

FOND DU LAC ORDINANCE #10/98 AMENDED

FOND DU LAC RESERVATION TRAFFIC CODE

Adopted by Resolution #1293/98 of the Fond du Lac Reservation Business Committee on September 1, 1998.

Amended by Resolution #1391/98 of the Fond du Lac Reservation Business Committee on December 8, 1998.

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FOND DU LAC ORDINANCE #10/98, AS AMENDED

FOND DU LAC RESERVATION TRAFFIC CODE

CHAPTER 100

AUTHORITY, PURPOSE & DEFINITIONS

Section 101 Authority

This Ordinance is enacted pursuant to the inherent sovereign authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as granted by Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, and as recognized by the United States under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, and under the Treaty of LaPointe with the United States of September 30, 1854, 10 Stat. 1109.

Section 102 Purpose

The purpose of this Ordinance is to protect the health, safety and welfare of the residents of the Fond du Lac Reservation through the establishment of minimum standards of highway safety for all public roadways within the boundaries of the Fond du Lac Reservation.

Section 103 Definitions

The terms used in this Ordinance shall have the same meaning given to such terms under Chapter 169 of the Statutes of the State of Minnesota, except as follows:

- (a) "Band" shall mean the Fond du Lac Band of Lake Superior Chippewa.
- (b) "Band member" shall mean an enrolled member of the Fond du Lac Band of Lake Superior Chippewa.
- (c) "Band officer" shall mean any peace officer or conservation officer of the Fond du Lac Band, and any officer of a federal, state or local government with which the Reservation Business Committee has entered into an agreement for the purposes of enforcing the provisions of this Ordinance.

- (d) "Driver" shall mean an enrolled member of the Fond du Lac Band of Lake Superior Chippewa or other enrolled member of the Minnesota Chippewa Tribe.
- (e) "Fond du Lac Reservation" shall mean all lands within the exterior boundaries of the Fond du Lac Reservation and all trust lands held by the United States for the Fond du Lac Band.
- (e) "Minnesota Chippewa Tribe" shall mean the federally-recognized Indian tribe organized pursuant to the Indian Reorganization Act of 1934, 25 U.S.C. §476, comprising the Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs and White Earth Bands of Chippewa.
- (f) "Public roadway" shall mean any highway, street, or other roadway situated within the boundaries of the Fond du Lac Reservation
- (g) "Registrar" shall mean the Registrar of the Fond du Lac Band.
- (h) "Reservation Business Committee" shall mean the governing body of the Fond du Lac Band.
- (i) "Motor Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway or roadway.

Section 104 Scope

The provisions of this Ordinance shall apply to all enrolled members of the Fond du Lac Band and to other enrolled members of the Minnesota Chippewa Tribe who are drivers of vehicles within the boundaries of the Fond du Lac Reservation.

Section 105 Nonwaiver of Immunity

Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band of Lake Superior Chippewa or the Minnesota Chippewa Tribe, which shall extend to all officers, employees and agents who are engaged in the administration or enforcement of the provisions herein.

CHAPTER 200

VIOLATIONS

Section 201 Violations

It shall be a violation of this Ordinance for any driver while within the boundaries of the Fond du Lac Reservation, to do any act, whether by omission or commission, which would constitute a violation of any specific section of this Chapter.

Section 202 Failure to Comply; Obstruction of an Officer

No person shall willfully fail or refuse to comply with any lawful order or direction of any officer who has been authorized by the Fond du Lac Reservation Business Committee to administer or enforce the provisions of this Ordinance. No person shall obstruct the efforts of any officer who is lawfully engaged in the administration or enforcement of this Ordinance.

Section 203 Defacement or Removal of Signs

No person shall, without lawful authority, deface, alter, knock down, or remove any official traffic-control device or boundary sign, or any part thereof, within the Fond du Lac Reservation.

Section 204 Accidents

(a) Driver to Stop

- (1) Accidents resulting in bodily injury. Any driver of a vehicle involved in an accident resulting in the bodily injury or death of any person shall immediately stop the vehicle at the scene of the accident, or as close thereto as possible, and shall then return to, and in every event shall remain at the scene of the accident until he or she has fulfilled the requirements of subsection (b) of this section as to the provision of information and assistance. The stop shall be made without unnecessarily obstructing traffic.
- (2) Accidents not resulting in bodily injury. Any driver involved in an accident with a vehicle which is driven or unattended shall immediately stop such

vehicle at the scene of the accident, or as close thereto as possible, but shall immediately return to, and in every event shall remain at the scene of the accident until he or she has fulfilled the requirements of subsection (b) of this section as to the provision of information and assistance. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Driver to provide information and assistance. Any driver of a vehicle involved in an accident resulting in bodily injury or death of any person, or damage to any vehicle which is driven or attended by any person, shall stop and provide the following information to any individual involved in the accident upon request and to any law enforcement officer responding to or investigating the accident:

- (1) Full name;
- (2) Address;
- (3) Date of birth;
- (4) The registration number of the vehicle that he or she is driving;
- (5) Exhibit drivers license; and
- (6) Provide proof of insurance, including the name of the insurer, policy number, and local insurance agent for the insurer. If proof of insurance is not available at the scene of the accident, the driver shall, within 72 hours of the accident, provide proof that he or she carried liability insurance on the vehicle at the time of the accident.

In addition to providing the above information, the driver shall render reasonable assistance to any person injured in such accident.

(c) Collision with unattended vehicle. Any driver of a vehicle which collides with and damages any vehicle which is unattended shall immediately stop and either locate and the driver or owner of the vehicle and provide the information required under subsection (b) of this section, shall report the same to a law enforcement officer, or shall leave in a conspicuous place in the struck vehicle a written notice giving the name and address of the driver and owner.

(d) Notification of law enforcement of personal injury. A driver of a vehicle involved in an accident resulting in substantial damage to another vehicle or another person's property, or resulting in injury or death of any person shall, after compliance with the provisions of this

section, by the quickest means of communication, give notice of such accident to local law enforcement.

Section 205 Open Bottle Prohibitions

- (a) No person or occupant shall drink or consume intoxicating liquors or non-intoxicating malt liquors in any motor vehicle when such vehicle is within the boundaries of the Fond du Lac Reservation.
- (b) No driver shall have in his possession or on his person while in a motor vehicle upon a public roadway within the boundaries of the Fond du Lac Reservation, any bottle or receptacle containing intoxicating liquor or non-intoxicating malt liquor which has been opened, or the seal broken, or the contents of which have been partially removed.
- (c) It shall be unlawful for the owner of any motor vehicle or the driver, if the owner is not present in the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public roadway within the Fond du Lac Reservation, any bottle or receptacle containing intoxicating liquors or non-intoxicating malt liquors which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle shall be kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk, a utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

Section 206 Careless Driving

No driver shall operate or halt any vehicle upon any public street or highway within the Fond du Lac Reservation, in a manner which exhibits careless disregard of the rights or the safety of others, or in a manner so as to endanger, or be likely to endanger any person or property.

Section 207 Speed Restrictions

- (a) General prohibition. No driver shall drive a vehicle on a public roadway within the Fond du Lac Reservation at a speed greater than is reasonable and prudent under existing conditions. In every event speed shall be restricted as reasonably necessary to avoid colliding

with any person, vehicle, or other conveyance on or entering the public roadway.

- (b) Speed Limits. Where no special hazard exists, the following speeds shall be lawful, but any speed in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and is unlawful; except that any posted speed limit shall be an absolute speed limit and any speed in excess thereof shall be unlawful:
- (1) 10 miles per hour in any school zone while children are present;
 - (2) 30 miles per hour in any municipality;
 - (3) 55 miles per hour on public trunk highways;
 - (4) 45 miles per hour in other locations; and
 - (5) 20 miles per hour in a posted school zone.
- (c) Reduced speed required. The driver of any vehicle shall drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.
- (d) Summons to specify speed. In every charge of violation of any speed regulation issued pursuant to Chapter 300 of this Ordinance, the complaint and the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location.

Section 208 Impeding Traffic

No driver shall operate a motor vehicle at a speed which is so slow as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with the law. Band officers are authorized to enforce this section by issuing directions to drivers and, in the event of apparent willful disobedience of this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver shall be subject to penalty as defined under Chapter 300 of this Ordinance.

Section 209 Turns and Signals

- (a) Turning at intersection. Any driver intending to turn a motor vehicle at an intersection shall do so as follows:

- (1) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
 - (2) Approach for a left turn on other than one-way roadways shall be made in that portion of the right half of the roadway nearest the center line thereof, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
 - (3) Approach for a left turn from a two-way roadway into a one-way roadway shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection.
 - (4) A left turn from a one-way roadway into a two-way roadway shall be made from the left hand lane and by passing to the right of the center line of the roadway being entered upon leaving the intersection.
 - (5) Where both streets or roadways are one way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.
- (b) U-turns. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 1,000 feet, nor shall the driver of a vehicle turn the vehicle so as to proceed in the opposite direction unless the movement can be made safely and without interfering with other traffic.
- (c) Change of course. No driver shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in this section, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a highway unless and until the movement can be made with reasonable safety after giving an appropriate signal in the manner hereinafter provided.