

PAUMA BAND OF MISSION INDIANS'
PEACE AND SECURITY ORDINANCE

(Adopted August 29, 2017)

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SECTION 1: TITLE

This Ordinance shall be known as the "Pauma Band of Mission Indians' Peace and Security Ordinance" and cited throughout as "Ordinance." The formal name of the Tribe as it appears in the Federal Register is Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California.

SECTION 2: PURPOSE AND POLICY

The peace and security of all residents of the Pauma Reservation, both members and non-members, shall be preserved and protected by the Pauma Band of Mission Indians (herein "Band"). It is the policy of the Band that all residents on the Reservation are entitled to the peaceful and tranquil pursuit of their lifestyles. It is the further policy of the Band that the Reservation residents are entitled to security against harassment, vandalism, disturbing the peace and other antisocial acts, both in public and in private.

This Ordinance will be interpreted and construed to:

- A. Preserve the peace, harmony, safety, health and general welfare of the people of the Band and those permitted to enter or reside on the Reservation;
- B. Ensure peace and order on the Reservation and lands of the Band;
- C. Promote the welfare of the Band and its members;
- D. Safeguard individual rights and community standards;
- E. Secure rights and powers, which are inherent in the Band's sovereign status;
- F. Exert jurisdiction over all matters essential to the Band's self-determination and self-governance;
- G. Treat all parties fairly and without prejudice, protecting individual rights guaranteed by the Indian Civil Rights Act and by the traditions, customs and laws of the Band;
- H. Resolve disputes fairly and efficiently; and
- I. Provide an orderly procedure for resolving conflicts which reflects tribal customs and traditions as well as the prevailing community standards, and which affords all affected persons a fair, prompt, and impartial hearing.

SECTION 3: JURISDICTION

This Ordinance will be applicable to all persons and lands within the exterior boundaries of the Reservation pursuant to the Band's Articles of Association.

SECTION 4: BAND REGULATIONS

This Business Committee of the Band, at the direction of the General Council, shall approve such regulations as it deems proper and necessary to carry out the policies of the Band with respect to preserving and maintaining the peace and security of Reservation residents. Such regulations may be prepared in conjunction with the Tribal Court and include all necessary procedures for serving a citation, conducting hearings before Tribal Court when a citation is challenged and other necessary and related procedural regulations. Such regulations may supersede or supplement any existing regulations.

SECTION 5: DEFINITIONS

- A. "Business Committee (Tribal Council)" means the entity established under the Band's Articles of Association.
- B. "Civil Infraction" means a violation of tribal law as set forth in this Ordinance.
- C. "Dangerous Weapon" means any weapon, device, material or substance, whether animate or inanimate, which in the manner it used or intended to be used is known to be capable of producing death or serious bodily injury (for example, clubs, brass knuckles.)
- D. "Firearm" means any devise designed to use as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.
- E. "General Council" means the governing body of the Band, comprised of all adult, voting members of the Band.
- F. "Private Property (Assignment)" tribal trust land issued to tribal members by the Band as his/her assignment.
- G. "Public Place" means any open area not a tribal member's residence, yard, or home.
- H. "Reservation" means the Reservation as established under the laws of the United States and set forth in the Band's Articles of Association and shall encompass all territory within its exterior boundaries as now or hereafter prescribed or ascertained including fee patented lands, roads, water, bridges, lands and rights of way owned, used or claimed by any person.

- I. "Tribal Court" means the Intertribal Court of Southern California or other court as designated by the Band to carry forth the judiciary responsibilities of the Band.
- J. "Tribal Property" as used in this Ordinance means all property held by the United States government in trust for the Band. "Tribal Property" does not include individual tribal assignments unless specifically included.
- K. "Tribal Law Enforcement Officer" means a person designated by the Band to enforce this Ordinance and to act as a law enforcement officer for the Band.
- L. "Tribal Security Officer" means a person designated by the Band to provide security as a specific location and/or for a specific purpose.

SECTION 6: CIVIL PENALTIES

- A. General Penalty Provisions
 - 1. A person committing a violation under this Ordinance will be subject to a civil fine as set forth in the attached Schedule of Fines;
 - 2. A person shall be subject to an increased fine if he or she is found to have violated any provisions of this Ordinance more than once within a 12 month period.
 - 3. 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 the following: community service, restitution, treatment and/or counseling and traditional sanctions;
 - 4. The Tribal Court has the authority to forfeit personal property seized at the time the citation is issued, suspend or cancel a tribal license or permit, or cite for contempt;
 - 5. It is a violation of this Ordinance when a visitor is asked by a Pauma Tribal Law Enforcement Officer, acting in his or her official capacity, to NOT properly identify oneself or to provide false or misleading information to said Tribal Official.
 - 6. All individuals must obey all of the lawful posted signs of the Pauma Band of Mission Indians.
 - 7. Tribal members are fiscally responsible for the actions of their guests.

B. Civil Penalties Deferred

The Tribal Court may choose not to impose civil penalties for a period not to exceed one (1) year if justice so requires and/or the following criteria is met:

1. The person has not committed any previous violations of this Ordinance;
2. The person does not commit any other violations of this Ordinance during the time the civil penalty is deferred or suspended;
3. The person does not commit any infractions, violations or offenses in any other jurisdictions during the time the civil penalty is deferred or suspended; and
4. The person complies with all Tribal Court orders concerning the civil infraction to the best of his or her ability.

C. Community Service

The Tribal Court recognizes that a person who violates this Ordinance may be unable to pay his or her fine as imposed by the Tribal Court. For this reason, the Tribal Court, at its discretion, may order community service in addition to or in place of a civil fine; except when the violation is for damages of another tribal member's property. The Tribal Court will determine if the person is a suitable candidate for community service and will carry out the service.

1. Community Service is limited to:
 - a. Performance on tribal property or for tribal agencies; or
 - b. Performance at the primary residence of a tribal elder.
2. Tribal agencies or elders requiring services must submit a written request to the Tribal Court Administrator.
3. Assistance will be distributed in the order that requests are received.
4. The Tribal Court will keep a log of both services requested and performed.
5. The Tribal Court will provide a form for verification of community service to the service worker.
6. The community service worker will be responsible for:
 - a. Obtaining written verification from the monitoring supervisor on the provided form; and
 - b. Submitting this form to the Tribal Court as required.

D. Referral for Treatment

1. In place of, or in addition to, a civil penalty, the Tribal Court, at its discretion, may refer a violator to mental health providers including an alcohol/substance program, for an evaluation, counseling and/or treatment.
2. After completion of an evaluation, the agency conducting the evaluation shall report its findings and recommendations to the Tribal Court or an officer assigned by the Tribal Court.
3. The Tribal Court may order mental health providers to submit progress reports of treatment. An officer assigned by the Tribal Court will monitor the person's progress in his or her treatment program.
4. Residential treatment facilities are an option for persons violating this Ordinance if so requested by the person and if recommended by an authorized mental health or other treatment agency.

E. Seizure/Forfeiture of Property

A Tribal Law Enforcement Officer may, upon probable cause when issuing a citation for a civil infraction, seize any property used in the commission of a violation of this Ordinance. All property utilized in violation of this Ordinance is also subject to seizure and forfeiture by order of the Tribal Court. The Band must return any property confiscated to its rightful owner unless the Tribal Court determines that the possession of the property is unlawful or a violation of this Ordinance, in which case it will become the property of the Band.

F. Enforcement of Civil Fines

1. In any case where a person has been found to have committed a civil infraction and a civil penalty has been assessed, the person has thirty (30) days to pay the civil fine. For good cause shown, the Tribal Court may extend the time for payment or approve an installment plan. Parent(s), guardians, or any adult responsible for the care of minor (a person under the age of 18) are liable for the civil fine of a minor.

2. If the person has not paid the civil fine within the time allotted by the Tribal Court, the Court may take and all actions necessary to collect the civil fine, including but not limited to the following:
 - a. Order an employer on the Reservation to garnish up to twenty five (25%) of violator's wages;
 - b. Order the Tribal Administrator, or other appropriate tribal official, to garnish up to fifty (50%) percent of the violator's next tribal per capita distribution, if the violation is for personal property damage or another tribal member the garnishment may be awarded to seventy-five (75%) percent;
 - c. Sell any property confiscated under Section 6 E of this Ordinance up to the amount of the civil fine; or
 - d. Upon written request from the Band, issue a garnishment order against an off Reservation employer or any other entity that provides the violator wages or money.

SECTION 7: CIVIL INFRACTIONS AGAINST PROPERTY

A. Definitions

From this Section, the following definitions will apply:

1. "Alter" means to change, modify, or vary in some degree; to change some of the elements, ingredients or details without substituting an entirely new thing or destroying the identity of the thing affected.
2. "Damage" means loss, injury, or deterioration to property causing it to decrease in strength, value, amount or quality.
3. "Destroy" means to ruin the structure, organic existence or condition of a thing or property, to demolish to injure or mutilate beyond possibility of use.
4. "Deface" means damage to monuments, buildings or other structures by changing the physical appearance.
5. "Financial loss" means a loss of money or of something by which money or of value may be acquired.

6. "Property" means:

- a. Real property such as land or structures and building affixed to land and includes both tribal and private (assignments);
- b. Personal property which is anything tangible or that can be severed from real property.

B. Malicious Mischief:

A person commits the civil infraction of Malicious Mischief if he or she, without the effective consent of the owner:

1. Damages or destroys the property of the owner,
2. Tampers with property of the owner and causes financial loss or substantial inconvenience to the owner or a third party
3. Makes markings, involving, inscriptions, slogans, drawings, or painting on the property of the owner,
4. Alters, defaces or damages in anyway tribally owned property, which may include a monument, structure or facility, place of worship or burial or any other property respected by the community of the Band; or
5. Aids assists, commands, or counsels another to commit Malicious Mischief.

C. Trespass

1. A person commits the civil infraction of Trespass if he or she enters or remains on tribal property or the private property of a tribal member without specific consent, and;
 - a. Had notice that the entry was forbidden; or
 - b. Was ordered to depart after entry and failed to do so.
2. Notice or an order may be given by:
 - a. Written or verbal communication given to the intruder by a Tribal Official, Tribal Law Enforcement Office, or Tribal Security Officer, the owner of the property or person authorized to act on behalf of the owner;
 - b. Written notice posted on or about the property in a manner reasonably likely to come to the attention of potential intruders; or

c. Fences, barricades or other devices obviously designed to enclose the property and to exclude all potential intruders.

3. An infraction under this subsection if committed in a private dwelling, a tribal building or where the trespasser carries a dangerous weapon or firearm on or about his person during the commission of the infraction, shall be subject to a tripling of the maximum fine as provided for under the scheduled of fines.

D. Reckless Damage or Destruction

1. A person commits the civil infraction of Reckless Damage or Destruction if, without the consent of the owner, he or she recklessly damages or destroys property of the owner.
2. "Recklessly" means a person who acts carelessly, heedlessly, or is inattentive to the circumstances surrounding him/her.

E. Arson

A person commits the civil infraction of Arson when he or she:

1. Willingly and maliciously sets fire to, or burns, or causes to be burned, or aids, counsels, or assists in the burning of any trailer, motor vehicle, camper, dwelling, structure, barn, stable, crops or open area located within the boundaries of the Reservation;
2. Sets fire to, or burns or causes to be burned, or aids, counsels, or assists in the burning of crops, weeds, trash or any open area on his or her private property (assignment) without obtaining a fire permit from the Tribe.

SECTION 8: CIVIL INFRACTIONS AGAINST THE PEACE

A. Disorderly Conduct

A person commits the civil infraction of Disorderly Conduct if he or she

1. Fights with another person within the boundaries of Reservations;
2. At any location within the Reservation creates any excessive noise, or allows or permits the creation of any excessive noise on property owned, leased, occupied or otherwise controlled by such person which causes or creates a nuisance;
3. Not being lawfully authorized to do so, displays a dangerous weapon or firearm in a manner calculated to alarm;

4. Abuses or threatens a person in an obviously offensive manner;
5. Engages in lewd behavior and is reckless about whether another person is present who will be alarmed by his or her act; or
6. Uses abusive, indecent, profane, or vulgar language in a tribal building or on tribal property and the language by its very utterance tends to incite a breach of the peace;
7. Shoots off, discharge, ignite, or explodes, fireworks/firecrackers or the like thereof anywhere on the Reservation.

B. Possession of a Prohibited Weapon

1. A person commits the civil infraction of Possession of a Prohibited Weapon if he or she carries on or about his or her person a dangerous weapon defined under Section 5. C or an unregistered firearm.
2. Tribal members may possess registered firearms but only on their private property. This subsection shall not apply to Tribal Law Enforcement Officers, Tribal Security Officers, or any other state, federal or tribal law enforcement officer.
3. Any Tribal Law Enforcement Officer, Tribal Security Officer, or other tribally designated security or law enforcement officer may, upon probable cause, confiscate a dangerous weapon, unregistered firearm or registered firearm if carried off the tribal member's private property from any person who violates this subsection.

C. Loitering or Curfew

1. A person commits the civil infraction of Loitering if he or she loiters around public areas located on the Reservation, such as but not limited to the Tribal Administration Building, Enrollment Office, Fire Station, the wamkish area (near Public Works Building) and St. James Church unless it is during a scheduled meeting.
2. A person violates Curfew if:
 - a. He or she is a minor (under the age of 18 years old) who remains in the streets or on tribal property areas, (i.e. Pauma Tribal Complex, St James Church,

Pauma Fire Station), within the Reservation between the hours of 10:00 p.m. and 6:00 a.m.;

- b. He or she is a parent, guardian or custodian of a minor and knowingly permits or by insufficient control allows the minor to remain in any streets or tribal property areas within the Reservation between 10:00 p.m. and 6:00 a.m.; or
- c. He or she is apparent of a minor and knowingly fails to respond within two hours of notification by Tribal Security, law enforcement official, or Tribal Official to take custody of his or her minor.

D. Operation of an All-Terrain Vehicle (ATV) or a Motorcycle that is not Street Legal

- 1. All persons must possess a valid Tribal, Federal or State Motor Vehicle license to operate a motor driven vehicle or cycle over 250cc on any paved highway.
- 2. A person commits the civil infraction of Unlawful Operation of an ATV or a Motorcycle That Is Not Street Legal, or any type of ATV when he or she:
 - a. Operates a motorcycle or ATV anywhere on the Reservation in a manner which disturbs the peace of other Reservation residents (i.e. riding between homes or in another yard); or
 - b. Operates a motorcycle or ATV anywhere on the Reservation without a spark arrester and a muffler; or
 - c. Operates a motorcycle or ATV without a helmet; or
 - d. Operates a motorcycle or ATV that is not registered or legally driven on a public road; or
 - e. Does not follow all posted tribal speed limit signs.

SECTION 9: CIVIL INFRACTIONS AGAINST THE TRIBAL GOVERNMENT

A. Interfering with Lawful Detention or Resisting Detention

A person commits the civil infraction of Interfering With Lawful Detention or resisting Detention if by force, violence or other means, he or she:

- 1. Interferes with, obstructs or resists any tribal official, Tribal Law Enforcement Officer, Tribal Security Officer, or other law enforcement officer in the performance of their official duties;

2. Flees from any Tribal Law Enforcement Officer, Tribal Security Officer or other law enforcement officer who is attempting to lawfully restrain him or her; or
3. Assists another to avoid a lawful detention or harbors a fugitive.

B. Refusing to Aid a Law Enforcement Officer

A person commits the civil infraction of Refusing to Aid a Law Enforcement Officer if they neglect or refuse, when called upon by a law enforcement officer, to aid and assist in preventing any breach of the peace or the commission of any violation of this ordinance. No person will be cited under this section if he or she is unable to aid law enforcement due to his or her age, physical or mental limitations, or some other condition that prevents his or her ability to respond to the law enforcement officer's request.

C. Refusing to Obey a Law Enforcement Officer's Request or Order

A person commits the civil infraction of Refusing to Obey a Law Enforcement Officer's Request or Order if the person does not obey a lawful order, request or command from a law enforcement officer. This shall include, but is not limited to, failing to stop at all tribal check points, failing to stop one's vehicle if ordered to do so by law enforcement, refusing to leave a public area after being ordered to do so by a law enforcement officer. Or any other any conduct that is determined by law enforcement officer to be an act that fails to conform to the officer's order, request or command.

SECTION 10: CIVIL INFRACTIONS AGAINST THE PERSON

A. Assault or Aggravated Assault

As used in this subsection:

1. "Bodily injury" means a cut, abrasion, bruise, burn, physical pain, causing illness, and impairment of a function of a bodily member, organ, or mental facility and/or any other injury to the body, no matter how temporary.
2. "Serious Bodily Injury" means a substantial risk of death, extreme physical pain or disfigurement, protracted loss or impairment of the function of a bodily member, organ, or mental facility.

A person commits the civil infraction of "Assault" if he or she:

1. Causes bodily injury to another,

2. Causes serious bodily injury to another;
3. Threatens another with imminent bodily injury;
4. Causes physical contact with another when the person knows or should reasonably believe that the person will regard the contact as offensive or provocative;
5. Uses or exhibits a weapon during the commission of an assault; or
6. Forcibly assaults, resists, opposes, prevents, impedes, intimidates, or interferes with any authorized Tribal Law Enforcement Officer, Tribal Security Officer or other law enforcement officer lawfully discharging an official duty.

B. Harassment

A person commits the civil infraction of "Harassment" if, with the intent to harass, annoy, alarm, abuse, torment or embarrass another, he or she:

1. Initiates communication by telephone or in writing and in the course of the communication makes a comment, request, suggestion or proposal that is obscene or false;
2. Threatens, by telephone or in writing in a manner reasonably likely to alarm the person receiving the threat, to inflict serious injury against the person, a member of his family, or his property;
3. Knowingly permits a telephone under his control to be used by a person to commit a civil infraction under this subsection;
4. Intentionally stalks another;
5. Repeatedly makes physical gestures or verbal threats, profane comments, and other unwanted verbal comments.

SECTION 11: CIVIL INFRACTIONS INVOLVING PERSONS UNDER AGE 21

A person contributes to the delinquency of a minor or person under the age of 21 (twenty one) and thereby commits a civil infraction under this Ordinance when he or she gives, purchases for, or furnishes any person under the age of 21 any alcohol beverages and a person under the age of 18 (eighteen) cigarettes.

SECTION 12: DRUG AND ALCOHOL CIVIL INFRACTIONS

A. As used in this subsection:

1. "Controlled substance" means any drug or other substance under the provisions of Chapter 13, Title 21, Section 802 of the United States Code regarding "Controlled Substances."
2. "Dangerous drug" means any drug that is included in Chapter 13, Title 21, Section 802, Dangerous Drug" schedules I, II, III, IV, or V of the United States Code. The terms include a devise or a drug that bears or is required to bear the legend:
 - a. "Caution: Federal law prohibits dispensing without a prescription"; or
 - b. "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian."
3. "Marijuana" means all parts of the plant *Cannabis sativa* L. whether growing or not, under the provision of Chapter 13, Title 21, Section 802, "Marijuana" of the United States Code.
4. "Narcotic drug" means any drug under the provision of Chapter 13, Title 21, Section 802 of the United States Code regarding "Narcotic Drug."

B. Chemical Intoxication

A person commits the civil infraction of Chemical Intoxication if he or she:

1. Inhales, ingests, applies, uses, or possesses a substance containing a volatile chemical, abusable glue or aerosol paint with the intent to affect the person's central nervous system, create or induce a condition of intoxication, hallucination, or elation, change, distort, or disturb the person's eyesight, thinking process, balance, or coordination.
2. Sells, offers for sale, delivers or gives to any person under the age of 18 (eighteen) years any volatile chemical, abusive glue or aerosol paint.

C. Illegal Drugs

A person commits a civil infraction under this subsection Illegal Drugs if he or she possesses or consumes without a medical prescription or manufactures, distributes, sells,

or offers to sell dangerous drugs, any drug identified as a controlled substance, a narcotic, marijuana or any drug paraphernalia.

D. Intoxication on Tribal Property

1. A person commits the civil infraction of Intoxication on Tribal Property if he or she appears intoxicated, either from alcohol or drugs as defined under this sections, on tribal property to the degree that the person may endanger himself, herself or another.
2. It is an exception under this subsection if the substance causing the intoxication was administered for therapeutic purposes (i.e. medically prescribed marijuana) and as part of the person's medical treatment by a licensed physician.
3. Possession or consumption of alcohol by any person under the age of twenty-one (21) years old, in any public place, is PROHIBITED.
4. Defecation and urination in public areas is PROHIBITED.

SECTION 13: CIVIL INFRACTIONS AGAINST HEALTH AND SAFETY

A. Unlawful Discharge of a Firearm

A person commits the civil infraction of "Unlawful Discharge of a Firearm" when he or she:

1. Discharges a firearm within 150 yards of any dwelling, house, residence, church, tribal complex or structure used in connection therewith if they are not the owner, the person in possession of the property, or the person having the express permission of the owner or person in possession of the property; or
2. Discharges any firearm from or upon roads, located within the Reservation, or property owned by the Band.
3. Discharges a firearm, except as provided under Section A. above, in any area not designated as tribally designated shooting area.

B. Unlawful Operation & Parking of a Motor Vehicle

"Motor Vehicle" or "Vehicle" as used in this subsection shall include, motorcycle, ATV, trucks, and all other forms of motorized transportation A person commits the civil infraction of Unlawful Operation of Motor Vehicle when he or she:

1. Parks on the street, curb or other area not designated for parking, or to otherwise prohibit the safe passage of two vehicles on street or road on the Reservation;
2. Operates any vehicle on any street or road within the Reservation in willful disregard for the safety of persons or property;
3. Operates any vehicle in excess of any posted speed limit on any road on the Reservation.

C. Theft

Any individual who steals, takes, leads, converts or carries away any property of another, or embezzles property, or by deception, defrauds a person of money, labor, of real or personal property, or causes others to falsely report his or her wealth or business integrity to obtain credit and thereby acquires property, money, labor, or service of another is guilty of theft.

SECTION 14: NOISE POLLUTION

It is the right of tribal members living on the Pauma Reservation to have a party or get-together with friends and family on their private property. However, the peace and tranquility of neighboring tribal members needs to be considered. Before such an event the tribal members must notify the Tribal Law Enforcement Officer in advance of a party and inform his or her neighbors if appropriate. Failure to do so can be violation of this Section.

SECTION 15: EMERGENCY EXCLUSIONS

A Pauma Tribal Law Enforcement Officer, along with Tribal Council notification, may, in an emergency situation, exclude a person (or persons) to prevent crime from occurring or damage to property. Exclusions are a minimum of 72 hours and will be processed for a formal court order.

SECTION 16: ENFORCEMENT

It shall be the duty of every Tribal Law Enforcement Officer to enforce this Ordinance and all supplemental rules and regulations and for the Business Committee to act on complaints that this Ordinance has been violated when presented to them. The Tribal Court shall act as the hearing body for violations under this Ordinance.

SECTION 17: SOVEREIGN IMMUNITY

The Pauma Band of Mission Indians, as a sovereign government and federally recognized tribe, enjoys sovereign immunity from suit. The Band's sovereign immunity:

- a. Extends to its Tribal Law Enforcement Officer(s) to the extent permitted by federal and tribal law.
- b. Is in no manner waived by this Ordinance by any action of its Tribal Law Enforcement Officers or Security Officers, or any of the employees of the Band acting pursuant to this Ordinance.

SECTION 18: SEVERABILITY

If any provision of this Ordinance or the application of the Ordinance to any person or circumstance is held invalid, such invalidity will not affect the legality of the other provisions or application of this Ordinance, and to this end the provisions of this Ordinance are severable.

SECTION 19: AMENDMENTS

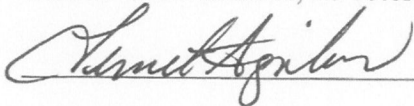
This Ordinance shall be reviewed every five years and amended as needed upon a vote of the General Council as provided for under the Band's Articles of Association.

SECTION 20: EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption by the General Council.

CERTIFICATION

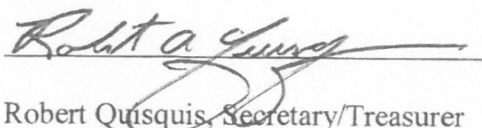
Revisions to the Peace and Security Ordinance were approved by mail ballot in August 2017 with 29 votes in favor, 18 votes against, and 0 votes abstaining.



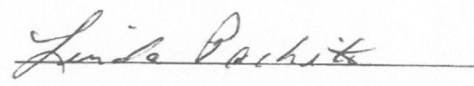
Temet Aguilar, Chairman



Dale Brush, Vice Chairman



Robert Quisquis, Secretary/Treasurer



Linda Pachito, Council Member

AMENDMENT

Ordinance Preserving and Maintaining Peace and Security Within the Boundaries of the Pauma Indian Reservation

Section 9. Civil Infractions Against the Tribal Government

- D. OPERATION OF AN ALL TERRAIN VEHICLE (ATV) OR ANY MOTOR DRIVEN CYCLE THAT IS NOT STREET LEGAL.
- f. Driven in, through and around all citrus grove areas within the boundaries of the Pauma Reservation.

The fine for this infraction is \$1,000.00.

AMENDMENT

Ordinance Preserving and Maintaining Peace and Security within the Boundaries of the Pauma Indian Reservation

Section 14. Noise Pollution

Should a person's party or event cause others to complain, he or she will first be given a verbal warning. If a second warning is necessary, the person will be issued a citation and will be shut down. A \$1,000.00 fine maybe imposed for violating this section.

Resolution 030208-01

Amendments to the Dog and Maintenance of Peace and Security Ordinance's

WHEREAS: The Pauma Band of Mission Indians is a federally recognized tribe by the United States Government and the inherent sovereignty and duty to regulate the territory of the Band; and

WHEREAS: It has been a long standing custom and tradition of the Pauma Band of Mission Indians to protect, manage, administer, and enhance tribal resources and assets; and

WHEREAS: The Pauma Band of Mission Indians desires to amend the Dog Ordinance and the ordinance that preserves and maintains peace and security within the boundaries of the Pauma Indian Reservations.

FURTHERMORE: the primary objectives are to clearly define the infractions and penalties by amending said Ordinance's.

- **Dog Ordinance** – Under article IX Dangerous Dogs; add section D IMPOUNDMENT
This amendment will establish a \$1,000.00 fine for dangerous dog that is impounded

Resolution 030208-02

Amendments to the Dog and Maintenance of Peace and Security Ordinance's

WHEREAS: The Pauma Band of Mission Indians is a federally recognized tribe by the United States Government and the inherent sovereignty and duty to regulate the territory of the Band; and

WHEREAS: It has been a long standing custom and tradition of the Pauma Band of Mission Indians to protect, manage, administer, and enhance tribal resources and assets; and

WHEREAS: The Pauma Band of Mission Indians desires to amend the Dog Ordinance and the ordinance that preserves and maintains peace and security within the boundaries of the Pauma Indian Reservations.

FURTHERMORE: The primary objectives are to clearly define the infractions and penalties by amending said Ordinance's.

- **Peace and Security Ordinance**-Under Section 8 (Civil infractions against the Peace) Part D; add sub-section f.

This Amendment pertains to the operation of ATV's in or around the Gove area's

A \$1,000.00 fine will imposed for this infraction.

Resolution 030208-3

Amendments to the Dog and Maintenance of Peace and Security Ordinance's

WHEREAS: The Pauma Band of Mission Indians is a federally recognized tribe by the United States Government and the inherent sovereignty and duty to regulate the territory of the Band; and

WHEREAS: It has been a long standing custom and tradition of the Pauma Band of Mission Indians to protect, manage, administer, and enhance tribal resources and assets; and

WHEREAS: The Pauma Band of Mission Indians desires to amend the Dog Ordinance and the ordinance that preserves and maintains peace and security within the boundaries of Pauma Indian Reservations.

FURTHERMORE: The primary objectives are to clearly define the infractions and penalties by amending said Ordinances'.

Peace and Security Ordinance – Under Section 14 (Noise Pollution)

Add another paragraph.

This Amendment describes the series of warning s and a fine of \$1000.00

For loud parties and/or events.

AMENDMENT

ARTICLE IX
DANGEROUS DOGS

D. IMPOUNDMENT


An owner of a dog subject to the provisions of this section shall immediately surrender custody and control of the dog at the request of the Tribal Officer or its designee. The fine for a dangerous dog to be impounded is \$1000.00. Failure to surrender custody of a dangerous dog will also result in a fine of \$1000.00. Maximum fine per occurrence is \$1000.00.

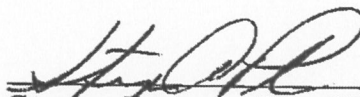
NOW, THEREFORE BE IT RESOLVED: The Pauma Band of Mission Indians desires to adopt the Amendment to the Dog Ordinance and the Amendment to the Peace and Security Ordinance for immediate implementation.

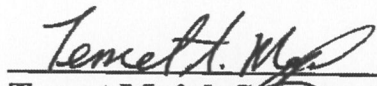
CERTIFICATION

We the undersigned, the duly elected officers of the Pauma Band of Mission Indians, do hereby certify that the foregoing resolutions were adopted by the Tribal Council at a duly called meeting at which a quorum was present; held on March 2, 2008 by a vote of:

3 For; ___ Against; ___ Abstain; 1 Absent


Chris C. Devers, Tribal Chairman


Steven Peters, Vice Chairman


Temet Majel, Secretary/Treasure

Marlaine Bojorquez Committee Member