



**BOIS FORTE BAND OF CHIPPEWA
TRIBAL CODE**

**TITLE 8
TRAFFIC CODE**

CODE HISTORY:

- Adopted by RTC Resolution No. 93-40 (November 20, 1992).
- Amended by RTC Resolution No. 160-96 (May 8, 1996).
- Amended by RTC Resolution No. 95-2000 (January 20, 2000).
- Amended by RTC Resolution No. 74-2003 (November 21, 2002).
- Amended by RTC Resolution No. 26-2006 (August 3, 2005).
- Amended by RTC Motion (January 20, 2021).
- Amended by RTC Resolution No. 16-2026 (July 23, 2025).
- Recodified and Amended by RTC Resolution No. 78-2026 (April 15, 2026).



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BOIS FORTE TRIBAL CODE

PREAMBLE

The purpose of the Bois Forte Tribal Code (BFTC) is to, whenever possible, restore Minobimaadiziwin (the Good Path of Life) to all persons it serves by providing a progressive, non-judgmental path to health and forgiveness, in accordance with the community's traditional practices and values. First and foremost, the Bois Forte Tribal Court shall be guided by the seven defining Anishinabe teachings or core values:

1. *Nibwaakaawin* — Wisdom;
2. *Zaagi'idiwin* — Love;
3. *Minaadendamowin* — Respect;
4. *Zoongide'ewin* — Bravery;
5. *Gwayakwaadiziwin* — Honesty;
6. *Dabaadendiziwin* — Humility; and
7. *Debwewin* — Truth.

Accordingly, the Bois Forte Tribal Court's focus in all decisions shall be on the impact it will have seven generations in the future. If necessary, the presiding Judge may consult a community spiritual leader or elder for guidance when endeavoring to adhere to these principles and the Bois Forte Reservation Council may enact a resolution designating appropriate spiritual leaders or elders available for such consultation.

TITLE 8
BOIS FORTE TRAFFIC CODE

8.1.1. Title.

Title 8, Bois Forte Tribal Code, shall be entitled Bois Forte Traffic Code.

8.1.2. Definitions.

For the purposes of this Title, the terms defined in this section shall have the meanings ascribed to them.

- (a) **“Vehicle”** means every device in, upon, or by which any person or property is or may be transported or drawn upon a road, street or highway. The term includes bicycles.
- (b) **“Bois Forte Reservation”** means all Indian Country, as defined in 18 U.S.C. § 1151, over which the Band has governmental jurisdiction. For purposes of clarity only and without limiting the foregoing, the Bois Forte Reservation shall include, but is not limited to, (1) all land within the exterior boundaries of those areas known as the Nett Lake, Deer Creek, and Vermilion sectors of the Bois Forte Reservation, the Indian title to which has not been extinguished, including but not limited to Indian Point and Sugar Bush; (2) all land held in trust by the United States for the Bois Forte Band wherever located; and (3) the waters adjacent to the territories described in (1) and (2).
- (c) **“Motor vehicle”** means every vehicle that is self-propelled. Motor vehicle does not include a vehicle moved solely by human power. Motor vehicle includes automobiles, vans, pickup trucks, trucks, motorcycles, motorized bicycles, all-terrain vehicles, snowmobiles, and any and all similar vehicles but does not include motorized wheelchairs.
- (d) **“Person”** means every natural person, firm, partnership, association, or corporation.
- (e) **“Pedestrian”** means any person afoot or in a wheelchair.
- (f) **“Driver”** means every person who drives or is in actual physical control of a vehicle.
- (g) **“Owner”** means a person who holds the legal title of a vehicle or who is entitled to immediate possession of a vehicle in the event the vehicle is the subject of a conditional sale or lease agreement or of a mortgage.
- (h) **“Public street, road, or highway”** means the entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular traffic and includes any area designated or used for the public parking of motor vehicles within the Bois Forte Reservation.
- (i) **“Drive(s)” or “operate(s)”** in addition to their usual and customary meaning, means

being in actual physical control of a vehicle regardless of whether or not such vehicle is moving or stationary and, if such vehicle is self-propelled, regardless of whether or not the engine of such vehicle is then operating as long as the vehicle is operable.

- (j) **“Driver’s or operator’s license or driver’s permit”** means the required authorization to drive or operate a motor vehicle within the State of Minnesota pursuant to the provisions of Minnesota Statutes (1992), Chapter 171, and any subsequent amendments thereto. The term also includes the authorization to operate a motor vehicle only within the Bois Forte Reservation as such authorization may be conferred by resolution of the Bois Forte Reservation Tribal Council or by an Order of the Bois Forte Tribal Court.
- (k) **“Registration”** means the required registering of ownership of a motor vehicle within the State of Minnesota pursuant to the provisions of Minnesota Statutes (1992), Chapter 168, and any subsequent amendments thereto, or the Bois Forte Motor Vehicle Licensing Ordinance, adopted by Resolution No. 68-99, December 14, 1998, and any subsequent amendments thereto.
- (l) **“Insurance”** means the motor vehicle insurance required of every driver, operator, or owner of a motor vehicle within the State of Minnesota pursuant to the provisions of Minnesota Statutes (1992), Chapter 65B.41, et seq., and any subsequent amendments thereto.
- (m) **“Duties of driver or operator involved in an accident”** means those duties imposed upon drivers and operators of motor vehicles involved in motor vehicle accidents within the State of Minnesota pursuant to the provisions of Minnesota Statutes (1992), Chapter 169, and any subsequent amendments thereto.
- (n) **“Intoxicating liquor or drug”** means any lawful or unlawful substance, whether prescribed by a physician or not, which substance can substantially impair any person’s ability to operate a vehicle.
- (o) **“Private property”** means any area within the Bois Forte Reservation not open to the general public, the use and enjoyment of which is restricted by custom, law, ordinance, resolution, or agreement to one or more persons. Private property includes any private driveway or roadway contained within said area.
- (p) **“Police officer”** means any law enforcement officer having the power to make an arrest within the Bois Forte Reservation.
- (q) **“Minnesota traffic regulations”** means those provisions of existing Minnesota statutes in effect as of September 30, 1992, and thereafter, relating to the registration, ownership, driving, operation, insuring and use of vehicles within the State of Minnesota, which statutes are generally found in Chapter 65B, et seq., and in Chapters 168, 168A, 169, 170 and 171 of Minnesota Statutes (1992), and which have been enacted and incorporated by reference into the Bois Forte Traffic Code by resolution of the Bois Forte Reservation Tribal Council and which have not otherwise been

altered, amended, modified, or superseded by specific provisions of the Bois Forte Traffic Code.

- (r) **Other definitions.** Whenever any term, word, or phrase is used in the Bois Forte Traffic Code and the definition of such term, word, or phrase has not been otherwise defined above, or is not otherwise clearly discernible from the context in which it is used, but such term, word or phrase has been defined in Minnesota traffic regulations then, in such an event, the definition given to such term, word, or phrase in Minnesota traffic regulations shall apply.

8.1.3. Currently Valid Driver's or Operator's License or Permit.

- (a) It shall be unlawful for any person to drive, operate, or be in physical control of a motor vehicle anywhere within the Bois Forte Reservation open to the general public, including areas designated or used for the public parking of motor vehicles, if said person has not been issued a currently valid driver's or operator's license or driver's permit.
- (b) Any person convicted of having violated the provisions of Section 8.1.3(a), may be sentenced to payment of a fine not exceeding One Hundred Dollars (\$100.00) provided that said person has not been previously convicted in the Bois Forte Tribal Court for a similar offense within the year immediately preceding the commission of the latest offense.
- (c) Any person convicted of having violated the provisions of Section 8.1.3(a), who has been previously convicted in the Bois Forte Tribal Court for a similar offense within the year immediately preceding the commission of the latest offense, may be sentenced to be incarcerated for a period not to exceed thirty (30) days or payment of a fine not exceeding Three Hundred Dollars (\$300.00), or both.

8.1.4. Refusal to Display Driver's or Operator's License to a Police Officer.

- (a) It shall be unlawful for any person driving, operating, or in actual physical control of a motor vehicle anywhere within the Bois Forte Reservation open to the general public, including areas designated or used for the public parking of motor vehicles, to refuse or fail, without lawful excuse, to display his/her driver's or operator's license or driver's permit to any police officer who has requested of such person that the same be displayed.
- (b) Any person convicted of having violated the provisions of Section 8.1.4(a), may be sentenced to payment of a fine not exceeding One Hundred Dollars (\$100.00).

8.1.5. Driving or Operating a Motor Vehicle After Revocation or Suspension of License or Permit.

- (a) It shall be unlawful for any person whose driving privileges, or whose driver's or

operator's license or driver's permit is revoked or suspended, to drive or operate a motor vehicle anywhere within the Bois Forte Reservation open to the general public, including areas designated or used for the parking of motor vehicles.

- (b) Any person charged with a violation of Section 8.1.5(a), who asserts as an affirmative defense to said charge that he/she had been authorized to drive or operate a motor vehicle within the Bois Forte Reservation at the time of the commission of the alleged offense by either a duly enacted resolution of the Bois Forte Reservation Tribal Council or by an order of Bois Forte Tribal Court shall have the burden of establishing the same through a fair preponderance of the evidence.
- (c) Any person convicted of having violated the provisions of Section 8.1.5(a), may be sentenced to be incarcerated for a period not exceeding thirty (30) days or payment of a fine not exceeding Three Hundred Dollars (\$300.00), or both, providing that said person has not been previously convicted in the Bois Forte Tribal Court for a similar violation during the two (2) years immediately preceding the date of commission of the present offense.
- (d) Any person convicted of having violated the provisions of Section 8.1.5(a), who has been previously convicted in the Bois Forte Tribal Court for a similar violation during the two (2) years immediately preceding the date of commission of the present offense may be sentenced in accordance with the provisions of Section 5.1.9(d), of the Bois Forte Tribal Code.

8.1.6. Owner Allowing Another Person to Drive or Operate Owner's Motor Vehicle.

- (a) It shall be unlawful for any owner of a motor vehicle to allow another person to drive or operate the owner's motor vehicle anywhere within the Bois Forte Reservation open to the general public, including areas designated or used for the public parking of motor vehicles, if such owner knows or reasonably should know that the driver or operator has not been issued a currently valid driver's or operator's license or driver's permit, or if such owner knows or reasonably should know that the driver's or operator's driving privileges, driver's or operator's license, or driver's permit has been revoked or suspended.
- (b) Any person convicted of having violated the provisions of Section 8.1.6(a), may be sentenced to be incarcerated for a period not exceeding thirty (30) days or payment of a fine not exceeding Three Hundred Dollars (\$300.00), or both.

8.1.7. Driving or Operating a Motor Vehicle Contrary to any Current Conditions or Restrictions of Driving Privileges.

- (a) It shall be unlawful for any person, whose current driving privileges are in any manner conditioned or restricted, to drive or operate a motor vehicle contrary to the terms of such conditions or restrictions anywhere within the Bois Forte Reservation open to the general public, including those areas designated or used for the public parking of motor

vehicles.

- (b) Any person convicted of having violated the provisions of Section 8.1.7(a), may be sentenced to payment of a fine not exceeding One Hundred Dollars (\$100.00).

8.1.8. Allowing Another Person to Drive or Operate a Motor Vehicle Contrary to Current Conditions or Restrictions of the Other Person's Driving Privileges.

- (a) It shall be unlawful for any person to knowingly allow any other person, whose current driving privileges are in any manner conditioned or restricted, to drive or operate a motor vehicle contrary to the terms of such conditions or restrictions anywhere within the Bois Forte Reservation open to the general public, including those areas designated or used for the public parking of motor vehicles.
- (b) Any person convicted of having violated the provisions of Section 8.1.8(a), may be sentenced to payment of a fine not exceeding One Hundred Dollars (\$100.00).

8.1.9. Driving or Operating Motor Vehicle while Under the Influence of Alcohol or Controlled Substance.

- (a) It shall be unlawful for any person to drive, operate, or be in physical control of any motor vehicle within the Bois Forte Reservation:
 - (1) When the person is under the influence of alcohol;
 - (2) Whose ability to drive or operate such motor vehicle in a reasonable, prudent, and safe manner has been substantially impaired as a result of the induction into the bodily system of the defendant of any intoxicating liquor or drug;
 - (3) When the person is under the influence of a controlled substance, as defined in Minnesota Statutes (1992), Section 152.01, subd. 4;
 - (4) When the person is under the influence of a combination of any two or more of the elements named in clauses (1), (2), (3), and (7);
 - (5) When the person's blood alcohol concentration is 0.08 or more;
 - (6) When the person's blood alcohol concentration as measured within two hours of the time of driving, operation, or physical control of the motor vehicle is 0.08 or more; or
 - (7) When the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted by agencies or departments of the State of Minnesota under Minnesota Statutes (1992), Section 182.655 and that substantially affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to

drive or operate a motor vehicle.

(Resolution 26-2006; August 8, 2006)

- (b) Any person convicted of having violated the provisions of Section 8.1.9(a), may be sentenced to be incarcerated for a period not to exceed ninety (90) days or payment of a fine not exceeding Five Hundred Dollars (\$500.00), or both, providing that at the time of the commission of the violation for which conviction is entered the provisions contained in either subsections (c) or (d) below, did not apply.
- (c) Any person convicted of having violated the provisions of Section 8.1.9(a), who has been previously convicted of a similar offense in the Bois Forte Tribal Court during the two years immediately preceding the date of commission of the present offense or who has been convicted in any court(s) of competent jurisdiction of a similar offense two (2) or more times during the five (5) years immediately preceding the date of the present offense, may be sentenced in accordance with the provisions of Section 5.1.9(d), of the Bois Forte Tribal Code.
- (d) Any person convicted of having violated the provisions of Section 8.1.9(a), and who, at the time of the commission of the violation, was involved in a motor vehicle accident resulting in either serious bodily injury or death to another person which motor vehicle accident was due in whole, or in part, to the negligence of the person so convicted may be sentenced in accordance with the provisions of Section 5.1.9(d), of the Bois Forte Tribal Code.

8.1.10. Refusal and/or Failure to Allow Breath or Blood Alcohol Test to be Administered.

- (a) It shall be unlawful for any person who drives or operates a motor vehicle within the Bois Forte Reservation to refuse without lawful excuse, or fail without lawful excuse, to take, undergo, or have administered any breath or blood alcohol test reasonably and lawfully requested of said person by any law enforcement officer empowered to act within the Bois Forte Reservation.

(Resolution 95-2000; January 20, 2000)

- (b) Any person convicted of having violated Section 8.1.10(a), shall be sentenced in accordance with the provisions of Section 5.1.9(d), of the Bois Forte Tribal Code.
- (c) The expense of administering any blood alcohol test at a site other than within the Bois Forte Reservation, including the cost of analyzing and interpreting the results thereof, shall be borne by the person tested. The Tribal Court is authorized to issue such orders and/or judgments as may be necessary to enforce this provision.

8.1.11. Owner Allowing Another to Drive or Operate a Motor Vehicle While Intoxicated or Impaired.

- (a) It shall be unlawful for any person who is the owner of a motor vehicle to allow another person to drive, operate, or be in physical control of the owner's motor vehicle within the Bois Forte Reservation when said owner knows, or reasonably should know that the other person is intoxicated or that such person's ability to drive and/or operate such motor vehicle in a reasonably prudent and safe manner has been impaired as a result of the induction into the bodily system of such person of any intoxicating liquor or drug.
- (b) Any person convicted of having violated Section 8.1.11(a), shall be sentenced to incarceration for a period not to exceed ninety (90) days or to pay a fine not exceeding Five Hundred Dollars (\$500.00), or both.

8.1.12. Reckless Driving.

- (a) It shall be unlawful for any person to drive or operate a motor vehicle anywhere within the Bois Forte Reservation in a reckless and/or grossly negligent manner, or with willful or wanton disregard for the safety of persons or property.
- (b) Any person convicted of having violated the provisions of Section 8.1.12(a), may be sentenced to be incarcerated for a period not to exceed one hundred eighty (180) days or to payment of a fine not exceeding One Thousand Dollars (\$1,000.00), or both, provided that at the time of the commission of the violation for which conviction is entered the provisions contained in subsection (c) below did not apply.
- (c) Any person convicted of having violated the provisions of Section 8.1.12(a), and who, at the time of the commission of the violation, was involved in a motor vehicle accident resulting in either serious bodily injury or death to another person which motor vehicle accident was due in whole, or in part, to the defendant's recklessness, gross negligence, or willful or wanton disregard for the safety of persons or property, may be sentenced in accordance with the provisions of Section 5.1.9(d), of the Bois Forte Tribal Code.

8.1.13. Careless or Negligent Driving.

- (a) It shall be unlawful for any person to drive or operate a motor vehicle anywhere within the Bois Forte Reservation in a careless or negligent manner likely to endanger persons or property but which is not in a manner exhibiting gross negligence or recklessness or exhibiting a willful or wanton disregard for the safety of persons or property.
- (b) Any person convicted of having violated the provisions of Section 8.1.13(a), may be sentenced to be incarcerated for a period not to exceed thirty (30) days or payment of a fine not exceeding Five Hundred Dollars (\$500.00), or both, provided that at the time of the commission of the violation for which conviction is entered the provisions contained in subsection (c) below did not apply.

- (c) Any person convicted of having violated the provisions of Section 8.1.13(a), and who, at the time of the commission of the violation, was involved in a motor vehicle accident resulting in either serious bodily injury or death to another person which motor vehicle accident was due in whole, or in part, to the defendant's careless or negligent driving or operation of his/her motor vehicle may be sentenced to be incarcerated for a period not to exceed one hundred eighty (180) days or payment of a fine not exceeding One Thousand Dollars (\$1,000.00), or both.

8.1.14. Speeding.

- (a) It shall be unlawful for any person to drive or operate a motor vehicle upon any public street, road, or highway, or upon a frozen lake, stream, or pond, or in any other place open to the general public within the Bois Forte Reservation, including any area designated for the parking of motor vehicles:
 - (1) At other than a careful and prudent speed, not greater or less than is reasonable or proper, having due regard to existing road, traffic, and other conditions;
 - (2) At a speed greater than that which will permit the vehicle to be stopped within a clear, assured distance ahead; or
 - (3) At a speed greater than fifty-five (55) miles per hour or that which is posted, whichever is the lesser.
- (b) Any person convicted of having violated the provisions of Section 8.1.14(a), may be sentenced to payment of a fine not exceeding One Hundred Dollars (\$100.00), provided that at the time of the commission of the violation for which conviction is entered the provisions contained in either subsections (c) or (d) below did not apply.
- (c) Any person convicted of having violated the provisions of Section 8.1.14(a), who has been previously convicted in the Bois Forte Tribal Court for any violation of the Bois Forte Traffic Code during the two (2) years immediately preceding the date of commission of the present offense may be sentenced to be incarcerated for a period not to exceed fifteen (15) days or a payment of a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or both, provided that at the time of the commission of the violation for which conviction is entered the provisions contained in subsection (d) below did not apply.
- (d) Any person convicted of having violated the provisions of Section 8.1.14(a), and who, at the time of the commission of the violation, was involved in a motor vehicle accident resulting in either serious bodily injury or death to another person which motor vehicle accident was due in whole, or in part, to the excessive speed at which the defendant was driving or operating his/her automobile may be sentenced to be incarcerated for a period not to exceed one hundred eighty (180) days or payment of a fine not exceeding One Thousand Dollars (\$1,000.00), or both.

8.1.15. Duties of Driver Involved in an Accident.

- (a) It shall be unlawful for any person driving or operating a motor vehicle within the Bois Forte Reservation who is involved in an accident resulting in damage to property or resulting in injury or death to any person, or both, to fail to report said accident to the Bois Forte Police Department in a manner consistent with the duties imposed by Minnesota traffic regulations upon a driver or operator of a motor vehicle involved in an accident anywhere within the State of Minnesota.
- (b) Any person convicted of having violated the provisions of Section 8.1.15(a), may be sentenced as follows:
 - (1) To payment of a fine not exceeding One Hundred Dollars (\$100.00) if the accident resulted in property damage only and said property damage does not exceed Five Hundred Dollars (\$500.00);
 - (2) To be incarcerated for a period not to exceed ninety days (90) days or payment of a fine not exceeding Five Hundred Dollars (\$500.00), or both, if the person leaves the scene of an accident other than for the express purpose of reporting said accident or obtaining medical assistance for any person injured as a result of said accident, or if the property damage resulting from said accident exceeds Five Hundred Dollars, or if any person or persons were injured as a result of said accident, or any combination of the above.
- (c) If the person leaves the scene of an accident, other than for the express purpose of reporting said accident or obtaining medical assistance for any person injured as a result of said accident, and if such accident results in the death of any person, then the person may be sentenced in accordance with the provisions of Section 5.1.9(d), of the Bois Forte Tribal Code. Any person who raises as an affirmative defense to an alleged violation of this section that he/she left the scene of the accident for the express purpose of reporting said accident or for the express purpose of obtaining medical assistance for any person injured as a result of such accident, or both, shall have the burden of establishing such defense by a fair preponderance of the evidence.

8.1.16. Motor Vehicle Insurance.

- (a) It shall be unlawful for any person:
 - (1) To drive or operate a motor vehicle within the Bois Forte Reservation, including any areas designated for the public parking of motor vehicles, if either the person or the motor vehicle is not currently insured pursuant to Minnesota traffic regulations; or
 - (2) Who is the owner of a motor vehicle to allow said motor vehicle to be driven or operated within the Bois Forte Reservation, including any areas designated for the public parking of vehicles, if said vehicle is not currently insured pursuant to

Minnesota traffic regulations.

- (b) Any person convicted of having violated the provisions of Section 8.1.16(a), may be sentenced to payment of a fine not exceeding One Hundred Dollars (\$100.00), provided that said person has not been previously convicted in the Bois Forte Tribal Court for any similar violations of the Bois Forte Traffic Code during the two (2) years immediately preceding the date of commission of the present offense.
- (c) Any person convicted of having violated the provisions of Section 8.1.16(a), who has been previously convicted in the Bois Forte Tribal Court for any similar violation of the Bois Forte Traffic Code during the two (2) years immediately preceding the date of commission of the present offense may be sentenced to be incarcerated for a period not to exceed fifteen (15) days or a payment of a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or both.

8.1.17. Motor Vehicle Registration.

- (a) It shall be unlawful for any person:
 - (1) To drive or operate a motor vehicle within any area of the Bois Forte Reservation open to the public, including any areas designated for the public parking of motor vehicles, if either the person or the motor vehicle is not currently registered pursuant to Minnesota Traffic regulations or the laws of the Bois Forte Band; or
 - (2) Who is the owner of a motor vehicle to allow said motor vehicle to be driven or operated within any area of the Bois Forte Reservation open to the public, including any areas designed for the public parking of vehicles, if said vehicle is not currently registered pursuant to Minnesota traffic regulations or the laws of the Bois Forte Band.

(Resolution 95-2000; January 20, 2000)

- (b) Any person convicted of having violated the provisions of Section 8.1.17(a), may be sentenced to payment of a fine not exceeding One Hundred Dollars (\$100.00), provided that said person has not been previously convicted in the Bois Forte Tribal Court for any similar violations of the Bois Forte Traffic Code during the two (2) years immediately preceding the date of commission of the present offense.
- (c) Any person convicted of having violated the provisions of Section 8.1.17(a), who has been previously convicted in the Bois Forte Tribal Court for any similar violation of the Bois Forte Traffic Code during the two (2) years immediately preceding the date of commission of the present offense may be sentenced to be incarcerated for a period not to exceed fifteen (15) days or a payment of a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or both.

8.1.18. Required Equipment.

- (a) It shall be unlawful for any person to operate a motor vehicle in any area of the Bois Forte Reservation open to the public, including any areas designated for the public parking of vehicles, if said vehicle is not currently equipped pursuant to Minnesota traffic regulations.
- (b) Any person convicted of having violated the provisions of Section 8.1.18(a), may be sentenced to payment of a fine not exceeding One Hundred Dollars (\$100.00), provided that said person has not been previously convicted in the Bois Forte Tribal Court for any similar violations of the Bois Forte Traffic Code during the two (2) years immediately preceding the date of commission of the present offense.
- (c) Any person convicted of having violated the provisions of Section 8.1.18(a), who has been previously convicted in the Bois Forte Tribal Court for any similar violation of the Bois Forte Traffic Code during the two (2) years immediately preceding the date of commission of the present offense may be sentenced to be incarcerated for a period not to exceed fifteen (15) days or a payment of a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or both.

8.1.19. Prohibited Parking.

- (a) It shall be unlawful for any person to park a vehicle, except when necessary to avoid conflict with other traffic or when in compliance with any law, ordinance, or directions of a tribal police officer, in any of the following places:
 - (1) On a sidewalk;
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within fifteen (15) feet of a fire hydrant;
 - (5) On a crosswalk;
 - (6) On any public street, road, or highway and alongside of any other vehicle stopped or parked on said street, road, or highway (*e.g.*, “double-parking”);
 - (7) In any manner likely to impede or obstruct traffic or to endanger the safety of persons or property;
 - (8) In any area posted “No Parking” or posted so as to restrict parking to certain persons or vehicles, including areas restricted to vehicles of disabled persons only, unless the posted restriction does not apply to the person operating the vehicle or to the vehicle;

- (9) On any public street, road, or highway within the boundary limits of Nett Lake Village after 1800 hours, November 15 of each calendar year and prior to 0600 hours, May 15 of each following calendar year except as otherwise authorized by any calendar, or other parking, plan approved by the Bois Forte Reservation Tribal Council and then in effect; or
- (10) On any public street, road, or highway within the territory of the Bois Forte Band in a manner not authorized by a parking plan approved by the Bois Forte Reservation Tribal Council and then in effect.

(Resolution 74-2003; November 21, 2002)

- (b) Any person convicted of a violation of Section 8.1.19(a)(1) through (6) or (9) through (10), may be sentenced to payment of a fine not exceeding Ten Dollars (\$10.00).
- (c) Any person convicted of a violation of Section 8.1.19(a)(7) or (8), may be sentenced to payment of a fine not exceeding Fifty Dollars (\$50.00).

8.1.20. Mandatory Use of Seat Belts, Child Passenger Restraints, and Approved Helmets.

- (a) Except as otherwise provided herein, it shall be unlawful for any person to occupy the front seat(s) or, if the person is under the age of thirteen (13) years to occupy any seat, of a passenger vehicle being driven or operated upon any public street, road, or highway, or upon a frozen lake, stream, or pond, or in any other place open to the general public within the Bois Forte Reservation, including any area designated for the parking of motor vehicles, unless said person is securely fastened with an operable seat belt.
- (b) It shall be unlawful for any parent, guardian, or custodian of an infant or child four (4) years of age or younger, when transporting the child in a non-commercial motor vehicle being driven or operated upon any public street, road, or highway, or upon a frozen lake, stream, or pond, or in any other place open to the general public within the Bois Forte Reservation, including any area designated for the parking of motor vehicles, to fail to secure said infant or child in a child passenger restraint system. The child passenger restraint system shall meet Federal Motor Vehicle Safety Standards.

(Resolution 74-2003; November 21, 2002)

- (c) Except as otherwise provided herein, it shall be unlawful for any person to drive or operate a motor vehicle upon any public street, road, or highway, or upon a frozen lake, stream, or pond, or in any other place open to the general public within the Bois Forte Reservation, including any area designated for the parking of motor vehicles, if any other occupant of said passenger vehicle is in violation of subsection (a) and/or (b) above.

- (d) It shall be unlawful for any person to operate or occupy a motorcycle, ATV, or snowmobile upon any public street, road, or highway, or upon a frozen lake, stream, or pond, or in any other place open to the general public within the Bois Forte Reservation, including any area designated for the parking of motor vehicles, unless said person is then wearing a helmet approved for such use in accordance with standards set by the Bois Forte Reservation Tribal Council or, if no such standards exist, in accordance with standards set by the State of Minnesota.
- (e) This section does not apply:
 - (1) To any vehicle that is parked;
 - (2) To any police or other emergency vehicle; or
 - (3) So as to require the use of a seat belt by the operator of any vehicle being used for a purpose necessitating repeated stops at frequent intervals (*i.e.*, garbage, mail, milk, or similar delivery or pickup).
- (f) No motor vehicle shall be stopped by any law enforcement officer solely because of an alleged violation of subsection (a) or (b) above, nor shall any person be charged with violating subsection (a) or (b) above, unless a motor vehicle accident has taken place or there has also been a concurrent moving violation of another section of this Title.
- (g) Any person convicted of a violation of Section 8.1.20, subsections (a) through (e), may be sentenced to pay a fine not exceeding Fifty Dollars (\$50.00).

8.1.21. Underage Operation of ATV's, Snowmobiles, and Other Recreational Vehicles.

- (a) It shall be unlawful for any minor under the age of fourteen (14) years to operate an ATV, snowmobile, or other similar recreational vehicle anywhere within the boundaries of the Bois Forte Reservation unless accompanied on said vehicle or on a companion vehicle by said minor's parent, guardian, or custodian or by another adult.
- (b) It shall be unlawful for any person to permit any minor under the age of fourteen (14) years to operate an ATV, snowmobile, or other similar recreational vehicle unless accompanied on said vehicle or on a companion vehicle by said minor's parent, guardian, or custodian or by another adult.
- (c) It shall be unlawful for any person to allow any other person under the age of twelve (12) years to drive or operate an ATV, snowmobile, or other recreational vehicle anywhere within the boundaries of the Bois Forte Reservation.
- (d) Any person convicted of a violation of Section 8.1.21, subsection (b) or (c), shall be sentenced to pay a fine not exceeding One Hundred Dollars (\$100.00).

8.1.22. Other Violations.

- (a) It shall be unlawful for the driver or operator of any motor vehicle within the boundaries of the Bois Forte Reservation to:
- (1) Fail to stop for a “Stop Sign;”
 - (2) Fail to yield to any motor vehicle approaching from the right at any intersection or for any vehicle or pedestrian already within said intersection;
 - (3) Fail to give way and stop for any approaching emergency vehicle whose emergency lights are flashing or whose siren is being sounded;
 - (4) Fail to stop at least fifty (50) feet distant from any marked school bus whose lights are flashing and whose stop sign is extended;
 - (5) Pass another vehicle in a zone marked “No Passing,” in an intersection, in the path of an on-coming vehicle or, in any manner in which the pass cannot safely be completed without reasonable risk of causing damage to another vehicle or injuries to other persons;
 - (6) Fail, without lawful excuse, to obey the order(s) of any law enforcement officer directing traffic;
 - (7) Return to the scene of an arrest, traffic stop, and/or accident without lawful excuse after having been directed by a law enforcement officer to leave the scene of such arrest, traffic stop, and/or accident;
 - (8) Cross over the center line of any street, road, or highway except for the purpose of lawfully passing another vehicle or to avert an obstruction and, in such an event, only when the vehicle can be brought safely back into the proper lane without reasonable risk of causing damage to another vehicle or injuries to another person.
 - (9) Fail to keep and maintain a reasonable distance between the vehicle being operated and any vehicle immediately ahead;
 - (10) Operate a motor vehicle without both headlights and both taillights on and in working condition during any period of fog, rain, snow, sleet, freezing rain, drizzle, or during the period from sunset to sunrise;
 - (11) Fail to signal any turn or stop using appropriate turn signal lights or brake lights as the case may be; or
 - (12) Possess, have or allow another person to have, within the passenger compartment of a motor vehicle being operated upon any public street, road, or highway, or upon a frozen lake, stream, or pond, or in any other place open to the general public

within the Bois Forte Reservation, including any area designated for the parking of motor vehicles, an open bottle, can, or other container containing any quantity of alcohol or intoxicating liquor. It shall also be unlawful for any other person who is an occupant of a motor vehicle being so operated to possess or have an open bottle, can, or other container containing any quantity of alcohol or intoxicating liquor.

- (b) It shall be unlawful for any driver or operator of a motor vehicle to purposefully flee in a motor vehicle from a law enforcement officer who is either pursuing said driver or operator or who has stopped, or assisted another law enforcement officer, in stopping said driver or operator.
- (c) Any person convicted of a violation of Section 8.1.22(a), shall be sentenced to pay a fine not exceeding One Hundred Dollars (\$100.00).
- (d) Any person convicted of a violation of Section 8.1.22(b), may be sentenced in accordance with the provisions of Section 5.1.9(d), of the Bois Forte Tribal Code.

8.1.23. Miscellaneous Violations of Minnesota Traffic Regulations.

- (a) Except as otherwise provided herein, it shall be unlawful for any person to drive or operate a motor vehicle upon any public street, road, or highway, or upon a frozen lake, stream, or pond, or in any other place open to the general public within the Bois Forte Reservation, including any area designated for the parking of motor vehicles, in violation of Minnesota traffic regulations.
- (b) Any person convicted of a violation of Section 8.1.23(a), may be sentenced to payment of a fine not exceeding One Hundred Dollars (\$100.00), provided said violation did not cause or result in damage to property or did not cause or result in the serious bodily injury or death of any person.
- (c) Any person convicted of a violation of 8.1.23(a), may be sentenced to be incarcerated for a period not to exceed ten (10) days or payment of a fine not exceeding Two Hundred Dollars (\$200.00), or both, providing that said violation caused or resulted in damage to property but did not cause or result in the serious bodily injury or death of any person.
- (d) Any person convicted of a violation of 8.1.23(a), may be sentenced in accordance with the provisions of Section 5.1.9(d), of the Bois Forte Tribal Code provided that said violation caused or resulted in the serious bodily injury or death of any person.
- (e) In the event that the commission of an act in violation of this section also constitutes a violation of any other section of the Bois Forte Traffic Code governing the commission of such an act, such other section shall apply and, upon conviction for a violation thereof, the sentence imposed shall be that set forth in such other section of the Bois Forte Traffic Code.

- (f) Violation of any provision of Minnesota traffic regulations hereinafter enacted, altered, amended, or modified pursuant to the laws of the State of Minnesota (except as the same applies to the registration of motor vehicles, licensing of drivers and operators, reporting of accidents, and insuring of drivers, operators and owners of motor vehicles) shall not be a violation of this section unless said provision has been incorporated by reference into the Bois Forte Traffic Code through the subsequent enactment by the Bois Forte Reservation Tribal Council of a resolution, ordinance, or regulation to that effect.

8.1.24. Jurisdiction.

- (a) The Bois Forte Traffic Code shall extend to the Bois Forte Reservation, as defined herein.
- (b) The Band's inherent sovereign authority includes those powers flowing from the Band's authority to exclude non-members from its territory, including the power to place conditions on non-members' entry onto and continued presence on lands within the Band's jurisdiction, and the power to regulate non-members' conduct on such land. The Band's inherent sovereign authority also includes the power to exercise jurisdiction over nonmembers who have consented to the jurisdiction of the Band or its Tribal Court, or whose conduct affects the political integrity, the economic security, or the health or welfare of the Band or any of its members. The Band's jurisdiction under federal law includes the full scope of tribal jurisdiction recognized under federal common law and statute, including with respect to civil and criminal matters.
- (c) The following persons and entities are subject to the Band's jurisdiction under this Code to the maximum extent permitted under Band and Federal law:
 - (1) All Band members and non-member Indians within the Bois Forte Reservation;
 - (2) All other persons and entities within the Bois Forte Reservation who consent to the regulatory and adjudicatory jurisdiction of the Band and/or engages in conduct that threatens or directly affects the political integrity, the economic security, or the health or welfare of the Band or any of its members.
 - (A) For purposes of this Code, a person or entity consents to the regulatory and adjudicatory jurisdiction of the Band and its Tribal Court by: entering into a consensual relationship with the Band, tribal entities, tribal corporations, or tribal members, that relates to the matters governed by this Code, including but not limited to: contracts or other agreements in any form; applying for and receiving any licenses, permits, or other authorizations required or permitted by this Code; voluntarily entering tribal land or property; operating a vehicle or motor vehicle within the Bois Forte Reservation; engaging in any activity or conduct that is authorized, regulated or conducted by the Band, an arm of the Band or tribal corporation; or, by any another expression of intent to consent to the authority of the Band or the jurisdiction of the Bois Forte Tribal Court.

- (B) For purposes of this Code, a person threatens and directly affects the health or welfare of the Band or any of its members by, without limitation, engaging in conduct which violates any provision of this Code.
- (3) All persons within the Bois Forte Reservation who are subject to the Band's criminal jurisdiction, under 25 U.S.C. § 1304(b)(4)(A), and Title 5, Chapter 2, of the Bois Forte Tribal Code for any violation of the Band's criminal law that involves interfering with the administration or due process of the Band's laws, including the Code.
- (d) Notwithstanding anything to the contrary herein, the Bois Forte Tribal Court's exercise of jurisdiction over non-Indians for violations of this Traffic Code shall be civil in nature and the Court shall be limited to imposing civil sanctions and monetary fines for violations of the Traffic Code by non-Indians.
- (e) In addition to any other powers and authority which it may possess, the Bois Forte Tribal Court, upon entering a conviction of any person for having violated a provision of the Bois Forte Traffic Code:
- (1) Shall have the authority to revoke, suspend, modify, extend, condition, limit, or restrict the driving privileges of said person within the Bois Forte Reservation for a period of time not to exceed one (1) year from the date of the conviction;
 - (2) May direct the Clerk of the Bois Forte Tribal Court or the Nett Lake Police Department to notify any governmental agency, whether Indian, federal, state, or otherwise, having authority to issue licenses and permits to drive or operate motor vehicles and/or having authority to register, the ownership of motor vehicles, of the name, address, driver's or operator's license or permit number, motor vehicle registration identification, date and nature of offense, and date of conviction thereof, of any person so convicted; and
 - (3) May direct the person convicted to attend a counseling, educational, treatment, or similar program designed to address and/or correct the condition or circumstances which gave rise to the offense for which conviction was entered.
- (f) The Bois Forte Tribal Court shall have the authority to establish and publish a Uniform Bail and Forfeiture Schedule applying to all offenses enumerated within this Title.
- (g) The Bois Forte Tribal Court shall have the authority to establish and publish a uniform procedure wherein persons charged with alleged violations of this Title may enter a plea of guilty to the alleged offense simply by both endorsing the back of the traffic citation issued to such person and by paying to the Clerk of the Bois Tribal Court such fine as has been previously set by the court for the violation.

- (h) The powers and authority conferred upon the Bois Forte Tribal Court under this section shall be exercised at the sole discretion of the court.

8.1.25. Violations by Minors.

- (a) The Bois Forte Tribal Court, Juvenile Division, shall have sole and exclusive jurisdiction over any person under the age of eighteen (18) years who is alleged to have committed a violation of the Bois Forte Traffic Code. Proceedings may be commenced in the Juvenile Division of the Bois Forte Tribal Court by either the issuance and filing of a traffic citation or of a juvenile delinquency petition pursuant to Title 7, Sections 7.2.3 and 7.2.4, setting forth the alleged violation(s).
- (b) Upon entering a finding that the minor has committed the violation(s) alleged, the Bois Forte Tribal Court, Juvenile Division, shall, in addition to all other authority it may have, be empowered to impose upon said minor a fine similar to that which would be imposed if the minor were an adult having been convicted of the same violation and the Court shall also have the authority to impose any of the procedures authorized in Section 8.1.24(e), subsections (1) through (3), above.

8.1.26. Applicability of Minnesota Traffic Regulations.

- (a) Except as otherwise provided herein, all provisions of Minnesota traffic regulations in effect as of September 30, 1992 are hereby adopted and incorporated by reference into the Bois Forte Traffic Code.
- (b) No provision of Minnesota traffic regulations, including violations and/or sentences to be imposed upon conviction for violations, shall have any applicability herein if the subject matter of said provision is specifically addressed by, or within, other sections of the Bois Forte Traffic Code, the Bois Forte Tribal Code, or by other resolutions, ordinances, or regulations enacted by the Bois Forte Reservation Tribal Council.
- (c) No past, present, or future decision of any district or appellate court of the State of Minnesota, or of any federal court, with regard to Minnesota traffic regulations shall, of itself, have any lawful or binding effect of any matter within the jurisdiction of the Bois Forte Tribal Court except insofar as any such decision shall apply generally to all Indian tribal courts or shall have been directed to apply to the Bois Forte Tribal Court by order of a court having competent jurisdiction.

8.1.27. Repeal of Prior Provisions and Ordinances.

Upon the effective date of this ordinance all prior provisions of Title 8, Sections 8.1.1 through 8.1.18 (Motor Vehicle Code), of the Bois Forte Tribal Code, together with all previously enacted resolutions, ordinances, and regulations pertaining to the driving and operation of motor vehicles within the Bois Forte Reservation shall be, and are, repealed.

8.1.28. Copies; Duties of the Clerk of Bois Forte Tribal Court.

- (a) The Clerk of the Bois Forte Tribal Court shall maintain and keep open for inspection by the general public copies of the Bois Forte Traffic Code.
- (b) The Clerk of the Bois Forte Tribal Court shall distribute copies of the Bois Forte Traffic Code to the Secretary of the United States Department of Interior, the Superintendent of the Minnesota Agency, Bureau of Indian Affairs, the Judge of the Bois Forte Tribal Court, the Nett Lake Police Department, the Bois Forte Judicial Services Coordinator, the Bois Forte Tribal Court Prosecutor, the Indian Legal Assistance Program, Duluth, MN, and to such other persons or agencies as the Clerk may deem necessary.
- (c) The Clerk of the Bois Forte Tribal Court shall cause copies of the Bois Forte Traffic Code to be publicly posted at several and various locations throughout both the Nett Lake and Vermillion sectors of the Bois Forte Reservation and copies shall also be made available, at cost, to any member of the Bois Forte Band of Chippewa or resident of the Bois Forte Reservation, or other interested person, requesting the same.

8.1.29. Effective Date.

The effective date of this, the revised Bois Forte Traffic Code, shall be December 10, 1992.