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**CHAPTER 2
COMMUNITY SAFETY**

2.1 NON-LOITERING HOURS SPECIFIED

2.1.1 Specification. No child under the age of eighteen (18) years shall loiter, idle, or remain upon any street alley, or other public place in the village of Mole Lake between 10:00 p.m. and 5:00 a.m. the next day unless such child is accompanied by his parent, guardian, or other adult person having legal custody of such child.

2.1.2 Exceptions.

A. This section shall not apply to a child:

- (1) Performing an errand as directed by his parent, guardian, or person having legal custody;
- (2) On his own premises or in the areas immediately adjacent thereto;
- (3) Whose employment makes it necessary to be -upon the streets, alleys, or public places or in any motor vehicle during such hours; or
- (4) Who is returning home from a supervised school, church, or civic function.

B. These exceptions shall not permit a child to unnecessarily loiter about the street, alleys, or public places or be in a parked motor vehicle on the public streets.

2.1.3 Restrictions.

A. Parental Involvement. No parent guardian, or other adult person having legal custody of child under the age of eighteen (18) years shall permit such child to loiter, idle, or remain upon any street alley, or other public place in the village of Mole Lake between 10:00 p.m. and 5:00 a.m. the next day unless such child is accompanied by his parent guardian or other adult person having legal custody of such child.

B. Responsibility of Operations of Places of Amusement. No person operating a place of amusement entertainment or Bingo Hall in the village of Mole Lake, or his agent/employee shall permit a child under the age of eighteen (18) years to enter or loiter in such a place of amusement entertainment or Bingo Hall between 10:00 p.m. and 5:00 a.m. unless such child is accompanied by his parent guardian, or other adult person having legal custody of such child.

- (1) Loitering in School and Playground Areas. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand, or play, in any school building or in or about

any playground area adjacent thereto within the Village of Mole Lake between 8:00 a.m. and 4:00 p.m. on official school days.

- (2) Loitering around the Elderly Building. No person under the age of 18 shall be found loitering or entering without permission or generally making a nuisance of himself around or in the vicinity of the Elderly Building. Any person under the age of eighteen (18) found in violation of this ordinance shall be subject to the penalties herein provided by this ordinance.
- (3) Loitering Around Community Building and Housing Hall. Any person under the age of eighteen (18) found loitering around or tampering with the pump house or water tower, fire hydrants, community building, Housing Hall, or the Housing Hall's garages shall be found in violation.

2.1.4 Enforcement.

- A. Any person under the age of eighteen (18) who has violated one or more of the sections herein, shall be immediately transported by law enforcement officers to the child's residence. The parent guardian, or legal custodian of the child shall immediately be issued a citation that requires the parent and child to appear in Tribal Court. If the parent, guardian, or legal custodian of the child is not present when the child is retained to his/her residence, the citation shall be mailed to the parent guardian, or custodian.
- B. The Tribal Court shall adjudicate all citations, if the parent, guardian, or other custodian has violated S.C.C.C. § 6.2.1 Parental Violation, a fine between \$25.00, minimum and \$5,000.00, maximum, shall be levied against the parent(s), guardian, or person having legal custody of the child, to cover penalties and court costs.
 - (1) Warning. The parent, guardian or person having legal custody of the child is allowed one warning for the child's first violation of the sections herein. Any subsequent violation of this Ordinance occurring by the same child or any other child under the parent's, guardian's, custodian's care or custody shall result in the imposition of a penalty by the Tribal Court as provided in Section 6.2.3 of this Chapter.

2.2 DISORDERLY CONDUCT ORDINANCE

2.2.1 General Provisions.

- A. It shall be unlawful for any person to consume any alcoholic beverage in any Tribal administrative facility or work center not specifically designated for the purchase and/or consumption of alcoholic beverages.
- B. It shall be unlawful for any person to ingest any illegal drug in any Tribal facility and/or work center.

- C. It shall be unlawful for any intoxicated person to be present in any Tribal administrative facility or work center not specifically designated for the purchase and/or consumption of alcoholic beverages.
- D. It shall be unlawful for any person to commit an act of harassment against another person while on Tribal property.
- E. It shall be unlawful for any person to commit an act of violence against another person while on Tribal property.
- F. It shall be unlawful for any person to commit an act of vandalism while on Tribal property.

2.2.2 Definition of Terms.

- A. “Alcoholic beverage” means any beverage containing alcohol, intoxicating liquor, or fermented malt beverages.
- B. “Illegal drug” means any chemical compound declared illegal for non-prescription distribution by the United States Food and Drug Administration.
- C. “Intoxicated person” means any person with a minimum blood alcohol level of .06% or under the influence of an illegal drug.
- D. “Harassment” means a course of conduct directed at a specific person that causes substantial emotional distress as perceived by the recipient and serves no legitimate purpose.
- E. “Violence” means any physical act intended to cause physical harm to another person or to intimidate another person.
- F. “Vandalism” means any act intended to deface, harm, or destroy property belonging to another person or agency.

2.3 ANIMAL CONTROL ORDINANCE

2.3.1 General Provisions.

- A. Purpose. The purpose of this ordinance is to provide for the health, safety and welfare of reservation residents by regulating and controlling animals on the reservation and providing for protection from rabid animals.
- B. Repealer. When this ordinance conflicts with or imposes greater restrictions than those contained in other tribal ordinances, codes, or resolutions, the provisions of this ordinance shall govern.

C. Interpretation. In its interpretation and application the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Tribe and shall not be deemed as a limitation upon or a repeal of any other tribal law or power.

D. Severability and Non-Liability.

(1) If any section, provision, or portion of this ordinance is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(2) The Tribe declares that there is no liability on the part of the Tribe, its agencies, agents or employees for any damages, which may occur as a result of reliance upon or conformance with this ordinance.

(3) The Tribe by the adoption of this Ordinance does not waive its sovereign immunity in any respect.

E. Applicability. This ordinance applies to all animals found on the Mole Lake Indian Reservation or owned by members or non-members, of the Band, and resident and nonresident of the Mole Lake Indian Reservation.

F. Definitions. As used in this ordinance:

(1) "Animal" means any dog or cat.

(2) "Animal Control Advisory Board" means the Mole Lake Animal Control Committee.

(3) "Animal Control Officer" means Mole Lake Conservation-Wardens or any appointed individual.

(4) "At large" means any animal, that:

(a) Is not physically restrained, on private property (including motorized vehicles) with the permission of the property owner, in a manner that physically prevents that animal from leaving that property or reaching any public areas; or

(b) When not in compliance with subsection 1, is not restrained by a leash, tether or other physical control device not to exceed six (6) feet in length and under physical control of a person.

(5) "Collar" means a band, strip or chain placed around the neck of an animal.

(6) "Designated Veterinary Animal Hospital" means the contracted facility used for impoundment of animals in violation of this ordinance.

- (7) “Indian land” means any land the title to which is held in trust by, the United States for the benefit of the Tribe (i.e., tribal trust land) or a member (i.e., allotted land), and any land owned by the Tribe or a member.
- (8) “Member” means a person enrolled in the Tribe.
- (9) “Owner” includes any person, firm, association or corporation owning, keeping, harboring or controlling an animal.
- (10) “Reservation” means the area within the external boundaries of the Mole Lake Indian Reservation.
- (11) “Tribal Court” means the Mole Lake Tribal Court.

2.3.2 Animal Control Officer.

- A. Appointment. The Mole Lake Conservation Wardens or any appointed individual shall be the Animal Control Officers as adopted by Tribal Council Resolution.
- B. Duties. The primary responsibility for enforcing the Provisions of this ordinance shall rest with the Animal Control Officer. The Animal Control Officer shall perform the following duties:
 - (1) Seize and transport for impoundment animals found in violation of this ordinance;
 - (2) Issue citations to owners for violations of this ordinance;
 - (3) inform the public of the importance of animal control and of getting their pets tagged and vaccinated;
 - (4) Release animals to owner only if the owner presents evidence that the animal is licensed with the Tribe and that the animal is vaccinated against rabies;
 - (5) Report activities, of the Animal Control Program to the Animal Control Advisory Board on a quarterly basis; and
 - (6) Perform any other duties necessary or incidental to the implementation of this ordinance.
- C. Enforcement by Other Officers. Any Tribal Law Enforcement Officer may enforce the provisions of this ordinance and seize animals for impoundment. In addition, any law enforcement officer empowered to enforce the laws of the State of Wisconsin is hereby empowered to enforce the provisions of this ordinance and seize animals for impoundment.

2.3.3 Control of Animals.

A. Running At Large. It shall be unlawful for any owner to permit or allow an animal to run at large on the reservation.

B. License and Tag Required. It shall be unlawful for any owner to own, keep, harbor or maintain a dog or cat on the reservation without a license issued by the Tribe and without having a valid license tag affixed to a collar which is kept on the animal whenever it is outdoors unless the animal is securely confined in a fenced area.

C. Rabies Vaccination and Tag Required.

(1) The owner of a dog or cat shall have the animal vaccinated against rabies by a veterinarian or at a rabies clinic within thirty (30) days after the animal reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. The owner of an animal shall have the animal revaccinated against rabies before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination.

(2) Any person vaccinating an animal subject to this ordinance shall comply with the provisions of Wis. Stat. § 95.21 regarding certificates of rabies vaccination and shall deliver to the owner a rabies vaccination tag in conformity herewith. The owner shall attach the rabies vaccination tag to the collar of the animal, which shall be worn as provided in Wis. Stat. § 50.302.

P. Quarantine of Animal

(1) The Animal Control Officer or a Law Enforcement Officer shall order an animal quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If quarantine cannot be imposed because the animal is a wild animal or, though domesticated, cannot be captured, the officer may kill the animal. The officer may kill a domesticated animal only as a last resort or with the consent of the owner.

(2) An officer who orders an animal to be quarantined shall deliver the animal or shall order the animal delivered for isolation and quarantine to the Designated Veterinary Animal Hospital. This shall be done as soon as possible, but no later than 24 hours after the original order is issued. The officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies.

(3) An animal that has been quarantined shall be held, observed, and released or destroyed in accordance with the provision of Wis. Stat. § 95.21(5).

- (4) An officer may order killed or may kill an animal if the owner violates the provisions of this section.

Q. Killing of Animals.

- (1) Except as otherwise provided in this ordinance, a person may intentionally kill an animal of another only if the person is threatened with serious bodily harm by the animal and;
 - (a) Other restraining actions were tried and failed; or
 - (b) Immediate action is necessary.
- (2) Except as otherwise provided in this ordinance, a person may intentionally kill an animal of another if a domestic animal that is owned or in the custody of the person is threatened with serious bodily harm by the animal and the animal is on the property owned or controlled by the person and,
 - (a) Other restraining actions were tried and failed; or
 - (b) Immediate action is necessary.
- (3) The Tribe may commence a civil action to obtain a judgment from the Tribal Court ordering an officer to kill an animal. The Court may grant the judgment if the court finds both of the following:
 - (a) The animal caused serious injury to a person or livestock on two (2) separate occasions off the owner's property, without reasonable cause; and
 - (b) The owner of the animal was notified or knew, prior to the second injury, that the animal caused the first injury.
- (4) Any officer enforcing a judgment under this subsection shall kill an animal in a proper and humane manner.

R. Owner's Liability for Damages.

- (1) The owner of an animal may be liable for the full amount of damages caused by the animal injuring or causing injury to a person, livestock or property.
- (2) The owner of an animal may be liable for two (2) times the full amount of damages caused by the animal injuring or causing injury to a person, livestock or property, if the owner was notified or knew that the animal previously injured or caused injury to a person, livestock or property.

S. Impoundment.

- (1) Impoundment Authorized. Any animal found running at large and any untagged animal found in violation of this ordinance may be captured and impounded by the Animal Control Officer or any other officer in accordance with this ordinance.
- (2) Pound Designation. The Animal Control Officer can impound an animal in the Designated Veterinary Animal Hospital.
- (3) Notification of Owner. The Animal Control Officer or the Designated Veterinary Animal Hospital shall attempt to notify the owner of an impounded animal personally or by mail as soon as possible following impoundment if the owner is known or can be ascertained with reasonable effort.
- (4) Records. The Animal Control Officer or the Designated Veterinary Animal Hospital shall keep a record of each animal impounded, giving a description of the animal, the dates of its impoundment, and the disposition of the animal. If the animal is released to a person the record shall include the name, address, and date of release of the animal. This record shall be a public record.
- (5) Release to Owner. The Designated Veterinary Animal Hospital may release any impounded animal to its owner or a representative of the owner only if:
 - (a) The owner or representative gives his name and address;
 - (b) The owner or representative presents evidence that the impoundment fee of \$5.00 per day has been paid to the Tribe, and that the animal is licensed by the Tribe; and
 - (c) The owner or representative pays the necessary fees accumulated from impoundment at the Designated Veterinary Animal Hospital.
- (6) Release to Non-Owner. The Designated Veterinary Animal Hospital may release an impounded animal to a person other than the animal's owner only if:
 - (a) The animal is not claimed by its owner within seven (7) days after the animal is impounded;
 - (b) The person to whom the animal is released gives his or her name and address; and

(c) The person to whom the animal is released pays the required adoption fees as determined by the Designated Veterinary Animal Hospital.

(7) Sacrifice of Animal. Any animal which is not released to its owner or to a non-owner within seven (7) days of its impoundment is deemed and unclaimed animal. The Designated Veterinary Animal Hospital may extend the impoundment period if release of the animal to a person other than the owner is likely. The Designated Veterinary Animal Hospital may dispose of an unclaimed animal in a proper and humane manner.

2.3.4 Liability for Animal Care.

- A. No owner shall fail to provide their animal(s) with sufficient good and wholesome food and potable water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- B. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate or permit any dogfight, or other combat between animals, or between animals and humans.
- C. No owner shall abandon any animal in or upon any sidewalks, street, alley, road, public right-of-way, park or other public property, in or upon the property of another person, or in the Designated Veterinary Animal Hospital.
- D. No owner shall permit a dog in heat (estrus) to be accessible to a male dog not in the person's ownership except for intentional breeding purposes.
- E. Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and shall attempt to, report such injury or death, to the animal's owner.
- F. No person shall knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to any animals except rodents.

2.3.5 Enforcement and Penalties.

- A. Any person who violates, and any owner of an animal who permits or allows an animal to run at large, fails to have animal licensed, or fails to provide animal care in violation of this ordinance, shall be liable for penalty as follows:
 - (1) For the first offense, a civil remedial money penalty of not less than \$25.00 nor more than \$100.00.
 - (2) For subsequent offenses, a civil remedial money penalty of not less than \$50.00 nor more than \$200.00.

- (3) The owner of an animal who violates this ordinance by failure to have a dog vaccinated against rabies as required under Wis. Stat. § 95.21 (2)(a) shall be liable for a civil remedial money penalty of not less than \$50.00 nor more than \$100.00.
- (4) The owner of an animal which has caused injury or damage in violation of this ordinance shall be liable for a civil remedial money penalty of not less than \$50.00 nor more than \$100.00.
- (5) The owner of an animal who was previously notified and knew that the animal has caused injury or damage in violation of this ordinance shall be liable for a civil remedial money penalty of not less than \$100.00 nor more than \$500.00.
- (6) Any person who violates, and the owner of any animal found in violation of any other provision of this ordinance shall be liable for a civil remedial money penalty of not less than \$20.00 nor more than \$500.00.
- (7) Court costs in the amount of \$10.00 shall be assessed for each violation.

B. Parties to a Violation.

- (1) Whoever is concerned in the commission of a violation of this ordinance is a principal and may be charged with the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of a violation.
- (2) A person is concerned in the commission of a violation if the person:
 - (a) Directly commits the violation;
 - (b) Aids and abets the commission of it;
 - (c) Is a party to a conspiracy with another to commit it or advises, hires, or counsels or otherwise procures another or to commit it; or
 - (d) Is the owner of an animal found in violation hereof.

C. Jurisdiction. Jurisdiction is hereby conferred upon the Tribal Court over matters related to the violation of this ordinance.

2.4 RECREATIONAL VEHICLE ORDINANCE

2.4.1 General Provisions.

- A. Tribal Intent and Purpose. This chapter shall be construed as an enactment by the Sokaogon Chippewa Community to provide uniform regulations for the safe use and operation of a recreational vehicle.
- B. Declaration of Policy. The Sokaogon Chippewa Community by adopting this Ordinance declares that the safe operation of a recreational vehicle is advocated as the primary goal of the enactment of this Ordinance, not only to protect the operator, but to protect others and the environment from the unsafe operation/use of a recreational vehicle.
- C. General Definitions. For the purposes of this ordinance, the following definitions shall be used: Words used in the present tense include the future; the singular includes the plural; and the plural includes the singular the word “shall” is mandatory and the word “may” is permissive.

Definitions. Except as otherwise provided in this chapter:

- (1) “Accompanied” means being with another person and being subject to continuous verbal direction or control of that person.
- (2) “Agricultural purpose” means a purpose related to the production of agriculture products for non-personal commercial use.
- (3) “Alcohol beverages” means fermented malt beverages and intoxicating liquor.
- (4) “Controlled substance” has the meaning specified under Wis. Stat. § 961.01(4).
- (5) “Council” means the Sokaogon Chippewa Community Tribal Council.
- (6) “Immediate family” means persons who are related as spouses, siblings, parents, or as guardians of a child.
- (7) “Intoxicant” means any alcohol beverage, controlled substance or other drug or any combination thereof.
- (8) “Intoxicated operation of a recreational vehicle” means operating or controlling the operation of a recreational vehicle while under the influence of an intoxicant.
- (9) “Headlamp” means a major lighting device used to provide general illumination, which must display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of two-hundred (200) feet ahead of the recreational vehicle.

- (10) “Highway” means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purpose of vehicle traffic. Generally, a number designates Federal and State Highways and a letter or letters designates county highways. Town Highways are generally designated by a name.
- (11) “Land” under the management and control of a person’s immediate family means land owned by, leased by, allocated to or assigned to the person or a member of the person’s immediate family over which the owner or lessee has management and control. This term excludes land owned or leased by an organization of which the person or a member of the person’s immediate family is a member.
- (12) “Operate” means to exercise physical control over the speed or direction of a recreational vehicle or to physically manipulate or activate any of the controls of a recreational vehicle necessary to put it in motion.
- (13) “Operation” means the exercise of physical control over the speed or direction of a recreational vehicle or the physical manipulation or activation of any of the controls of a recreational vehicle, necessary to put it in motion.
- (14) “Operator” means a person who operates a recreational vehicle, who is responsible for the operation of a recreational vehicle or who is supervising the operation of a recreational vehicle.
- (15) “Owner” means a person who has lawful possession of a recreational vehicle by virtue of legal title or equitable interest in the recreational vehicle, which entitles the person to possession of the recreational vehicle.
- (16) “Peace officer or law enforcement officer” means a Tribal Law Enforcement Officer, Tribal Security Officer, Tribal Security Guard, Tribal Constable, or GLIFWC Conservation Officer.
- (17) “Person” as used herein, means a natural person.
- (18) “Premises” means the common grounds of any Tribal Housing Project or Tribal Business.
- (19) “Recreational Vehicle” means an engine driven device with a net weight of nine-hundred (900) pounds or less, which has a width of forty-eight (48) inches or less, equipped with a seat designed to be straddled by the operator and designed to travel on two (2) or more low-pressure tires.

- (20) “Recreational vehicle route” means a highway or sidewalk or roadway designated for use by recreational vehicle operators by the governmental agency having jurisdiction as authorized herein.
- (21) “Recreational vehicle trail” means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by recreational vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways that are seasonally not maintained for motor vehicle traffic.
- (22) “Roadway” means that portion of a highway between the regularly established curb, line, or that portion, which is improved, designed or ordinarily used for vehicle travel excluding the berm or shoulder.
- (23) “Tail lamp” means a device to designate the rear of a vehicle by a warning light, which must display a red light plainly visible during darkness from a distance of five-hundred (500) feet to the rear.
- (24) “Tribe” means the Sokaogon Chippewa Community.
- (25) “Tribal Court” means the designated and authorized Court of the Sokaogon Chippewa Community.
- (26) “Tribal Gaming Operation” as used herein, means any tribally owned and operated building that is utilized as a casino or bingo hall.
- (27) “Used exclusively on private property” means use of a recreational vehicle by the owner of the recreational vehicle or a member of his or her immediate family only on land owned or leased by the recreational vehicle owner or a member of his or her immediate family.

D. Authority.

- (1) This Ordinance is enacted pursuant to the authority vested in the Tribal Council under the Constitution and By-Laws of the Sokaogon Chippewa Community, as now adopted or amended or revised.
- (2) Legal authority to enforce the provisions of this Ordinance was granted under the doctrine of inherent sovereign authority and pursuant to applicable Federal Law.
- (3) Amendments or changes to this code may be made from time to time if adopted and approved by resolution of the Tribal Council. Any such amendment or change shall require at least a sixty (60) day written notice to the Tribal Court prior to the effective date of the amendments or changes.

- E. Abrogation and Greater Restrictions. Where this ordinance imposes greater restrictions than those contained in other Tribal Codes or Ordinances, the provisions of this ordinance shall govern.
- F. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Tribe and shall not be deemed a limitation or repeal of any other Tribal power or authority.
- G. Severability and Non-Liability.
 - (1) If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and it shall remain in full force as if said section, provision or portion, as adjudged unconstitutional or invalid was non-existent.
 - (2) The Tribe asserts there is no liability on the part of the Sokaogon Chippewa Community, its agencies, enterprises, elected officials, officers, directors, or employees for damages that may occur as a result of reliance upon and conformance with any of the provisions of this ordinance.
- H. Inconsistency. All other ordinances or parts of ordinances of the Tribe inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.
- I. Relation to other laws. All acts and transactions under this ordinance shall be in conformity with this ordinance and in conformity with other laws of the Sokaogon Chippewa Community and applicable federal and state laws.
- J. Violation. Violations of this ordinance by any person, firm or corporation shall be subject to applicable prosecution as well as to legal action in accordance with Tribal law in the appropriate Tribal Court.
- K. Sovereign Immunity.
 - (1) Nothing in this ordinance is intended nor shall be construed as a waiver of the sovereign immunity of the Sokaogon Chippewa community.
 - (2) No employee or agent of the Tribe shall be authorized, nor shall he or she attempt to waive the immunity of the tribe.

2.4.2 Registration.

- A. Requirement No person may operate and no owner may give permission for the operation of a recreational vehicle unless the recreational vehicle is registered.

- B. No person may operate and no owner may give permission for the operation of a recreational vehicle on a recreational vehicle route or a recreational vehicle trail unless the recreational vehicle is registered.
- C. Exemptions. A recreational vehicle is exempt from registration if it is:
- (1) Owned by the United States, a state or a political subdivision thereof, but the exterior of the recreational vehicle shall display in a visible manner the name of the owner.
 - (2) Covered by a valid state, provincial or country's registration if there is some identification of registration displayed on the recreational vehicle and it has not been within the territorial jurisdiction of the Tribe for more than fifteen (15) consecutive days.
 - (3) Covered by valid registration of another federally recognized American Indian tribe or band, if all of the following apply:
 - (a) The registration program of the tribe or band is covered by an agreement under Wis. Stat. § 23.35; and
 - (b) The recreational vehicle displays the registration decal required by the tribe or band;
 - (c) The recreational vehicle has not been within the territorial jurisdiction of the Tribe for more than fifteen (15) consecutive days of the reservation where it is registered; or
 - (4) Used exclusively for racing on a raceway facility.

2.4.3 General Restrictions and Requirements.

- A. Rules of Operation. No person may operate a recreational vehicle:
- (1) In any careless way so as to endanger the person or property of another;
 - (2) On the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for recreational vehicle use;
 - (3) With any firearm in his or her possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed in a carrying case;
 - (4) To drive or pursue any animal except as a part of normal farming operations involving the driving of livestock; or

- (5) When within one-hundred and fifty (150) feet of a dwelling or an occupied structure or building at a speed exceeding ten (10) miles per hour.

B. Prohibited areas of operation. No person may operate a recreational vehicle:

- (1) Within ten (10) feet of a dwelling or an occupied structure or building;
- (2) On any public sidewalk, walk way or path that was intended primarily for use as non-motorized transportation;
- (3) In any public parking lot;
- (4) On any of the grounds and the premises utilized for Tribal Gaming Operations, including but not limited to front yards, back yards and side yards;
- (5) Within fifty (50) feet of a Tribal Gaming Operation or Tribal Office Center subject to the provisions of (D) above, or
- (6) Within one-hundred and fifty (150) feet of a Day Care or Child Care Center, School, Elderly Apartment Complex Health Care Center, Nursing Home or Nursing Facility.

C. Permitted areas of operation.

- (1) A designated recreational vehicle route.
- (2) A designated recreational vehicle trail.
- (3) On any roadway which is seasonally not maintained for motor vehicle traffic. Operation of a recreational vehicle on this type of roadway is authorized only during the seasons when no maintenance occurs and only if the roadway is not officially closed to recreational vehicle traffic.

D. Prohibited hours of operation. No person may operate a recreational vehicle between the hours of 11 p.m. and 7 a.m. unless:

- (1) As transportation to or from employment; or
- (2) In connection with hunting, fishing, or gathering activities.

E. Speed Restrictions. No person may operate a recreational vehicle:

- (1) When within one-hundred and fifty (150) feet of a dwelling at a speed exceeding ten (10) miles per hour;

- (2) When within any residential area, and outside of one-hundred and fifty (150) feet of any dwelling, at a speed exceeding twenty-five (25) miles per hour;
- (3) When on the frozen surface of public waters within one-hundred (100) feet of a person not in or on an recreational vehicle or motor vehicle or within one-hundred (100) feet of a fishing shanty at a speed exceeding ten (10) miles per hour;
- (4) When on a designated recreational vehicle route at a speed exceeding the posted limit(s) along any such route;
- (5) When on a designated recreational vehicle trail at a speed exceeding the posted limit(s) along any such route. If the speed is not posted, at a speed exceeding thirty-five (35) miles per hour;
- (6) When operating a recreational vehicle in any other area at a speed exceeding forty-five (45) miles per hour, or at any speed in any area that may result in the careless operation of said recreational vehicle in such a way so as to endanger the person or property of another.

F. Age Limitation.

- (1) No person under twelve (12) years of age may operate a recreational vehicle unless under the supervision of a person over eighteen (18) years of age and unless said operation is on a designated recreational vehicle trail. For the purposes of this paragraph, supervision does not require continuous direction or control by the person over eighteen (18) years of age.
- (2) No person under twelve (12) years of age may operate a recreational vehicle on a roadway under any circumstances.

G. Operation on a Roadway, A person may operate a recreational vehicle on the roadway portion of any highway or street only in the following situations:

- (1) To cross a roadway. The crossing of a roadway is authorized only if the crossing is done in the most direct and practical manner, where no obstruction, such as a ditch, hill, bank, parked vehicle(s), etc., would prevent a quick and safe crossing. The crossing is authorized only if the operator stops, completely, prior to any crossing and yields the right-of-way to other vehicles and pedestrians using the roadway;
- (2) On any roadway which is seasonally not maintained for motor vehicle traffic, only during the seasons when no maintenance occurs and only if the roadway is not officially closed to recreational vehicle traffic;

- (3) To cross a bridge or culvert. The crossing of a bridge or culvert is authorized only if the crossing is done in the most direct and practical manner, where no obstruction, such as a ditch, bill, and bank parked vehicle(s), etc., would prevent a quick and safe crossing. The crossing is authorized only if the operator stops, completely, prior to any crossing and yields the right-of-way to other vehicles and pedestrians using the roadway; and
 - (4) On roadways which are designated as recreational vehicle routes. Operation of recreational vehicles on a roadway, which is a recreational vehicle route, is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- H. Rules of the Road. Customary and safe “Rules of the Road” shall be followed and obeyed by the operator of a recreational vehicle at all times, including but not limited to obeying all traffic signs, stopping prior to crossing walks or other trails, utilizing turn signals, yielding the right-of way, obeying safe or posted speed restrictions, and other similar “Rules of the Road”; that are obeyed and followed in the operation of a motor vehicle on a public roadway.
- I. Cooperation with Law Enforcement. An operator of a recreational vehicle must:
- (1) Stop his/her recreational vehicle if signaled to do so by a Law Enforcement Officer; and
 - (2) Permit inspection of his/her recreational vehicle by a Law Enforcement Officer for suspected exhaust violations or other suspected equipment violations.
- J. Safety, Certification & Training Requirements.
- (1) A person who is at least twelve (12) years of age but under sixteen (16) years of age may not operate a recreational vehicle unless that person holds a valid recreational vehicle safety certificate or is accompanied by a person over eighteen (18) years of age. A person who is at least twelve (12) years of age but under sixteen (16) years of age who holds a recreational vehicle safety certificate shall carry it while operating a recreational vehicle and shall display it to a law enforcement officer on request. Persons enrolled in an approved safety certification program may operate a recreational vehicle in an area designated by the instructor.
 - (2) All training requirements shall be consistent with safety certification programs established for the industry and subject to approval by the Tribal Council of the Sokaogon Chippewa Community. Training requirements

may be established and safety certification programs may be set up by the appropriate Tribal agency or by action of the Tribal Council.

(3) Headgear. No person may operate or be a passenger on a recreational vehicle without wearing industry approved protective headgear and with the chin strap properly fastened, unless the person is at least eighteen (18) years of age.

(4) Equipment Requirements:

- (a) A person who operates a recreational vehicle on any highway right-of-way is required to display a lighted head lamp and tail lamp on the recreational vehicle.
- (b) The headlamp on a recreational vehicle is required to display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least two-hundred (200) feet ahead of the recreational vehicle.
- (c) The tail lamp on a recreational vehicle is required to display a red light plainly visible during hours of darkness from a distance of five-hundred (500) feet to the rear.
- (d) Every recreational vehicle is required to be equipped with at least one brake operated either by hand or by foot.
- (e) Every recreational vehicle is required to be equipped with a functioning muffler to prevent excessive or unusual noise measuring in excess of 96 decibels on the A scale as measured in the manner prescribed under rules promulgated by the Wisconsin Department of Natural Resources and with a functioning spark arrester of a type approved by the U.S. Forest Service.

K. Procedure for Recreational Vehicle. Trail or Route designation.

- (1) All procedures for Recreational Vehicle Trail or Route designation shall be established by the Tribal Council of the Sokaogon Chippewa Community. The Tribal Council of the Sokaogon Chippewa Community is the authority responsible for the approval and designation of any such Trail or Route.
- (2) Any Tribal member, Tribal organization, or group may petition the Tribal Council for approval of a proposed Trail or Route. Said petition, at a minimum shall include a map sufficient to identify the location of any such proposed Trail or Route.

L. Accident Report Procedure.

- (1) Any accident resulting in the death of any person or in the injury of any person which requires treatment by a physician, each operator(s) involved in the accident shall give notice of the accident to a Law Enforcement Officer or other appropriately designated Tribal official within ten (10) days after the accident.
- (2) If the operator of a recreational vehicle is physically incapable of making the report of an accident; a witness to the accident capable of making the report may make the report.

2.4.4 Penalties and Enforcement.

A. Enforcement.

- (1) Any Tribal law enforcement officer, Tribal peace officer, Tribal security officer or Tribal warden may enforce the provisions of this Ordinance. In addition, any law enforcement officer in the State, as approved by the Tribal Council, is hereby empowered to enforce the provisions of this Ordinance.
- (2) Notification of any violation by any person shall be by a direct uniform citation or by mail within ten (10) days of any violation.

B. Penalty. Any person who violates any provision of this Ordinance and any owner of a recreational vehicle who permits or allows any person to violate any provision of this Ordinance shall be liable for penalty as follows:

- (1) Operating a recreational vehicle without updated registration - \$181.00
- (2) Operating a recreational vehicle in a careless manner - \$181.00
- (3) Illegal pursuit of an animal with a recreational vehicle - \$243.00
- (4) Failure to wear proscribed headgear - \$131.00
- (5) Failure to stop/yield to a Law Enforcement Officer - \$243.00
- (6) Operating a recreational vehicle while intoxicated (first offense - \$429.00)
- (7) Operating a recreational vehicle in violation of applicable speed restrictions, S.C.C. § 4.2.5 - \$156.00
- (8) Operating a recreational vehicle on private property without consent - \$243.00
- (9) Operating a recreational vehicle on a cemetery, burial ground, church property, camp ground or business - \$156.00

(10) Owner permitting the operation of a recreational vehicle by an underage or unlicensed person - \$168.00

- C. Court Costs. Court costs in the amount of not less than \$10.00 and not greater than \$100.00 shall be assessed for each violation. Additional direct costs incurred by the Tribal Court as a result of each violation, including but not limited to subpoena, service, mailing and witness fees may also be assessed by the Court if deemed appropriated by the Tribal Court under the circumstances.

2.4.5 Parties to a Violation.

- A. Whoever is concerned in the commission of a Violation of this ordinance is a principal and may be charged with the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of a violation.
- B. A person is concerned in the commission of a violation if the person:
- (1) Directly commits; the violation;
 - (2) Aids and abets the commission of it;
 - (3) It is a party to a conspiracy with another to commit it or advises, hires, or counsels or otherwise procures another or to commit it; or
 - (4) Is the owner of a recreational vehicle found in violation hereof.

2.4.6 Jurisdiction.

- A. The Tribal Court shall have exclusive Jurisdiction over matters related to any violation and the enforcement of this Ordinance. The Tribal Court has vested authority to establish rules, policies and procedures it deems necessary and appropriate to adjudicate any violation and/or enforce any provision of this Ordinance.
- B. Personal and Territorial Jurisdiction.
- (1) This Ordinance shall apply and be enforceable on the Sokaogon Chippewa Community Tribal Reservation, all tribally owned land and upon all lands under the control of the Sokaogon Chippewa Community.
 - (2) This Ordinance applies to all members, residents and non-residents, of the Sokaogon Chippewa Community who own, control or operate a recreational vehicle on any property that is subject to territorial jurisdiction under this Ordinance.

2.4.7 Amendments or Changes to Ordinance. Amendments or changes to this Ordinance may be made from time to time if adopted and approved by resolution of the Tribal Council. Any such amendment or change shall require at least a sixty (60) day written notice to the Tribal Court prior to the effective date of the amendments or changes. Any and all changes of existing Federal or State law as cited herein shall be subject to the provisions of this Section and require approval prior to incorporation into this Ordinance.

2.5 FOOD SERVICES REQUIREMENTS

2.5.1 General Provisions.

- A. Purpose. An ordinance defining food, potentially hazardous food, food service establishment, mobile, food unit, temporary food service establishment, regulatory authority, utensils, equipment, etc.; providing for the sale of only sound, properly labeled food; regulating the sources of food; establishing sanitation standards for food, food protection, food service personnel, food service operations, food equipment and utensils, sanitary facilities and controls, another facilities; requiring permits for the operation of food service establishments; providing for the examination and condemnation of food; providing for incorporation by reference of the 1976 edition of the Food and Drug Administration “Food Service Sanitation Ordinance” and the 1982 edition of the Food and Drug Administration “Retail Food Store Sanitation Code”; and providing for the enforcement of this ordinance and the fixing of penalties.
- B. Recognition of Sanitation Problems and Tribal Responsibility.
 - (1) It is recognized that the conditions under which foods in restaurants, grocery stores, temporary food service establishments, and itinerant food service establishments are stored, prepared, handled, and served are important to the health of the people of the Mole Lake Reservation.
 - (2) It is recognized that satisfactory sanitary conditions in food service establishments can best be obtained by periodic food service establishment inspections conducted by the U.S. Public Health Service Sanitarian, or his designee, operating under duly authorized authority delegated by the Mole Lake Tribal Council,
 - (3) It is recognized that the Tribal Council of the Mole Lake Reservation has a moral and legal responsibility to delegate authority and to adopt appropriate ordinances for the protection of the people on the Mole Lake Reservation.

2.5.2 Definitions. The inspection of food service establishments, the issuance, suspension and revocation of permits to operate food service establishments; the prohibiting of the sale of unsound or mislabeled food or drink; and the

enforcement of this ordinance shall be regulated in accordance with the 1976 Edition of the Food and Drug Administration “Food Service Sanitation Ordinance” and the 1982 edition of the Food and Drug Administration “Retail Food Store Sanitation Code” with the following exceptions and additions:

- A. “Tribal Council” means the official Chairman and a quorum of council representatives all of whom are duly elected or selected to office by the Sokaogon Chippewa people as their official representatives.
- B. “Itinerant food service establishment” means a non-stationary food vendor regulated by the permit process listed under 2.5.2 (C).
- C. “Health Advisor” means the U.S. Public Health Service Sanitarian or his designee.

2.5.3 Inspections.

- A. The Sokaogon Chippewa Tribal Council delegates inspection authority of all food service establishments on the Mole Lake Reservation, to the Health Advisor.
- B. Inspections should be conducted of all permanent, non-itinerant food service establishments by the Health Advisor or his designee. Findings shall be reported utilizing the Food Service Establishment Inspection Form under 2.5.6. Commercial establishment reports will be sent to the owner/operator, the Chairman of the Tribe and to the State Health Inspector of Madison. Reports of food service operations in Bureau of Indian Affairs facilities, U.S. Public Health Service facilities, and the Tribal Head Start Program facilities will be sent to owner/operators the Director of the Health Department and the Tribal Chairman.
- C. Spot check inspections may be conducted periodically or temporary and itinerant food service establishments by the Health Advisor or his designee.

2.5.4 Sanitation Permits.

- A. Permanent non-itinerant commercial food service establishments operating on the Mole Lake Reservation must possess an unsuspended, unrevoked sanitation permit from the Tribal Chairman. Operating permits will not be issued by the Tribal Chairman unless a sanitation permit is possessed. Sanitation permits will be issued as follows:
 - (1) The Health Advisor shall submit a completed food service establishment inspection report to the Chairman of the Tribal Council.
 - (2) The Tribal Chairman shall issue a sanitation permit if the following conditions are met.

(a) A score of at least “75” out of a perfect “100” was recorded under 2.5.6; and

(b) There were no “critical item” deficiencies noted under 2.5.6.

(3) Sanitation permits shall be issued by grade as follows:

<u>Grade</u>	<u>Score on 2.5.6</u>
“A” Permit	95-100
“B” Permit	85-94
“C” Permit	75-84

(4) Sanitation permits shall be issued on a yearly basis.

(5) Sanitation permits shall be displayed in a conspicuous location within food service establishments.

- B. All other permanent, non-itinerant food service establishments (i.e. Bureau of Indian Affairs facilities) are encouraged, but not required, to possess sanitation permits although they are not regulated by the Tribal Chairman of the Sokaogon Tribe. These permits will be issued under 2.5.7.
- C. Itinerant food service establishments shall obtain sanitation permits from the Tribal Chairman upon request. Upon issuance of such a permit, a copy of “Regulations for Temporary and Itinerant Food Service Establishments” shall also be provided under 2.5.5 (C)(1)(9). Operating permits will not be issued by the Tribal Chairman unless a sanitation permit is possessed.
- D. Sanitation permits will not be issued to any food service establishment that can not show proof that all of its employees possess unexpired food handlers’ permits. Possession of such permits will be verified by the Health Advisor for non-itinerant establishments and by the Tribal Chairman for itinerant establishments.
- E. All new permanent, non-itinerant food establishments wishing to conduct business on the Mole Lake Reservation shall so inform the Health Advisor.

Three (3) certified copies of both the “Food Service Sanitation Manual” and the “Retail Food Store Sanitation Code” shall be on file in the office of the Mole Lake Reservation Secretary. The words “municipality of” in said ordinance shall be understood to refer to the Mole Lake Tribal Council.

2.5.5 Jurisdiction. Any Indian subject to the Jurisdiction of the Tribal Court of Mole Lake, who also operates a food service establishment required to possess a sanitation permit, shall be fined not less than \$50.00, no more than \$500.00 at the discretion of the Tribal Court, if found to be operating without said permit. Each and every violation of this ordinance shall constitute a separate civil offense. If any person not subject to the Jurisdiction of the Mole Lake Tribal Court violates the aforementioned provision, such violation shall constitute grounds for

termination of that person's operating permit to trade on the Mole Lake Reservation by Tribal Chairman.

- A. This ordinance shall be in full force and effect six (6) months after its adoption and, at that time, all ordinances and parts in conflict with this ordinance are hereby repealed.
- B. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected hereby.
- C. The following regulations for temporary and itinerant food service establishments are hereby adopted:
 - (1) Food Source. Food and drink items intended for sale must have been obtained from approved, sanitary sources.
 - (2) Food Protection.
 - (a) Perishable/potentially hazardous foods shall be held at temperatures below 45 degrees Fahrenheit or above 140 degrees Fahrenheit.
 - (b) All prepared food and drink must be covered.
 - (c) All food contact surfaces of equipment must be protected against contamination.
 - (d) Bottled drinks, if cooled in other than refrigeration unit, must be in cooler water containing at least 50 ppm available chlorine. No milk products.
 - (e) Ice must originate from approved sources.
 - (3) Personnel.
 - (a) Personnel with infections are prohibited from handling or selling food.
 - (b) Personnel clothing must be clean.
 - (4) Food Equipment and Utensils.
 - (a) Food equipment must be properly installed and maintained.
 - (b) All utensils and equipment must be of easily cleanable construction.

(c) Only single service serving utensils may be used. These must be properly handled and stored.

(5) Water.

(a) Water must originate from a safe, approved, source.

(6) Sewage.

(a) Liquid wastes must be properly handled and disposed.

(7) Hand Washing Facilities.

(a) Warm water and soap must be provided for hand washing.

(8) Garbage and Refuse Disposal.

(a) Adequate containers for refuse must be utilized and proper disposal must be practiced.

(b) The area of the food service operation must be kept clean.

(9) Licensing.

(a) All food handlers must possess a food handlers permit.

(b) All food service operations must possess a Mole Lake Tribal Sanitation Permit.

2.5.6 Temporary and Itinerant Food Service Establishments Inspection Form. (see following page)

History:

Enacted - unknown.

7/20/11 adopted, ratified and codified by Resolution # 720A2011 and as amended by Resolution # 825A2011 on August 25, 2011.

**TEMPORARY AND ITINERANT FOOD SERVICE ESTABLISHMENTS
INSPECTION FORM**

OWNER _____

LOCATION _____

ADDRESS _____

		Yes	No
1.	Food and drink from approve sources.	_____	_____
2.	Acceptable holding temperatures.	_____	_____
3.	Food and drink covered.	_____	_____
4.	Food contact with surfaces of equipment protected against contamination	_____	_____
5.	Bottled drinks cooled properly. No milk products.	_____	_____
6.	Ice from approved source.	_____	_____
7.	Personnel with infections restricted.	_____	_____
8.	Clean clothing.	_____	_____
9.	Food equipment properly insulated maintained.	_____	_____
10.	Equipment and utensils easily cleanable.	_____	_____
11.	Single service utensils used - properly handled and stored.	_____	_____
12.	Water from approved source.	_____	_____
13.	Liquid wastes properly handled and disposed.	_____	_____
14.	Warm water and soap available for hand washing.	_____	_____
15.	Containers for refuse available and used – proper disposal of refuse.	_____	_____
16.	Area of food service operation kept clean.	_____	_____
17.	All food handlers possess food handlers permits.	_____	_____
18.	All food service operations possess Mole Lake Tribal Sanitation Permits.	_____	_____

Remarks: _____

Inspected by _____

Date _____

2.5.7 Sanitation Permit.

THE MOLE LAKE TRIBE

**IN COOPERATION WITH THE U.S. PUBLIC HEALTH SERVICE HEREBY
ISSUES THIS**

SANITATION PERMIT

TO

Having complied with the provisions and requirements of the Mole Lake Tribal Sanitation Ordinance 2.5, as set forth by the Mole Lake Tribe, this permit is valid unless suspended or revoked for non-compliance.

Issue Date

Expiration Date

U. S. PUBLIC HEALTH SERVICE

THE MOLE LAKE TRIBE

USPHS Service Unit Sanitarian
IHS - Office of Environmental Health

Director
Mole Lake Health Department