



Sycuan Band of the Kumeyaay Nation Peace and Safety Code

Preamble:

It is the policy of the Sycuan Band of the Kumeyaay Nation to enhance the quality of life on the Sycuan Reservation and strengthen its self-governance by, among other means, maintaining the peace and safety and providing for the fair and prompt disposition of civil violations on the Reservation. By enacting this Code, Sycuan intends that all persons on lands subject to Sycuan's jurisdiction be entitled to the quiet enjoyment of lawful activities, and that this Code will be applied fairly and without bias or prejudice.

Chapter 1. General Provisions

Section 1001. Applicability

- (A) This Code shall apply to all persons in Sycuan Indian Country and to all Tribal Members anywhere in Sycuan Territory, and to all persons and members in and on Sycuan Property, as defined herein.
- (B) The Tribal Court shall have jurisdiction over violations of this Code.
- (C) The scope of the Code shall only be limited by the Tribe's customary law, the Rules of the Sycuan Tribal Court, and applicable federal law. In case of conflict, this Code shall be interpreted narrowly to minimize conflict.

Section 1002. Interpretation

Except in case of conflicts described in Section 1001(C), this Code shall be interpreted broadly to promote its purposes to:

- (A) Preserve the peace, harmony, safety, health, and general welfare of all persons lawfully present within Sycuan Territory.
- (B) Ensure peace and order in Sycuan Territory.
- (C) Safeguard individual rights and community standards.
- (D) Exercise Sycuan's inherent sovereign authority.

As adopted on August 21, 2018

- (E) Exercise Sycuan's inherent sovereign authority over matters essential to Sycuan's self-determination and self-governance.
- (F) Treat all people fairly and without prejudice, protecting individual rights guaranteed by the Indian Civil Rights Act and Sycuan's customary law.
- (G) Provide a fair and orderly procedure for resolving conflicts consistent with Sycuan's customs, traditions, standards, and laws, including applicable standards of due process of law, including the right of all affected persons to a fair, prompt, and impartial hearing.

Section 1003. Severability

If any section or provision of this Code, or its application to any person, legal entity, or circumstance, is found invalid by a tribunal of competent jurisdiction, the remainder of the Code, or the application of the provisions to other persons, legal entities, or circumstances, shall not be affected.

Section 1004. Supersede and Repeal

This Code supersedes and replaces any conflicting provisions of any and all Sycuan regulations, ordinances, and laws with the exception of Sycuan customary law.

Section 1005. Sovereign Immunity

Sycuan's sovereign immunity is not waived by this Code, or by any action of its law enforcement officers or any other Sycuan officer or employee acting pursuant to this Code. Sycuan's sovereign immunity shall continue to extend to its law enforcement officers and other tribal officers and employees acting pursuant to this Code and in the course and scope of their duties, to the extent permitted by Sycuan and applicable federal law.

Section 1006. Regulations and Enforcement

- (A) The General Council hereby delegates to the Sycuan Business Committee or successor elected governing body (hereinafter "Tribal Council") the authority to promulgate, approve and enforce such regulations and/or provisions under this Code as it deems necessary to maintain peace and safety on the Reservation, and within the Sycuan Territory. Sycuan's law enforcement officers shall be responsible for enforcing this Code, and in the fulfillment of that responsibility shall be vested with the authority to:
 - (1) Investigate possible violations of this Code, and take such lawful actions as may be reasonably necessary to prevent violations from occurring.
 - (2) Cause violations of this Code committed in their presence to cease.

- (3) Issue citations for violations of this Code.
 - (4) Submit cases alleging violations of this Code to the Tribal Office of the General Counsel for issuance of a summons and complaint.
 - (5) Detain persons who commit both violations of this Code and violations of State or federal laws.
 - (6) Arrest persons for violation of state or federal law pursuant to agreements with federal and state law enforcement agencies.
 - (7) Testify and otherwise provide evidence in proceedings arising out of violations of this Code or in state or federal proceedings.
- (B) The Tribe's chief law enforcement officer may:
- (1) Request assistance from federal, state, local, and other tribal law enforcement entities with its responsibilities pursuant to this Code.
 - (2) Deputize persons over 20 years of age who meet the hiring and training standards of the tribal police department.

Section 1007. Amendments

This Code may be amended only by majority vote of the Sycuan General Council.

Section 1008. Effective Date

This Code shall take effect immediately upon its adoption by the Tribe's General Council.

Section 1009. Definitions

- (A) *Alcoholic Beverage*: Any liquid or solid material intended to be ingested by a person, which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including, but not limited to, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one or more alcoholic beverages. Alcoholic beverage includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.
- (B) *All-terrain Vehicle*: A motor vehicle designed for operation off of the Highway by an operator with no more than one passenger; fifty inches or less in width; suspended on three or more tires; has a single seat designed to be straddled by the operator, or a single seat designed to be straddled by the operator and a seat for no more than one passenger; has handlebars for steering control.

- (C) *Casino*: The Sycuan Casino and Resort.
- (D) *Darkness*: Any time from 30 minutes after sunset to 30 minutes before sunrise and any other time when visibility is not sufficient to render clearly visible any person or vehicles on the highway at a distance of 1,000 feet.
- (E) *Driver*: A person who drives or is in actual control of a Motor Vehicle, or automated Motor Vehicle.
- (F) *Drug*: Any substance or combination of substances, other than alcohol, which could so affect the nervous system, brain, or muscles of a person as to impair, to an appreciable degree, his ability to drive a vehicle in the manner that an ordinarily prudent and cautious man, in full possession of his faculties, using reasonable care, would drive a similar vehicle under like conditions.
- (G) *Highway*: A way or place of whatever nature maintained and open to use for vehicular travel.
- (H) *Illicit Drug*: Any item, substance, material, compound, liquid or solid that is illegal per Title 21 of the United States Code to possess, manufacture or sell that serves no lawful purpose or is illegal to possess without a legitimate prescription.
- (I) *Motorcycle*: Any Motor Vehicle having a seat or saddle for use of the rider and designed on not more than three wheels touching the ground and weighing less than 1,500 pounds.
- (J) *Motor Vehicle*: A self-propelled Vehicle.
- (K) *Off-Road Vehicle*: Any Motor Vehicle not designed or registered for use on, or not used on, Highways, including, but not limited to, Motorcycles and All-terrain Vehicles.
- (L) *Park*: The standing of a Vehicle, whether occupied or not, other than temporarily for the purpose of, and while actually engaged in loading or unloading passengers.
- (M) *Permanent Resident*: A person who is not a Member of the Tribe but who resides on the Reservation in either their own home or the home of a spouse, parent, or grandparent.
- (N) *Recreational Off-Highway Vehicle (ROV)*: Motorized Recreational Vehicles, commonly referred to as side-by-sides, designed to travel Off-Highway on four or more non-highway tires, with a steering wheel, non-straddle seating, and an engine displacement usually up to 1000 cubic centimeters. ROVs are designed with seats for a driver and at least one other passenger.

- (O) *Reservation*: The Sycuan Indian Reservation.
- (P) *Sycuan or Tribe*: The Sycuan Band of the Kumeyaay Nation.
- (Q) *Sycuan Indian Country*: All lands under the jurisdiction of the Tribe that now or hereafter fall within the definition of Indian country in Title 18, Section 1151, of the 2000 edition of the United States Code, including all land within the limits of the Sycuan Indian Reservation, notwithstanding the issuance of any patent, including rights-of-way running through the Reservation, all dependent Indian communities, all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same, and all lands otherwise held in trust for the Tribe by the United States of America.
- (R) *Sycuan Property*: All real property owned all or in part by the Tribe and its subdivisions, including by wholly owned corporations, and not included within Sycuan Indian Country.
- (S) *Sycuan Territory*: Sycuan Indian Country and Sycuan Property combined.
- (T) *Tribal Court*: The tribunal established by the General Council of the Tribe to hear cases and controversies arising in Sycuan Indian Country or between tribal members.
- (U) *Tribal Member*: A person enrolled as a Member of the Sycuan Band of the Kumeyaay Nation.
- (V) *Vehicle*: A device which any person or property may be propelled, moved, or drawn on a highway, except a device moved only by human power.

Chapter 2. Civil Violation Penalties

Section 2001. Civil Penalties

- (A) A person who has committed a violation of this Code shall be subject to a civil fine as set forth in the attached Schedule of Fines, or as hereafter amended.
- (B) A person found to have violated the same provision of this Code twice within any rolling twelve month period shall be subject to an increased fine, which shall not be more than twice the amount of the original fine. Subsequent violations of the same Code provision within the same rolling twelve month period shall be subject to a fine double the amount of the previous fine.
- (C) In addition to, or in lieu of a civil fine, the Tribal Court may grant such other relief as is necessary and proper, including, but not limited to community

service, restitution, classes, treatment, traditional sanctions, and exclusion from Sycuan Territory.

- (D) The Tribal Court has the authority to order the forfeiture and disposition of personal property used in the commission of a violation of this Code, suspension, surrender or cancellation of a tribal license or permit, or to cite and impose sanctions for contempt of the Tribal Court committed in or out of the Tribal Court's presence, subject to the right of the contemnor to notice and hearing.

Section 2002. Penalties Deferred

In its sole discretion, the Tribal Court may defer or suspend the imposition of a civil penalty in a particular matter if one or more of the following are true:

- (A) Justice so requires.
- (B) The person has not committed any previous violations of this Code.
- (C) The person does not commit, or has been adjudicated with any other violations of this Code for a period not to exceed one year.
- (D) The person complies with all Tribal Court orders concerning the violation to the best of his/her ability.

Section 2003. Final Determination Unless Contested

A citation issued pursuant to this Code represents an official determination that a civil infraction has been committed. This determination is final unless the person contests it in the manner set forth in Section 2004(B) of this Code. A citation issued under this Code shall include notice to the recipient of his or her duty to respond within 30 days and space on the citation to provide information required under Section 2004(B).

Section 2004. Response Options

A person shall respond to the citation in one of the following ways:

- (A) Pay the fine by submitting a check or money order in the amount of the citation(s) to the Sycuan Tribal Court no later than the 30th day following the date the citation was issued. The appropriate portion of the citation form shall be filled out and submitted along with the payment.
- (B) Request a hearing to contest the citation. If a person requests such a hearing, he or she shall fill out and submit the appropriate portion of the citation to the Sycuan Tribal Court within 30 calendar days from the date the citation was issued. After the Court has received the request, it will notify the person of the

date, time, and place of the hearing, which shall be no less than seven (7) and no more than 30 calendar days from the date the Court receives the request for hearing.

Section 2005. Failure to Respond

Failure to submit payment or request a hearing on a citation in a timely manner, or failure to participate in a hearing after a timely request for same, shall be deemed an admission of the facts alleged in the citation, and shall result in entry of a default judgment against the person cited both as to the truth of the allegations set forth in the citation and as to the amount of the civil fine for which the person cited shall be liable. In its discretion, the Tribal Court may impose additional sanctions for failing to respond, and order that the judgment be collected through one or more of the following means:

- (A) Order any employer in Sycuan Indian Country to garnish the violator's wages, consistent with applicable laws and regulations.
- (B) Order the appropriate Tribal official to garnish, levy, or enforce against a Tribal Member's per capita distribution of gaming and other tribal revenues.
- (C) Sell any property confiscated pursuant to Section 2001 of this Code.
- (D) Issue a garnishment order to an employer or any other entity that provides or owes the violator any wages or other money outside of Sycuan Indian Country.
- (E) Request comity on the judgment from the courts of any other jurisdiction.
- (F) Such other necessary and appropriate means as are necessary to satisfy the judgment of the Tribal Court.

Section 2006. Parents and Legal Guardians Liable

Parents and legal guardians are responsible for violations of this Code committed by minors or other dependents in their custody or control or residing in the same household.

Section 2007. Public Safety Agency Cost Recovery

When the Sycuan Police and/or Fire Department has to respond to an emergency call as a result of a loud or unruly party, intoxicated person(s), or as a result of crime being committed by the resident or one of his/her guests, more than one time in a 12 month period, the resident shall be responsible for the costs associated with the public safety department's response.

Chapter 3. Motor Vehicles and Traffic

Section 3001. Driver's License

No person shall drive a Motor Vehicle upon a Highway, unless the person holds a valid driver's license issued by a recognized government's motor vehicle agency.

Section 3002. Vehicle Registration

No person shall drive, move, or leave standing upon a Highway or public parking facility any Motor Vehicle or Trailer unless it is currently registered by a recognized government's motor vehicle agency.

Section 3003. Financial Responsibility

All drivers and all owners of a Motor Vehicle shall at all times be able to establish financial responsibility consistent with the California Vehicle Code.

Section 3004. Required Lighting

During darkness, Vehicles operating upon or about any Highway, roadway, street, alley or public parking area will have at minimum the following lighting equipment illuminated.

- (A) Any four-wheeled Motor Vehicle will be equipped with at least two headlamps facing forward and two rear facing red tail lights and all manufacture installed lighting shall at all times be maintained in good working order.
- (B) Any Motorcycle will be equipped with at least one headlamp facing forward and one rear facing red tail light and all manufacture installed lighting shall at all times be maintained in good working order.

Section 3005. Helmet Required

- (A) A Driver and passenger shall wear, fitted and fastened, a safety helmet meeting a nationally recognized safety standard, while riding on a motorcycle or motor-driven bicycle.
- (B) A Driver and passenger shall wear, fitted and fastened, a safety helmet meeting a nationally recognized safety standard, while riding on an All-terrain Vehicle.
- (C) A Driver and/or passenger under the age of eighteen shall wear, fitted and fastened, a safety helmet meeting a nationally recognized safety standard, while riding on a Recreational Off-Highway Vehicle.
- (D) Juveniles under the age of sixteen years of age shall wear, fitted and fastened, a safety helmet while operating, or as a passenger: a bicycle, scooter, or skateboard.

Section 3006. Seatbelt Required

No person shall operate a Motor Vehicle on a Highway unless that person and all passengers are properly restrained by a safety belt, except that no safety belt shall be required in a Vehicle that was legally manufactured without safety belts.

Section 3101. Prohibited Parking

No person shall stop, Park, or leave standing any Vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a tribal law enforcement officer or official traffic control device, in any of the following places:

- (A) Within an intersection, except adjacent to curbs.
- (B) On a crosswalk, except that a bus engaged as a common carrier or a taxicab may stop in an unmarked crosswalk to load or unload passengers.
- (C) Within 15 feet of the driveway entrance to any fire station.
- (D) In front of a public or private driveway, except that a bus engaged as a common carrier, school bus, or a taxicab may stop to load or unload passengers.
- (E) Along the edge of any Highway, at any curb, or in any location in an off-street parking facility, designated as a fire lane by the fire department.
- (F) Along the edge of any highway, at any curb, or in any location in an off-street parking facility exceeding 72 hours.
- (G) Within a posted parking stall, requiring established governmental permission, prohibiting those without a permission to park.

Section 3103. Removal of Vehicles

A tribal law enforcement officer may order to be towed any vehicle(s) under the following circumstances:

- (A) Violation of Peace and Safety Code Sections 3002, 3101, 3102, and 3301;
- (B) When a tribal law enforcement officer of the tribe or another jurisdiction arrests a person and takes that person into custody out of Sycuan Indian Country
- (C) Impoundment of a vehicle by a tribal law enforcement officer with probable cause to believe the vehicle was used as a means to commit a criminal public offense or is evidence or contains evidence of a crime

- (D) When a vehicle is parked or left standing on a roadway public parking area in a position as to obstruct the normal intended flow of traffic or in a condition so as to create a hazard to traffic.

Section 3102. Disabled Parking

- (A) No person shall Park or leave standing any Vehicle in a stall or space designated for disabled persons and disabled veterans unless the Vehicle displays either a special identification license plate or a distinguishing placard issued by a recognized government's motor vehicle agency
- (B) No person shall obstruct, block, or otherwise restrict access to those parking stalls or spaces.

Section 3103. Removal of Vehicles

Any person who Parks their Vehicle in violation of Sections 3101 or 3102 of this Code may have their vehicle ordered towed, at the registered owner's expense, by a tribal law enforcement officer.

Section 3201. Speed Unsafe for Conditions

No person shall drive a Vehicle upon a Highway or parking area at a speed greater than is reasonable or prudent have due regard for weather, visibility, traffic on, and the surface and width of, the roadway regardless of paving composition and in no event at a speed which endangers the safety of persons or property.

Section 3202. Speed Limits

Unless otherwise posted, no person in Sycuan Territory shall drive any Vehicle at a speed greater than:

- (A) 15 miles per hour on any alley or any intersection when a driver does not have an unobstructed view the last 100 feet of the driver's approach to the intersection.
- (B) 25 miles per hour on any Highway in any business or residential area, unless otherwise posted, or when a passing any building used for educating persons under the age of 18 years.

Section 3203. Posted Speed Limits

No person shall drive a Vehicle upon a Highway or public parking area at a speed greater than any posted speed limit.

Section 3204. Stop Required

The driver of any Vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection. If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway.

Section 3205. Right Side of Roadway

Upon all Highways, a Vehicle shall be driven upon the right half of the Highway, except as follows:

- (A) When overtaking and passing another Vehicle proceeding in the same direction under the rules governing that movement.
- (B) When placing a Vehicle in a lawful position for, and when the Vehicle is lawfully making, a left turn.
- (C) When the right half of a highway is closed to traffic under construction or repair.
- (D) Upon a roadway restricted to one-way traffic.
- (E) When the Highway is not of sufficient width.
- (F) When the Vehicle is necessarily traveling so slowly as to impede the normal movement of traffic, that portion of the Highway adjacent to the right edge of the roadway may be utilized temporarily when in a condition permitting safe operation.
- (G) This Section does not prohibit the operation of bicycles on any shoulder of a Highway, on any sidewalk, on any bicycle path within a Highway, or along any crosswalk or bicycle path crossing, where the operation is not otherwise prohibited by this Code.

Section 3206. Turns

- (A) Right Turns. Both the approach for a right-hand turn and a right-hand turn shall be made as close as practicable to the right-hand curb or edge of the roadway except for a highway having an additional lane or lanes marked for a right turn by appropriate signs or markings, the Driver of a Vehicle may turn right from any lane designated and marked for that turning movement.

- (B) Left Turns. The approach for a left turn shall be made as close as practicable to the left-hand edge of the extreme left-hand lane or portion of the Highway lawfully available to traffic moving in the direction of travel of the vehicle and, when turning at an intersection, the left turn shall not be made before entering the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in that direction upon the roadway being entered.

Section 3207. Right-of-Way at Crosswalks

- (A) The Driver of a Vehicle shall yield the right-of-way to a pedestrian crossing a Highway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this Code.
- (B) This Section does not relieve a pedestrian from the duty of using due care for his or her safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a Vehicle that is so close as to constitute an immediate hazard. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.
- (C) The Driver of a Vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the Vehicle or take any other action relating to the operation of the Vehicle as necessary to safeguard the safety of the pedestrian.
- (D) Subdivision (B) does not relieve a Driver of a Vehicle from the duty of exercising due care for the safety of any pedestrian within any marked crosswalk or within any unmarked crosswalk at an intersection.

Section 3208. Depositing Substances upon Highway

No person shall throw or deposit upon a Highway, any bottle, can, garbage, glass, nail, paper, wire, or any substance likely to injure or damage traffic using the Highway.

Section 3209. Throwing Substances from Roadways

No person in any Vehicle and no pedestrian shall throw or discharge from or upon any road or Highway or adjoining area, public or private, any lighted or nonlighted cigarette, cigar, match, or any flaming or glowing substance.

Section 3210. Use of Off-Road Vehicles

No person shall drive an Off-Road Vehicle outside of areas specifically designated for their use by resolution of the Tribal Council. In such designated areas:

- (A) No person shall operate an Off-Road Vehicle with more passengers than the Vehicle is designed to hold.

- (B) No person shall operate an Off-Road Vehicle during darkness unless that Vehicle is properly equipped with headlights.
- (C) No person shall operate an Off-Road Vehicle at or near the Casino, in or around the Casino parking structure, or on access roads to the Casino.
- (D) Any person operating an Off-Road Vehicle while under the influence of alcohol or drugs is in violation of Section 3301 of this Code.
- (E) Violation of this Section may result in the Vehicle being impounded for up to 24 hours.

Section 3301. Driving Under the Influence

- (A) No person who is under the influence of any Alcoholic Beverage or Drug, or under the combined influence of any Alcoholic Beverage and Drug, shall drive a Motor Vehicle.
- (B) No person who has 0.08 percent or more, by weight, of alcohol in his or her blood shall drive a Motor Vehicle. Percent, by weight, of alcohol in a person's blood is based upon grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.
- (C) No person shall continue to drive a Motor Vehicle once lawfully detained, including having been signaled to stop by a tribal law enforcement officer, on suspicion of violating this Section without first submitting to a preliminary alcohol screening test by a tribal law enforcement officer.

Section 3302. Open Container of an Alcoholic Beverage

No person shall have in his or her possession, while in a Motor Vehicle any bottle, can, or other receptacle, containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed.

Chapter 4. Peace and Order

Section 4001. Interfering with Public Safety Personnel

No person shall intentionally, recklessly, or negligently interfere, resist, delay, or obstruct any law enforcement officer, firefighter, or emergency medical personnel in the discharge or attempt to discharge any duty of his or her employment.

Section 4002. Trespass

- (A) No person shall enter or remain in Sycuan Territory without consent of the Tribe, and shall immediately leave Sycuan Territory upon:
 - (1) Actual or constructive notice that entry is prohibited; or
 - (2) Being ordered to leave by a tribal law enforcement officer or other duly authorized tribal official.
- (B) No person, other than a duly authorized law enforcement officer, shall enter or remain on individually owned property without the consent of the individual property owner, and shall immediately leave the individual property upon:
 - (1) Actual or constructive notice that entry is prohibited; or
 - (2) Being ordered to leave by a tribal law enforcement officer or other duly authorized tribal official, or the individual property owner.
- (C) A person subject to a tribal expulsion order or an order pursuant to this Section is deemed to have received notice that entry is prohibited and shall not re-enter Sycuan Territory until such orders have been rescinded.

Section 4003. Harboring an Expelled Person

No person shall knowingly harbor or hide, within their residence, any person who has been banished or expelled by the Tribal Council. The resident will be considered having knowledge if;

- (A) A copy of the expulsion order has been given to the resident by an agent of the Tribe, or
- (B) A tribal law enforcement officer has notified the resident orally.

Section 4004. Loitering

- (A) No person shall linger or remain in a public place or the premises of another without an apparent lawful reason under circumstances that would cause concern for the safety of persons or property in the vicinity and have no reasonable, credible account for his or her presence and purpose.
- (B) No person shall loiter in any public place on or about the Reservation with the intent to commit prostitution.

This intent is demonstrated by acting in a manner and under circumstances which openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution.

- (C) No person shall loiter in any public place on or about the Reservation with the intent to engage in the transmission, acquisition, transfer, or sale of Illicit Drugs or Drug contraband.

This intent is evidenced by acting in a manner and under circumstances which openly demonstrate the purpose of purchasing, distributing, facilitating the sale of Illicit Drugs or Drug contraband or was in the presence of others who were detained for suspicion of an Illicit Drug related charge but not necessarily arrested.

Section 4005. Curfew for Juveniles

No person, under the age of 18 years old, shall remain on Sycuan Property, or Tribal property, including streets, or the property of another without the property owners' consent between the hours of 11:00 pm and 6:00 am, unless the juvenile has good cause, or unless the juvenile is accompanied by a parent, guardian, or other competent adult with permission of the juvenile's parent or guardian.

Section 4006. Disorderly Conduct

- (A) No person shall unlawfully fight or challenge another person to fight.
- (B) No person shall intentionally interfere with any of the Tribe's business enterprises, or Tribal government by obstructing or intimidating those attempting to carry on the business enterprises, or those customers or visitors.
- (C) No person shall willfully disturb another person by loud and unreasonable noise.
- (D) No person shall use offensive words which are inherently likely to provoke an immediate violent reaction.

Section 4007. Unruly Party

No person shall continue to facilitate, sponsor, or support an unruly party or gathering after notification has been given by tribal law enforcement. For the purpose of this section, "unruly party" is defined as a gathering of two or more persons where tribal law enforcement:

- (A) Receives two or more complaints by two or more separate residences that the peace is being disturbed;

- (B) Receives one complaint from a residence and the gathering is audible from beyond 50 feet from the gathering after 10:00pm;
- (C) Reasonably believes the gathering creates a burden to tribal emergency services, including police, fire, or emergency medical services;
- (D) Reasonably believes persons under the age of 21 years are consuming Alcoholic Beverages; or
- (E) Reasonably believes that any persons are consuming Illicit Drugs.

Section 4008. Vandalism

No person shall intentionally deface, devalue, render useless or inoperable any property. Any person in violation of this Section will be financially responsible for the costs of restoring or replacing the property vandalized.

Section 4009. Intoxication in Public

No person shall be under the influence of any Alcoholic Beverage, Drug, or other substance in a public place where that person does not have full voluntary control of his or her actions or poses a danger to himself or herself or to others.

- (A) For the purpose of this section, a public place includes any part of a person's residence accessible to the public, even if the residence is within a gated community.

Section 4010. Provision of Alcoholic Beverages to Minors

No person shall sell, furnish, or give any Alcoholic Beverage to any person under the age of 21 years.

Section 4011. Open Container in a Public Place

No person shall bring into or possess in a public place any Alcoholic Beverage without being expressly authorized by the Tribe.

Section 4012. Urinating in Public

No person shall intentionally urinate or defecate in a public place, other than a restroom, washroom or toilet room, where such an act could be observed by any member of the public.

Section 4013. Theft/Fraud

No person shall take the personal property or money of another or fraudulently appropriate property which has been entrusted to him or her, or by any false representation or pretense, defraud any person of money, real or personal property or labor.

Section 4014. Appropriation of Lost Property

No person shall keep found property of another when such person does not make a reasonable and just effort to find the rightful owner of the property and return the property to him/her. Notwithstanding the foregoing, delivering such property to the Sycuan Police Department shall relieve a person from being in violation of this Section.

Section 4015. Possession of Stolen Property

No person shall receive, retain, possess, conceal, or sell stolen property and withhold the same from the use of any person other than the true property owner or person the property is entitled to.

Section 4016. Forgery

No person shall, with the intent to defraud, falsely make, forge, pass or attempt to pass as genuine any of the following: check; credit/check card; cashier's check; money order; traveler's check; promissory note; contract for money, goods or services; certificate of ownership; and gaming voucher or chip.

Chapter 5. Land and Habitat

Section 5001. Dumping

No person shall dump, litter, abandon, or otherwise leave any amount of refuse, regardless of its biodegradability or composition, on Sycuan Territory. In addition to any fine imposed for violation of this Section, any person who violates this Section shall be financially responsible for the costs of removal of the refuse and environmental restoration required as a result of the violation of this Section.

Section 5002. Setting Fires

No person shall create, cause, or set an open fire without being expressly authorized by the Tribe.

Section 5003. Fishing

- (A) No person shall engage in the act of fishing or enter Sycuan Property with the intent to engage in the act of fishing. All wetlands and bodies of water are considered protected preserves.

(B) Notwithstanding Paragraph A, enrolled Members of the Sycuan Band of the Kumeyaay Nation and their invited guests may fish at Hallasii e'ha topit (Willow Lake) under the following conditions:

- (1) Access is permitted year-round from sunrise to sunset.
- (2) Access is through the gate only. No cutting or jumping of the fence is permitted.
- (3) Tribal Police shall be contacted in advance to permit access through the gate.
- (4) Tribal Members must be present with invited guests at all times. No unaccompanied guests will be permitted.
- (5) Shoreline fishing is permitted only from those areas so designated. Wading, swimming, float tubing or any other activity that brings persons into contact with the lake are prohibited.
- (6) No live bait is allowed.
- (7) All fishing shall be conducted as catch and release.
- (8) The use of gas powered watercraft is prohibited.
- (9) All watercraft including boats, rafts, canoes and kayaks must be dedicated solely for use at Hallasii e'ha topit and must not ever have been used on another body of water.

Section 5004. Hunting

No person shall engage in the act of hunting or enter Sycuan Property with the intent to engage in the act of hunting. All open lands are considered protected preserves.

Chapter 6. Illicit Drugs & Paraphernalia

Section 6000. Possession of Illicit Drugs.

No person shall possess, sell, administer, or transfer Illicit Drugs on or about Sycuan Indian Country.

Section 6001. Possession of Illicit Drug Paraphernalia.

No person shall possess paraphernalia which aids in the consumption, ingesting or administering of Illicit Drugs on or about Sycuan Indian Country.

As adopted on August 21, 2018

Chapter 7. Animals

Section 7000. Dog Ownership Responsibilities

No owner or keeper of any dog(s) shall:

- (A) Cause or permit the dog(s) to run at large within Sycuan Indian Country. For purposes of this section, “running at large” is defined as the presence of any dog at any place except upon the premises of the owner or keeper, unless such dog is on a leash and under the control of a person physically able to control it.
- (B) Cause or permit the dog(s) to trespass on property so as to damage or destroy any property or thing of value.
- (C) Cause or permit the dog(s) to chase or jump at Vehicles lawfully using the streets, avenues, alleys and ways.
- (D) Keep or harbor a dog that frequently disturbs the peace and by barking, or that makes other loud or unusual noises.
- (E) Keep or harbor a dog that frequently barks at, snaps, bites, jumps upon, or threatens persons.

Section 7001. Seizure of Dog(s) and Civil Penalty

Any dog(s) kept in violation of the provisions of Section 7000 will be declared a public nuisance and may be immediately seized and impounded until disposition is made at a court hearing. The owner of said dog(s) shall also be subject to a civil fine and be responsible for the reimbursement of cost for temporary sheltering. If, after a hearing, the Tribal Court finds the dog(s) to be a threat to public safety, it may order removal and or destruction of the dog(s).

Section 7002. Dog Licensing

All dogs, one year of age or older, shall be licensed and renewed every three years by either the Sycuan Tribal Police Department or the County of San Diego. If a dog is licensed by the Sycuan Tribal Police Department, proof of compliance with Section 7003 of this Code shall be furnished prior to issuance.

Section 7003. Vaccines

All dogs shall be vaccinated for rabies at three months of age, at one year of age, and every third year thereafter.

Section 7004. Dog Bites

All dog bites to humans must be immediately reported to the Tribal Police Department, regardless if the bite occurred on the owner's property or not.

- (A) If the dog bite was not incurred in violation of Section 7000 of this Code, the dog responsible for the bite will be quarantined at the owner's residence for a period of seven days for observation of obvious symptoms of rabies.
 - (1) If the owner of the dog cannot securely quarantine the dog, the Tribal Police Department will have the dog quarantined at the owner's expense.
- (B) If the dog bite was incurred in violation of Section 7000 of this Code, the dog will be seized pursuant to Section 7001.

Chapter 8. Exclusion Orders

Section 8000. Exclusion of Non-Members

Any non-member of the Tribe, except one who is a Permanent Resident on the reservation may be temporarily or permanently excluded from any part or all of Sycuan Indian Country for the commission of one or more of the following acts occurring inside Sycuan Indian Country:

- (A) Disorderly conduct.
- (B) Physical threats of violence against any person.
- (C) Any act causing physical loss or damage to property.
- (D) Violation of any Tribal Law, ordinance, or regulation.
- (E) Violation of State and/or Federal criminal laws.
- (F) Failing to pay Tribal Court fines or any monies due to the Tribe.
- (G) Any conduct which threatens the economic security, political integrity, or health and welfare of the Tribe.

Section 8001. Petition for Exclusion of Non-Members

Any Tribal business enterprise, Tribal member, resident, employee or any other person with rightful business on Sycuan's Indian Country may file a Petition for Exclusion ("Petition"). A Petition must be made in writing and signed on the appropriate form and delivered to the office of the Tribal Chairman.

Section 8002. Adjudication of Petition for Exclusion

- (A) A member of the Sycuan Police Department shall investigate the grounds stated in the Petition and will document findings of the investigation. If after review of the Petition and report by the Sycuan Police Department, the Chairman sees cause, the Petition and all supporting documents will be filed with the Tribal Court, via the Tribal Office of General Counsel.
- (B) The Tribal Court will issue a Notice of Hearing on Exclusion (“Notice”) to the non-member subject to the Petition. Issuance and service of the Notice and Petition shall be governed by Tribal Court rules for civil proceedings.
- (C) The Tribal Court shall conduct the exclusion hearing pursuant to its court rules and procedures for civil matters and will ensure that the rights afforded the non-member under the Indian Civil Rights Act are protected.
- (D) Following the exclusion hearing, the Tribal Court shall prepare and serve both the non-member and the Tribe with its written decision. If the Tribal Court determines that the preponderance of evidence warrants exclusion, it shall issue an Order of Exclusion (“Order.”). The Order shall direct that, effective immediately, the individual shall not enter or remain on the Sycuan Reservation for a specific amount of time. The Order shall be served on the non-member in the same manner as service of the Notice.
- (E) If a person who is subject to an Order of Exclusion fails to comply with the Order, the Sycuan Police Department is authorized to seek enforcement through all legal means.

Section 8003. Temporary Exclusion of Non-Members

Nothing in this Section shall prevent the management of one of Sycuan’s business enterprises from temporarily, up to 60 days, excluding a non-member for violating Section 4006 (B) of this Code. Any exclusion for more than 60 days must be imposed pursuant to Sections 8001 and 8002.

Section 8004. Emergency Exclusion of Non-Members

In cases involving immediate danger to life, health or property of the Tribe or any of its members, residents, visitors, or employees and where a delay may result in irreparable damage, a Tribal Council Officer or any sworn employee or officer of the Sycuan Police Department may issue an emergency temporary order of exclusion until such times as a hearing may be conducted in accordance with Section 8002 of this Code.

Section 8005. Exclusion of Tribal Members and Permanent Residents

Any Tribal Member or Permanent Resident may be excluded from any of Sycuan’s business enterprises, including, but not limited to: Sycuan Casino, Sycuan Golf Resort,

U.S. Grant Hotel, Marina Gateway and Sycuan Smoke Shop, Sycuan Square for conduct detrimental to the integrity or reputation of the Tribe, or the Tribe's businesses. Such conduct includes, but is not limited to:

- (A) Disrespectful behavior toward a business patron or employee.
- (B) Verbal abuse toward a business patron or employee.
- (C) Unwanted physical contact with a business patron or employee.
- (D) Criminal acts toward a business patron or employee.
- (E) Involvement in any conduct that is criminal in nature within or around the Tribal business.

Section 8006. Petition for Exclusion of Tribal Members and Permanent Residents

The management of any Tribal business enterprise or member of the Business Committee may file a Petition. A Petition must be in writing and signed on the appropriate form and delivered to the office of the Tribal Chairman. The Petition shall be adjudicated in accordance with Section 8002 of this Code.

Section 8007. Temporary Exclusion of Tribal Members and Permanent Residents

Nothing in this Section shall prevent the management of one of Sycuan's business enterprises from temporarily, up to 48 hours, excluding a Tribal member or Permanent Resident for violating Section 4006 (B) of this Code. Any exclusion for more than 48 hours must be imposed pursuant to Section 8006 of this Code. Notice of the temporary exclusion shall be given to the Tribal Chairman.

Section 8008. Emergency Exclusion of Tribal Members and Permanent Residents

In cases involving immediate danger to life, health or property of the Tribe or any of its Members, elders, residents, visitors, or employees and where a delay may result in irreparable harm, a Tribal Council Officer or any sworn employee of the Sycuan Police Department may issue an emergency temporary order of exclusion until such times as a hearing may be conducted in accordance with Section 8002 of this Code.