

Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians

Civil Infraction Ordinance¹

CHAPTER I GENERAL PROVISIONS

- Section 1 Title and Scope.
- This Ordinance will be known as the “*Civil Infraction Ordinance*.” This Ordinance allows the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians Public Safety Department the authority to issue Civil Infractions to anyone in violation with the provisions found herein or other Civil Infractions found under Michigan Compiled Laws (also referred to as “MCL”), including Chapter 257, Michigan Vehicle Code, MCL 257.1 *et seq.* as may be amended from time to time.
- Section 2 Purpose.
- The purpose of this Ordinance is to:
- a. Promote the general health, safety, and welfare of the Tribe, its citizens, and visitors to the Tribe’s Reservation;
 - b. Govern the conduct and activities of all persons on the Tribe’s Reservation by prohibiting any acts which are offensive to public order and civil society; and
 - c. Provide a mechanism for tribal regulation of the conduct and activities of all persons within the territorial jurisdiction of the Tribe by providing for the imposition of a civil infraction and penalties against a person who engages in illegal and offensive conduct.
- Section 3 Severability.
- If any provision of this Ordinance is found to be contrary to the Tribe’s Constitution, Tribal law, or Federal law, such provision(s) will be struck and the remainder of this Ordinance will continue in full force and effect.
- Section 4 Effective Date.
- This Ordinance will take effect immediately upon its enactment by Resolution of the Tribal Council.
- Section 5 Interpretation.

¹ Adopted by Tribal Council Resolution No. 11-645 on February 3, 2011; amended by Resolution No. 22-1367 on April 28, 2022; and most recently amended by Resolution No. 24-1622 on July 11, 2024.

In its interpretation and application, the provisions of this Ordinance will be considered minimum requirements and will be liberally construed in favor of the Tribe and will not be deemed a limitation upon or repeal of any other tribal power or authority.

Section 6 Non-Liability.

The Tribe declares there is no liability on the part of the Tribe, its agencies, agents, or employees for any damages which occur as a result of reliance upon or conformity with this Ordinance. The Tribe, by the adoption of this Ordinance, does not waive its sovereign immunity in any respect.

CHAPTER II
DEFINITIONS

Section 1 Definitions.

For purposes of this Ordinance the following definitions apply:

- a. **“Civil Infraction”**-means an act or omission prohibited by this Ordinance or other Michigan Compiled Laws, and for which a civil sanction may be ordered at the discretion of the Tribe.
- b. **“Citizen”**- means a person enrolled in the Tribe pursuant to the Tribe’s Constitution and Enrollment Ordinance.
- c. **“Domesticated Animal”**-means a dog, a cat, or another animal that has been tamed and kept as a household pet.
- d. **“Loitering” means to stand or wait around idly for no obvious reason or for the sole purpose to solicit money or other things of value from other people in a public place.**
- e. **“Marijuana”** means the dried leaves, flowers, stems, or seeds from the cannabis indica plant with a delta-9 tetrahydrocannabinol (“THC”) concentration over 0.3 percent on a dry-weight basis. For purposes of this Ordinance, “Marijuana derivatives” such as CBD oils, gummies and topicals that contain no more than 0.3 percent THC, are not “marijuana.”
- f. **“Police Department”**-means the Tribal Police division of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians Public Safety Department.
- g. **“First Responders” means someone designated or trained to respond to an emergency such as, but not limited to, a law enforcement officer, emergency medical technician, or firefighter.**
- h. **“Public Place”**-means any sidewalk, street, right-of-way, alley, park, public building, parking lot, any place of business or assembly open to the public, and any other place which is open to the public view or to which the public has access whether or not privately owned or leased to a private party.
- i. **“Quiet Hours”- means those hours between 11:00 p.m. and 7:00 a.m. at any hotel or resort located on the Tribe’s Reservation.**

- j. **“Reservation”**-means all lands held in trust for the Tribe by the United States government which includes the area over which the Tribe exercises civil and criminal jurisdiction.
- k. **“Solicit” means to beg, ask, or seek money or other things of value from another person in a public place.**
- l. **“Tribal Council”**-means the governing body of the Tribe as established by Article VI of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians Constitution.
- m. **“Tribal Court”**-means the Tribal Judiciary established under Article VIII §1 of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians Constitution.
- n. **“Tribe or Tribal”**-means or refers to the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe).

CHAPTER III

CONDUCT DEEMED DETRIMENTAL TO PUBLIC HEALTH, SAFETY, AND WELFARE

Section 1 Purchase, Consumption, or Possession of Liquor by Minor.

- a. For purposes of this section, the term “minor” means a person less than 21 years of age and the term “liquor” means the substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, commonly produced by the fermentation or distillation of grain, starch, grapes, molasses, or other substances, including all dilutions and mixtures of this substance.
- b. A minor commits the civil infraction of unlawful purchase, consumption, or possession of liquor if the minor purchases or attempts to purchase, consumes or attempts to consume liquor, or possesses or attempts to possess liquor, except as provided in this section.
- c. This section does not prohibit a minor from possessing liquor in the course of his/her employment during regular working hours if the minor employee is employed by an employer licensed under the Tribe’s Liquor Control Ordinance. The liquor cannot be possessed for the minor’s personal consumption. The consumption of sacramental wine by a minor in connection with religious services at a church, synagogue, or temple is not prohibited by this section.
- d. Subsection (b) of this section does not apply to a minor who participates in either of the following:
 - 1. An undercover operation in which the minor purchases or receives liquor under the direction of the minor’s employer and with the prior approval of the Tribal Prosecutor to regulate compliance with the Tribe’s Liquor Control Ordinance; or
 - 2. An undercover operation in which the minor purchases or receives liquor under the direction of the Tribal Police or the Tribal Gaming Commission to regulate compliance with the Tribe’s Liquor Control Ordinance.

Section 2 Consumption of Liquor in Public.

A person commits the civil infraction of consumption of liquor in a public place if the person consumes liquor in any public place or business establishment located on the Tribe's Reservation that is not licensed to sell liquor for consumption on the premises.

Section 3 Public Intoxication.

A person commits the civil infraction of public intoxication if the person is intoxicated in a public place and either directly endangers the safety of another person or property or acts in a manner that causes a public disturbance.

Section 4 Littering.

A person commits the civil infraction of littering if the person discards any debris, trash, bottles, cans, paper, or waste on any street, sidewalk, parking lot, parkway, or right-of-way, in anything other than a proper waste receptacle.

Section 5 Spitting.

A person commits the civil infraction of spitting in public if the person spits on the floor or seat of any public carrier, or any public floor or wall, seat or equipment of any place of public assembly.

Section 6 Indecent Exposure.

A person commits the civil infraction of indecent exposure if the person intentionally makes any open and obscene exposure of his/her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not indecent exposure.

Section 7 Public Urination or Defecation.

A person commits the civil infraction of public urination or defecation if the person urinates or defecates in any public place or any other place in the view of the public not specifically designated for that purpose.

Section 8 Possession of Marijuana.

A person commits the civil infraction of possession of marijuana if the person possesses marijuana or any of its derivatives, notwithstanding those derivatives that contain no more than 0.3 percent THC such as, but not limited to CBD Oils, gummies, and topicals.

Section 9 Drug Paraphernalia.

A person commits the civil infraction of possession of drug paraphernalia if the person vends, sells, distributes, or possesses any article or paraphernalia used or adapted for use as a means of smoking, injecting, or consuming any unlawful drug. This section does not apply to physicians, pharmacists, or individuals who have lawfully been prescribed medication and who vend, sell, distribute, or possess any such articles for lawful purposes.

Section 10 Gambling by Minor.

- a. For purposes of this section, the term “minor” means a person less than 21 years of age and the term “gambling” will have the meaning ascribed to that term in “Class II gaming” and “Class III gaming” in Section 2, Subsection 2.07 and Subsection 2.08, respectively, of the Tribe’s Gaming Ordinance.
- b. A minor commits the civil infraction of unlawful gambling by a minor if the minor person engages, or attempts to engage, in any gambling game at any gaming facility or enterprise licensed by the Tribe.

Section 11 Disorderly Person.

A person commits the civil infraction of disorderly person if he/she intentionally, knowingly, or recklessly:

- a. Uses abusive, indecent, profane, or vulgar language in a public place; or
- b. Makes an obscene or offensive gesture or engages in indecent or obscene conduct in a public place; or
- c. Abuses or threatens a person in a manner calculated to place the threatened person in fear of bodily harm; or
- d. Makes a loud and unreasonable noise in manner that disturbs the public peace; or
- e. Engages in fighting or violent, tumultuous or threatening behavior; or
- f. Unreasonably disrupts any lawful meeting or assembly; or
- g. Lies or sleeps on any property that he/she has no right to occupy; or
- h. Obstructs vehicular or pedestrian traffic; or
- i. Creates any hazardous, physically offensive, or alarming condition by an act which serves no legitimate purpose.

Section 12 Defrauding an Innkeeper.

A person commits the civil infraction of defrauding an innkeeper if the person obtains, or attempts to obtain, food, lodging, merchandise, or other accommodations at any hotel, lodging house, restaurant, retail store or similar place of business without paying, with intent to defraud the owner or manager, or who obtains, or attempts to obtain, credit at any hotel, lodging house, restaurant, retail store or similar place of business by or through any false pretense, including altering, or attempt to alter, the label, price tag or marking on any item offered for sale and/or seeking to obtain a refund on merchandise not previously purchased without value having been paid to the owner or agent of the retail store.

Section 13 Malicious Mischief.

A person commits the civil infraction of malicious mischief if the person knowingly takes or carelessly destroys, damages, or defaces or removes any public property or other property not belonging to the person. If a minor commits the civil infraction of malicious mischief under this Ordinance, the Gun Lake Tribal Court may order the parent(s),

guardian(s), or legal custodian of the minor to pay restitution regardless of if the minor was in the care or supervision of the parent at the time the minor committed the offense.

- Section 14 Trespass.
A person commits the civil infraction of trespass if the person willfully enters upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner, legal occupant, or agent of the owner or legal occupant, or remains upon the land or premises of another after being notified to depart from there by the owner or occupant, or agent or servant of either.
- Section 15 Hindering or Opposing the Police, Casino Security Personnel, or Firefighters.
A person commits the civil infraction of hindering or opposing the police, Casino Security Personnel, or Firefighters if the person obstructs, resists, hinders, or opposes any member of the Tribal Police, any police officer, any Gun Lake Casino Security Personnel, or any Tribal Firefighter in the discharge of his/her duties.
- Section 16 Unattended Domestic Animals in Motor Vehicles.
A person commits the civil infraction of leaving a domesticated animal unattended in a motor vehicle if the person leaves a domesticated animal unattended in a standing or parked motor vehicle in a manner that endangers the animal's health or safety.
- Section 17 Presenting Fraudulent Identification.
A person commits the civil infraction of presenting fraudulent identification (ID) if the person presents an ID to any law enforcement officer, an innkeeper, or any employee of the Tribe's Gaming Authority that is forged, altered, or otherwise purports to establish the false identification of the person.
- Section 18 Unauthorized Parking.
A person commits the Civil Infraction of unauthorized parking if the person parks their car in a parking spot designated for Tribal Elders, Tribal Council, Black Card Members, or any other designated parking spot with signage without proper authorization and/or documentation.
- Section 19 Loud or Unnecessary Noise.
A person commits the civil infraction of loud or unnecessary noise if the person, while in a hotel or resort on the Tribe's Reservation, during Quiet Hours, makes, or causes to be made any loud, unnecessary, or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others. This law does not apply to noises emitted from warning devices for the purpose of notifying individuals, noise emanating from First Responders, and noises emanating from activities authorized by the Gun Lake Gaming Authority or other tribal entity.
- Section 20 Soliciting for Sex.
A person commits the civil infraction of soliciting for sex if they are 18 years of age or older and accosts, solicits, or invites another person in a public place, or in a building or

in or from a building or vehicle, by word, gesture, or another means, to commit prostitution, or to do any other lewd or immoral act.

Section 21 Engaging Services for Prostitution.

A person commits the civil infraction for engaging services for prostitution if the person engages or offers/attempts to engage the services of another person, not his or her spouse, for the purpose of prostitution, by the payment of money or other forms of consideration.

Section 22 Aggressive Solicitation.

A person commits the civil infraction of aggressive solicitation if the person loiters, remains, or wanders in a public place for the purpose of soliciting and does any of the following:

- a. Touching the solicited person without that person's consent;
- b. Blocking the path of that person being solicited or the entrance to any building or vehicle;
- c. Following behind, alongside, or ahead of a person who walks away from the solicitor after having been solicited;
- d. Using abusive language, either during the solicitation or following a refusal to donate, or making any statement, gesture or other communication which would cause a reasonable person to be fearful or feel compelled to make a donation;
- e. Soliciting a patron in a sidewalk café, or restaurant where people are dining outdoors without first having permission of the operator of the café, restaurant, hotel, or resort; or
- f. Continuing to ask, beg, or solicit from a person after that person has made a negative response.

Section 23 Unlawful Soliciting.

A person commits the civil infraction of unlawful soliciting if the person solicits any person for money or other things of value if any of the circumstances below exist:

- a. Soliciting a patron inside the Gun Lake Casino, a hotel, or resort after an employee of either the Casino, hotel or resort asks the person not to solicit or if there's a sign clearly posted indicating that solicitations are not welcome inside the property; or
- b. On tribal property that is leased to a private party and the private party has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;
- c. Within 15 feet of the entrance or exit to any public toilet;
- d. Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to any residence, business, or athletic facility;
- e. Within 15 feet from any designated bus stop, including any bus stop located in the Gun Lake Casino Parking Lot designated to shuttle patrons to the Gun Lake Casino;
- f. From any operator of a motor vehicle that is in traffic on a public street, provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by owner or passengers of such vehicle;
- g. From any person who is waiting in line for entry to any building, public, or private, including, but not limited to, any residence, business, or athletic facility.

Notwithstanding anything to the contrary in this Ordinance, nothing herein shall be interpreted to prohibit related parties from soliciting money or other things of value from one another.

Section 24 Unlawful Smoking.

A person commits the civil infraction of unlawful smoking if the person smokes tobacco, marijuana or vapes any form of substance:

- a. Inside any hotel or resort located within the Tribe's reservation;
- b. Inside the Gun Lake Casino, including any of its restaurants, unless designated as an area where patrons may smoke;
- c. Inside any restaurant (including an outdoor eating area), concert hall, swimming pool, place of shopping, museum, gas station, childcare center, playground, education facility, library, tribal government building, or healthcare facility (including gyms); or
- d. Inside any business on the Tribe's reservation which has posted a sign clearly indicating that smoking is not allowed.

When issuing a citation for unlawful smoking inside a hotel room, a duly authorized police officer may issue a citation to the hotel guest whose name is assigned to the hotel room where there is enough evidence to show by a preponderance of evidence that someone smoked in the hotel room while the hotel guest had access or control of access to the hotel room.

Nothing contained herein shall apply to smoking tobacco inside designated areas approved by the Tribe, or places where the Tribal Council may authorize from time to time for purposes of tribal custom or traditions. i.e. a naming ceremony.

Section 25 Illegal Dumping.

Any person who dumps, deposits, or places any filth, garbage, or refuse on the grounds or premises of another, without the specific permission of the owner thereof, shall be guilty of the civil infraction of illegal dumping.

CHAPTER IV
ENFORCEMENT OF CIVIL INFRACTIONS

Section 1 Jurisdiction and Procedure.

- a. Jurisdiction is hereby conferred upon the Tribal Court over prosecutions for civil infractions of this Ordinance.
- b. Violations of this Ordinance will constitute civil infractions of this Ordinance punishable by a civil fine which is the lesser of:
 1. Any amount specifically provided for the offense in this Ordinance; or
 2. The amount specifically provided for the offense in a Civil Penalty Schedule approved by the Tribal Council.
- c. Proceedings involving civil infractions of this Ordinance may be instituted by the issuance of a Tribal Uniform Traffic Citation issued by a duly authorized police officer citing a provision of Tribal law, or other Civil Infractions found under Michigan

Compiled Laws, including Chapter 257, Michigan Vehicle Code, MCL 257.1 *et seq.* as may be amended from time to time, incorporated by reference into this Ordinance.

Section 2 Enforcement and Penalties.

- a. The provisions of this Ordinance will be enforced by all Tribal law enforcement officers. In addition, every State or local law enforcement officer empowered by the Tribal Council to enforce Tribal criminal laws is hereby authorized to enforce the provisions of this Ordinance and issue citations to Tribal Court.
- b. In addition to the civil penalties authorized by this Ordinance, the Tribal Court may also order restitution to any victim for damage to, or the loss of, the victim's property which may arise from any civil infraction.
- c. In addition to any penalty imposed by the Tribal Court, the Tribal Court upon conviction will order payment of court fees and costs in the amount determined by the Tribal Court.
- d. If a person violates any cited MCL provision or Chapter 257, of the Michigan Vehicle Code, MCL 257.1 *et seq.* and the penalty for the violation is not listed in the Addendum below, the Tribal Court shall have the authority to assess and assign a penalty up to the maximum fine that the applicable Michigan Vehicle Code provision for which that violation allows, as may be amended from time to time.

[Schedule of Fines and Costs on Next Page]

Addendum 1—Schedule of Fines and Costs
Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians
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Two-thirds (2/3) of any civil penalty will be designated a fine and one-third (1/3) will be designated court costs. \$10.00 of every civil penalty will be placed into a Victim's Fund.

Purchase, Consumption, or Possession of Liquor by Minor	\$145.00
Consumption of Liquor in Public	\$85.00
Public Intoxication	\$160.00
Littering	\$85.00
Spitting	\$85.00
Indecent Exposure	\$160.00
Public Urination or Defecation	\$85.00
Possession of Marijuana	\$220.00
Drug Paraphernalia	\$145.00
Gambling by Minor	\$145.00
Disorderly Person	\$160.00
Defrauding an Innkeeper	\$160.00
Malicious Mischief	\$160.00
Trespass	\$145.00
Hindering or Opposing the Police	\$250.00
Unattended Domesticated Animals in Motor Vehicles	\$85.00
Presenting Fraudulent Identification	\$145.00
Unauthorized Parking	\$85.00
Loud and Unnecessary Noise	\$160.00
Soliciting for Sex	\$500.00
Engaging Services for Prostitution	\$500.00
Aggressive Solicitation	\$160.00
Unlawful Soliciting	\$100.00
Unlawful Smoking	\$200.00
Illegal Dumping	\$300.00

Vehicle Code Violation Penalty Schedule

Careless Driving	\$250.00
Child Restraint Violation	\$100.00
Disobey Stop Sign	\$130.00
Disobey Traffic Control Device	\$130.00
Driving While License Suspended	\$155.00
Drove Left of Center	\$130.00

Drove Wrong Way on a One-Way Street-----	\$130.00
Expired Licensed Plate-----	\$80, \$90, \$110.00
Fail to Signal for Turn-----	\$130.00
Fail to Yield-----	\$130.00
Improper Lane Use-----	\$130.00
Improper Passing-----	\$130.00
Improper Use of Lights-----	\$130.00
No Proof of Insurance-----	\$55.00
No Valid Operators License on Person-----	\$85.00
Open Container-----	\$85.00
Other Parking Violations-----	\$25.00
Parking in Handicap Zone-----	\$155.00
Seat Belt Violation-----	\$70.00
Speed 1-9 mph Over-----	\$85.00
Speed 10-19 mph Over-----	\$130.00
Speed 20+ mph Over-----	\$160.00
Vehicle Equipment Violations (Waive if repaired in allotted time)-----	\$100.00
Violation of Basic Speed Law-----	\$85.00