

St. Croix Tribal Council

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TRIBAL COUNCIL

"Jay" Emery, Jr.
Chairman
Sand Lake Community

Hazel Hindsley
Vice-Chairperson
Maple Plain Community

Lewis Taylor
Secretary/Treasurer
Sand Lake Community

Gloria E. Benjamin
Member
Danbury Community

David Merrill
Member
Round Lake Community

EXECUTIVE SECRETARY

Mary Hartmann

HEALTH DIRECTOR

Phyllis Lowe

PERSONNEL DIRECTOR

Roberta Reynolds

INTERSTATE

Gloria E. Benjamin
Jr

Roxanne Pardun
Accounting Clerk

COMPTROLLER

Rick Petersen

PLANNING DEPARTMENT

Richard F. Hartmann

JUDICIAL BRANCH

Louis Bearheart
Gloria Merrill
Judges

Penny Nelson
Court Clerk

TRIBAL ATTORNEY

Howard J. Bichler
Lenore Knudtson

Julie Nelson
Office Manager

ENTERPRISES

St. Croix Casino
Lake
The Wall Casino
Danbury
Little Turtle Hertel Express
St. Croix Ojibwa Construction Co.

RESOLUTION NO. 4/103-01

WHEREAS, the St. Croix Tribal Council is the governing body of the St. Croix Chippewa Indians of Wisconsin, and

WHEREAS, the St. Croix Tribal Council, under Article V of the St. Croix Tribal Constitution, is empowered to enact ordinances that further self-government of the Tribe, and

WHEREAS, the health and safety of tribal members and those residing on Tribal lands requires an ordinance to provide for curfews, adult responsibility and protection of youth, and

WHEREAS, the attached Ordinance provides for such regulation as well as enforcement, consequences and tribal court jurisdiction;

NOW, THEREFORE BE IT RESOLVED, that the St. Croix Tribal Council hereby adopts the attached St. Croix Chippewa Indians of Wisconsin Curfew Ordinance.

Certification

I, the undersigned as Secretary/Treasurer of the St. Croix Tribal Council, do hereby certify that the council is composed of five (5) members of whom 5 were present, constituting a quorum, at a meeting duly called, convened and held this 15 day of April, 2003, and that the foregoing resolution was adopted at said meeting by an affirmative vote of 5 members for, 0 against, and 0 members abstaining from the vote; and that said resolution has not been rescinded or amended in any way.

Lewis Taylor, Secretary/Treasurer
St. Croix Tribal Council

Chapter 607. CURFEWS FOR CHILDREN

Section 607.01 - Prohibited Behaviors.

- (a) Regulation of Children Under the Age of Sixteen (16). It shall be unlawful for any person under sixteen (16) years of age to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place on the St. Croix Reservation between the hours of 9:00pm and 6:00am Sunday through Thursday and between the hours of 10:00pm and 6:00am Friday and Saturday; unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefore. A child, unaccompanied by parent, guardian or other person having legal custody who is found upon any such public place during the aforementioned hours shall be reputably presumed to be there unlawfully and without reasonable excuse.
- (b) Regulation of Children Aged Sixteen (16) or Older and Under the Age of Eighteen (18). It shall be unlawful for any person sixteen or older but under the age of eighteen (18) years of age to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place on the St. Croix Reservation between the hours of 11:00pm and 6:00am Sunday through Thursday and between the hours of 12:00 midnight and 6:00am Friday and Saturday; unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefore. A child, unaccompanied by parent, guardian or other person having legal custody who is found upon any such public place during the aforementioned hours shall be reputably presumed to be there unlawfully and without reasonable excuse.
- (c) Exceptions.
- (1) This section shall not apply to a child:
 - (a) Who is on his or her own premises or in the areas immediately adjacent thereto.
 - (b) Whose employment, paid or otherwise, makes it necessary to be upon the streets, alleys, or public places or in any motor vehicle during such hours.
 - (c) Who is returning home from a supervised school, ceremonial, civic or community function.
 - (d) Who is otherwise lawfully exercising treaty-protected hunting, fishing or gathering rights.
 - (2) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.
- (d) Regulations of Parents and Guardians. It shall be unlawful for any parent, guardian or other person having the lawful custody and control of any person under eighteen (18) years of age to allow or permit such person to violate the provisions of (a), (b) or (c)(2), above. If a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this section occurring within thirty (30)

days of the present offense it shall be reputably presumed that the parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person notification to the St. Croix Police Department or County Sheriff's Department shall not be considered to have allowed or permitted any person under eighteen (18) years of age to violate this section.

- (e) Regulation of Other Adults. It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any child under eighteen (18) years of age to loiter, loaf or idle in such place during the hours prohibited by this section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this Section shall find a person under eighteen (18) years of age loitering, loafing, or idling in such place of business, the operator shall immediately notify the St. Croix Police Department and inform them of the violation.

Section 607.02 - Detention Authorized.

Every law enforcement officer is hereby authorized to detain any child violating the provisions of this chapter until such time as the parent, guardian, or person having legal custody of the child shall be immediately notified and the person notified shall as soon as reasonably possible thereafter report to the police or sheriff's department for the purpose of taking physical custody of the child and shall sign a release for him or her. If no response is received, the police or sheriff's department shall cite the child under the applicable section of this ordinance, and if a parent or guardian cannot be located, deliver the child to his or her residence if the conditions at the residence are suitable. If conditions at the residence are unsuitable, or if the child is under the age of 10, the police or sheriff's department shall refer the child and request a transfer of custody of the child to the St. Croix Indian Child Welfare Department or County Social Services Department.

Section 607.03 - Penalties.

- (a) First Offense. The first time any person is suspected of violating any provision of this chapter, the person shall be given a written warning and advised of the general requirements of this chapter and that a subsequent violation may result in the application of a penalty or forfeiture as provided in this section.
- (b) Subsequent Offense-Child. Any child under eighteen (18) years of age who has been warned in the manner provided in section 607.03(a) And who thereafter shall violate section 607.01(a) or (b) shall, upon conviction thereof, forfeit not less than one dollar (\$1.00) nor more than Twenty-Five Dollars (\$25.00), together with the cost of prosecution. The St. Croix Tribal Court may also order the child cited herein to perform community service appropriate to the age of the child and circumstances of the violation. The parent, guardian or person having legal custody of the child cited herein is responsible to the court to see that the child complies with court-ordered community service.

(c) Subsequent Offense-Parent or Guardian. Any parent, guardian or person having legal custody of a child, and who has been warned in the manner provided in Section 607.03(a), and when child thereafter violates any of the provisions of this chapter shall be subject to a forfeiture of:

- (1) not less than Twenty-Five Dollars (\$25.00) and not more than Two hundred Fifty Dollars (\$250.00) for any violation that has not been preceded within five years by a previous conviction;
- (2) not less than Fifty Dollars (\$50.00) and not more than Two hundred Fifty Dollars (\$250.00) for any violation occurring within five years after a first conviction;
- (3) not less than One Hundred Dollars (\$100.00) and not more than Two hundred Fifty Dollars (\$250.00) for any violation occurring after a second conviction; and,
- (4) not less than Two Hundred Dollars (\$200.00) and not more than Two hundred Fifty Dollars (\$250.00) for any violations occurring within five years after a third or subsequent conviction,

together with the cost of prosecution. The court may also order the parent, guardian or person having legal custody of the child cited herein to perform community service appropriate to circumstances of the violation.

(d) Other Adults. Any person, firm or organization who has been warned under Section 607.03(a) and who thereafter violates Section 607.01(e), shall be Subject to a forfeiture of not less than Twenty-Five Dollars (\$25.00) and not more than Two Hundred Fifty Dollars (\$250.00), together with the costs of prosecution.

(e) Responsibility for Payment. The child and adult or adults cited are responsible for payment of any fines levied herein. This subsection expressly prohibits payment of fines levied against a child or adult herein using Tribal Council funds.

Section 607.04 - Children's Code.

Nothing in this Chapter shall be construed to limit any actions or remedies available under the Children's Code.

Section 607.05 - Tribal Court.

(a) Jurisdiction. The St. Croix Tribal Court shall have jurisdiction to hear and decide all cases brought under this chapter.

(b) Citation. All cases brought under this Chapter shall be commenced by a Citation containing the following information:

- (1) Name of defendant and address if known.
- (2) Date, time, and place of alleged violation.
- (3) Section number allegedly violated, and brief written description of violation.
- (4) Dated signature of officer issuing violation.
- (5) Instructions regarding appearance and pleading in tribal court.

