

Ordinance 27-03

An Ordinance providing for the restraint against disorderly conduct among the people of the Mille Lacs Band of Ojibwe through the creation of an Offenses Against Public Order, Health and Decency Act.

The District I Representative introduced the following Bill on the 11th day of June, 2003.

Title 24 MLBSA

Subchapter VI

OFFENSES AGAINST PUBLIC ORDER, HEALTH AND DECENCY

This Disorderly Conduct Ordinance represents the law pertaining to disorderly conduct by persons subject to the jurisdiction of the Mille Lacs Band of Ojibwe Indians on Band Lands and on Mille Lacs Band school busses. Prior Title 24 MLBSA Subchapter VI, § 1253, is hereby repealed and replaced in its entirety by this Ordinance.

Section 1253. Disorderly Conduct.

(A) Any person subject to the jurisdiction of the Mille Lacs Band of Ojibwe Indians who is found, by a preponderance of the evidence, to have engaged intentionally in any of the following behaviors on Band Lands or on a Mille Lacs Band school bus, knowing, or having reasonable grounds to know that such behavior will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, is guilty of disorderly conduct, which is a civil misdemeanor, and is subject to a fine in an amount not to exceed \$500.00 per offense:

- (1) Engages in brawling or fighting; or
- (2) Disturbs a lawful meeting or assembly of persons without lawful authority; or
- (3) Engages in offensive, obscene, abusive, or abusive conduct tending reasonably to arouse alarm, anger, or resentment in others or uses offensive, obscene, or abusive words which, by their very utterance, inflict injury or tend to incite an immediate breach of the peace; or
- (4) Blocks vehicular or pedestrian traffic without lawful authority; or
- (5) Prevents the free ingress or egress to public or private places without lawful authority; or

- (6) Makes a false report or warning of a fire, impending explosion or other catastrophe in a place in which such an occurrence would endanger human life;
or
- (7) Appears in a public or private place in an intoxicated and disorderly condition;
or
- (8) Creates a disturbance, while hosting or attending a party, so as to disrupt the peacefulness of the neighborhood or community through loud noises and/or fights or other obnoxious behavior; or
- (9) Plays his/her music from any car, house or music player so as to create a disturbance to the neighbors or community members between the hours of 10:00 p.m. and 8:00 a.m.

(B) The Tribal Police shall have authority to investigate any disturbance on Band Lands or on a Mille Lacs school bus. Upon reasonable suspicion, which may be based on the complaint of another person, that any person subject to the jurisdiction of the Mille Lacs Band is engaging in or has engaged in disorderly conduct as defined in subsection (A), the Tribal Police shall request that such conduct be immediately stopped. If the person refuses to immediately stop such conduct, such person shall be subject to arrest and to the maximum fine as stated in subsection (A).

(C) As used in this Ordinance, Band Lands means lands owned or held in trust for the Minnesota Chippewa Tribe, the Mille Lacs Band of Ojibwe, or one or more members of the Mille Lacs Band of Ojibwe Indians, and subject to the jurisdiction of the Mille Lacs Band.

(D) If the Court of Central Jurisdiction adjudges any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in the judgment.

(E) Nothing contained in this Ordinance shall be construed as a waiver of sovereign immunity of the Mille Lacs Band of Ojibwe Indians.

BAND ASSEMBLY BILL 10-03-27-03

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Introduced to the Band Assembly on this
Eleventh day of June in the year
Two Thousand Three.

Passed by the Band Assembly on this
Eleventh day of June in the year
Two Thousand Three.

Herb Weyaus
Herb Weyaus, Speaker of the Assembly

APPROVED

Date: 6-12-03

Melanie Benjamin
Melanie Benjamin, Chief Executive

Date: _____

Vetoed

FILED

Date: 6-23-03

John L. Swimmer
John Swimmer, Solicitor General

OFFICIAL SEAL OF THE BAND