviction shall be sentenced to the same degree as if he or she had committed the primary offense.

Section 9.10.37 Hunting While Privilege Is Revoked

Any person who obtains a Tribal Hunting Permit or game tag or hunts while their hunting privilege is revoked is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$500.00, and a minimum of fourteen (14) days in jail, and shall have their hunting privileges revoked for two calendar years from the date of sentencing.

Section 9.10.38 Hunting Without Proper Identification, Permit Or Tag In Possession Is Prohibited

Any person who exercises, or purports to exercise, any treaty hunting right without having in their possession valid and current tribal identification, hunting permit documents, and game tags, as required by this Ordinance and applicable regulations, is guilty of an offense, and upon conviction shall be sentenced to a minimum of \$100.00.

Section 9.10.39 Unauthorized Transfer Of Identification, Permit Or Tags Is Prohibited

Any person who transfers any identification, permit or tag issued to them under this Ordinance, or applicable regulations, to another person for the purpose of allowing the transferee to engage in hunting, and any person who uses any identification, permit or game tag issued to another person under this Ordinance, or applicable regulation, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$100.00.

Section 9.10.40 Unauthorized Assistance

It is a violation for any person to exercise treaty hunting rights with a non-tribal member except as follows:

- a. The non-member is appropriately licensed by the State of Washington.
- b. The non-member is hunting according to current state laws and regulations.
- c. The tribal member is limited to the same areas, laws and regulations that apply to the non-member.

Any person who violates these exceptions is guilty of an offense and upon conviction shall be sentenced to a minimum fine of \$100.00.

Section 9.10.41 Violation of Regulations and Permits

Any person who fails to comply with:

- a. Any provision of this Ordinance;
- b. Any Jamestown S' Klallam hunting regulation; or
- c. The terms or conditions stated on any Tribal Hunting Permit or game tag.

When such failure has not been specifically designated as an offense under this Ordinance, or which does not carry with it a specific penalty, is guilty of an offense. Upon conviction, the person shall be sentenced to a minimum fine of \$100.00.

Section 9.10.42 Failure To Produce Identification, Permit Or Tags To Enforcement Officers

Any person who fails to produce for examination their identification card, permit or tags, as required by this Ordinance or regulation, upon demand by any tribal, state, or federal enforcement officer, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$100.00.

Section 9.10.43 Assault

Any person who uses or threatens to use force or violence against an Enforcement Agent, or any other person, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$2,500.00 and shall have their hunting privileges revoked for one calendar year from the date of sentencing.

Section 9.10.44 Resisting Arrest

Any person who resists arrest by an Enforcement Agent, or any other person, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$2,000.00.

Section 9.10.45 Eluding

Any person who fails or refuses to stop after being given a visible or audible signal by an Enforcement Agent is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$1,500.00.

Section 9.10.46 Escape

Any person who escapes, attempts escape, or assists another to escape from lawful custody for any hunting offense is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$2,500.00.

Section 9.10.47 Interference With Wildlife Management Personnel

Any person who willfully interferes with or prevents wildlife management personnel of the Tribe, the Treaty Council, or state or federal agencies from carrying out their professional management duties is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$1,000.00.

Section 9.10.48 Giving False Information to an Officer

Any person who knowingly gives false information to an Enforcement Agent is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$500.00.

Section 9.10.49 Failure to Appear/Response

Any person who fails to appear and respond, as required by a civil or criminal citation, summons, subpoena or notice of hearing issued under this Ordinance, is guilty of an offense, and upon conviction shall be sentenced to a minimum fine of \$1,000.00.

Chapter 9.11

Penalties and Sentencing

Sections:**9.11.01 Penalties and Sentencing****9.11.02 Repeat Offenders****Section 9.11.01 Penalties and Sentencing**

Sentences listed for each offense herein apply to convictions for the first violation of the ordinance. The Tribal Court shall not suspend or reduce any minimum sentence under this ordinance. Hunters convicted of violations under this ordinance shall have their hunting privilege revoked until all court fines and sentences are fully satisfied.

Section 9.11.02 Repeat Offenders

Any person who is convicted of a second or subsequent violation of this ordinance (whether the same or a different offense) within five years of the first conviction shall be sentenced as follows:

- a. Unless otherwise specified, the sentence shall be a minimum fine in an amount which is twice the minimum fine for a first violation for that offense; and a minimum jail sentence of two days in jail.
- b. If the second conviction is for violating Permits Obtained; Hunting During Closed Season; Possession of Wildlife Taken During a Closed Season; Animals Wrongfully Taken; Hunting in a Closed Area; Bag Limits; Reporting Big Game; Wasting Big Game; Wasting Game Birds or Animals; Selling Wildlife;

Jacklighting; or Hunting While Intoxicated, the sentence shall be the same as subsection (a) above, and revocation of all hunting privileges for no less than one calendar year from the date of sentencing and not to exceed three calendar years from the date of sentencing.

c. If the second conviction is for violating Prohibition on Hunting Eagles, the sentence shall be a mandatory fine of \$3,000.00 and a mandatory minimum jail sentence of 14 days with a maximum jail sentence of six months, and a mandatory revocation of all hunting privileges for not less than three years from the date of sentencing.

d. After a third conviction, an offender must undergo a mandatory review by the Fish and Game Committee and/or Tribal Council to consider temporary or permanent revocation of their hunting privileges.

Chapter 9.12

Conviction as Bar to committee Membership

Section 9.12.01 Conviction as a Bar to Committee Membership

Any person who has been convicted of a conservation violation of this ordinance, as determined by the Fish and Game Committee, or a regulation promulgated hereunder may, at the discretion of the Tribal Council, be barred from serving on the Fish and Game Committee for a period of two (2) years after serving their conviction. The Tribal Council shall appoint someone to serve the remaining term of office of the convicted fish and Game Committee member.

Chapter 9.13

Liberal Construction

Section 9.13.01 Liberally Construed

This Title shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

Chapter 9.14

Enforcement

Sections:

- 9.14.01 Enforcement Agents**
- 9.14.02 Deputization**
- 9.14.03 Arrest**
- 9.14.04 Notification of Rights**
- 9.14.05 Searches with or without Warrant**
- 9.14.06 Seizure of Wildlife**
- 9.14.07 Forfeiture Procedures**
- 9.14.08 Disposition of Property Forfeited**
- 9.14.09 Citation to Tribal Court**

Section 9.14.01 Enforcement Agents

The Jamestown S'Klallam Tribal Council shall appoint one or more persons to serve as enforcement agents. Enforcement agents shall have the authority to enforce the provisions of this ordinance and all emergency and annual regulations promulgated hereunder. The Tribal Council may, upon request from an enforcement agent, appoint and deputize a person to assist an enforcement agent in the performance of their duties.

Section 9.14.02 Deputization

The Tribal Council may enter into an agreement with another Tribe, Treaty Council, or State, Federal, or County Government providing for the crossdeputization of enforcement agents and/or law enforcement officers.

Section 9.14.03 Arrest

Arrest:

a. Enforcement agents shall have the authority to arrest an Indian person purporting to exercise Tribal hunting rights who is in violation of any regulation adopted hereunder. No enforcement agent shall arrest any person for a violation of this ordinance or the above mentioned regulations except when:

- (1) The offense occurs in the presence of the arresting officer: or
- (2) The enforcement agent has probable cause to believe that the person being arrested has committed the alleged offense; or
- (3) The enforcement agent has a warrant signed by a Tribal Judge commanding the arrest of such person or knows as a certainty that such warrant has been issued.

b. In those situations where the enforcement agent is authorized to make an arrest, the enforcement agent may instead, at their discretion, issue either a written warning or a citation on a form approved by the Tribe commanding the alleged violator to appear before the Tribal Court to answer the charges.

Section 9.14.04 Notification of Rights

Required notification of rights upon arrest and presentment of warrant:

a. Immediately upon arrest an alleged violator shall be advised of the following:

- (1) The charges against them;
- (2) That they have a right to remain silent;
- (3) That anything they say may be used against them in court;
- (4) That they have a right to be represented by an attorney or spokesman at their own expense.

b. If arrest is made pursuant to a warrant, the accused shall be given a copy of the warrant at the time of the arrest or as soon thereafter as possible.

Section 9.14.05 Searches with or without Warrant

Searches With or Without a Warrant:

a. An enforcement agent may utilize standard law enforcement procedures to search without warrant any gear, vehicle, tent, camper, or any place or premises at or near a hunting site provided the enforcement agent has probable cause to believe that the site contains evidence of violations of this ordinance.

b. The Tribal Court may issue a search warrant and direct a search to be made in any place wherein it is alleged that any evidence of violation of this ordinance or of the Tribe are concealed or kept.

Section 9.14.06 Seizure of Wildlife

a. Upon arrest or upon issuance of a citation, the enforcement agent may seize all wildlife and parts of wildlife which the enforcement agent has reasonable grounds to believe have been taken or killed by the alleged violator contrary to the provisions of this ordinance, or any regulations promulgated hereunder. An enforcement agent may in addition, seize any weapons or other paraphernalia (excluding the hunter's vehicle) which the enforcement agent has reasonable grounds to believe has been used in the commission of a violation of this ordinance or any regulation promulgated hereunder.

b. An enforcement agent who has seized wildlife, weapons or any other items pursuant to this section shall prepare a written inventory of all items seized which shall be signed by the enforcement agent and the alleged violator. When unattended gear and/or its contents are seized, the inventory shall be signed by the enforcement agent. In all cases, one copy of the inventory shall be filed with the Tribal Court, and one copy returned to the Jamestown S'Klallam Fish and Game Committee.

c. All items, other than perishable wildlife and wildlife parts, seized pursuant to this section shall, as soon as practicable, be brought to the Tribal Office or other places designated by the Tribe for the storage of seized property. Seized property shall be stored in such manner as to minimize further damage to it and shall be held until disposed of pursuant to order of the Tribal Court.

d. Any person who has perishable meat seized under the authority of this ordinance may elect to have the meat frozen and stored, pending the outcome of court proceedings, or to have the Fish and Game Committee dispose of the meat for Tribal purposes. If the person is acquitted or charges are dismissed the frozen meat shall be returned or, if the meat was disposed of by the Fish and Game Committee, the person shall be issued a Tribal Hunting Permit and game tag to bag a replacement animal.

Section 9.14.07 Forfeiture Procedures

Forfeiture Procedures:

a. When a person has been convicted of violating a provision of this ordinance, or any regulation promulgated pursuant thereto, the court may order forfeiture of any items seized in connection with the violation. The convicted person shall be given the opportunity to present evidence and argument to the Tribal Court regarding why it would be inequitable to forfeit those items seized.

b. In all cases where the owner of items seized is unknown, the Tribal Court shall have the power to order the forfeiture of any articles seized.

c. The enforcement agent who makes a seizure shall immediately post at prominent public locations on the reservation a notice describing the items and the time and place of seizure. The notice shall provide that person wishing to claim articles must do so within ten (10) days after the notice is posted.

d. If no one claims unmarked articles seized pursuant to this ordinance within the time limit provided, the Fish and Game Committee may dispose of it. Any proceeds from disposition of the property shall be turned over to the Tribe.

e. If a person does claim unmarked articles seized by a enforcement agent, the Tribal Court shall hold an expedited hearing to determine whether the property shall be returned to the owner, as provided in Section 9.14.07.

Section 9.14.08 Disposition of Property Forfeited

In the event the Tribal Court orders forfeiture of articles seized, the articles shall be turned over to the Jamestown S' Klallam Fish and Game Committee for the use and benefit of the Tribe. Any items or proceeds not forfeited by the order of the Tribal Court shall be returned to the person from whom seized, after the completion of the case and after the fines, if any, have been paid.

Section 9.14.09 Citation to Tribal Court

Citation to Tribal Court as follows:

A. All persons charged with a violation of this ordinance or regulation promulgated under it shall be cited to appear and answer said charges before The Tribal Court.

B. Except in the case of a bail forfeiture, failure to appear in Tribal Court shall constitute a separate offense and shall be punishable as any other violation of this ordinance.

C. Failure to comply with a Tribal Court order shall constitute a separate offense and shall be punishable as any other violation of this ordinance.

Chapter 9.15

Codification

Section 9.15.01 Codification

This Ordinance was approved on August 24, 2004 and codified into a Title by Resolution #11-05 on February 18, 2005.