

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #04/03, Amended

PROHIBITION OF FIREARMS WITHIN
PUBLIC FACILITIES OF THE FOND DU LAC BAND

Adopted by Resolution #1156/03 of the Fond du Lac Reservation
Business Committee on June 26, 2003.

Amended by Resolution #1228/03 of the Fond du Lac Reservation
Business Committee on August 19, 2003.

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #04/03, Amended

PROHIBITION OF FIREARMS WITHIN
PUBLIC FACILITIES OF THE FOND DU LAC BAND

CHAPTER 1

AUTHORITY, PURPOSE AND SCOPE

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 recognized under Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476 and Article VI of the Constitution of the Minnesota Chippewa Tribe.

Section 102 Purpose

The purpose of this Ordinance is to promote the safety and security of all governmental, administrative and business operations of the Fond du Lac Band through the prohibition of firearms on those premises except as lawfully possessed by on-duty law enforcement officers.

Section 103 Scope

The standards established by this Ordinance apply to any person entering into any governmental, administrative or business facility operated by the Fond du Lac Band.

Section 104 Reservation of Rights

The Reservation Business Committee reserves the right to amend or repeal all or any part of this Ordinance at any time. Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band or a consent to jurisdiction by any government or forum not expressly authorized to exercise jurisdiction under this Ordinance.

CHAPTER 2

DEFINITIONS AND INTERPRETATION

Section 201 General Definitions

The following terms have the meanings given them.

- a. Firearm shall mean any weapon which expels a projectile by the combustion of gunpowder or other explosive.
- b. Fond du Lac Band shall mean the Fond du Lac Band of Lake Superior Chippewa, and shall include all subdivisions, programs, corporations and businesses operated by the Band.
- c. Law enforcement officer shall mean an officer who is (1) on-duty, (2) employed by a law enforcement agency possessing jurisdiction within the Fond du Lac Reservation, and (3) is required to possess such firearm as part of his or her official responsibility with such agency.
- d. Public facility of the Fond du Lac Band shall mean any governmental, administrative or business facility operated by the Fond du Lac Band within the Fond du Lac Reservation and, except as provided under Section 302, includes the entire premises of such operation, including adjacent grounds, parking lots, driveways, sidewalks and access areas of the operation.

Section 202 Interpretation

The provisions of this Ordinance shall be interpreted and administered in a manner which is intended to protect the safety and well-being of persons located within the subject premises.

CHAPTER 3

**PROHIBITION OF POSSESSION OF FIREARMS
WITHIN BAND OPERATIONS**

Section 301 Prohibition of Firearms

Except as provided under Section 302, no person shall possess any firearm within the premises of any governmental, administrative or business operation of the Fond du Lac Band.

Section 302 Exceptions to Prohibition

The prohibitions established under Section 301 shall not apply to:

- a. On-duty law enforcement officers who are employed by a law enforcement agency possessing jurisdiction within the Fond du Lac Reservation and who are required to possess such firearm as part of their official responsibility with such agency; or
- b. Individuals who are engaged in the transportation of money under contract with the Fond du Lac Band; or
- c. Storage of an unloaded, fully cased firearm in a vehicle on premises.

Section 303 Posting

The following statement shall be prominently posted at every entrance to a facility of the Fond du Lac Band which is regularly used by the public:

FIREARMS PROHIBITED. Ordinance #04/03 of the Fond du Lac Band of Lake Superior Chippewa prohibits the possession of any firearm within this facility, except by on-duty law enforcement officers or individuals who are transporting cash under contract with the Fond du Lac Band. Persons who violate this prohibition shall be subject to eviction from the premises, and may also be subject to other penalties as provided by applicable law.

CHAPTER 4

ENFORCEMENT

The prohibition established under this Ordinance shall be enforced through the following means:

Section 401 Eviction From Premises

Any person who has violated this Ordinance shall be notified by staff that he or she is in violation of the Ordinance and must immediately leave the premises. If such person refuses to leave the premises after such notice has been provided, law enforcement shall be notified and the person shall be ejected from the property as a trespasser. Any action taken under this Section shall be recorded in an incident report which is signed and dated by the staff person taking such action.

Section 402 Repeat Violations

Any person who has violated the prohibition established under this Ordinance more than once within any 24 month period may be subject to long-term exclusion from property of the Fond du Lac Band by the Reservation Business Committee.

Section 403 Appeals

- a. Any person who has been subject to adverse action under this Ordinance may appeal the action in writing to the Chairman of the Fond du Lac Reservation Business Committee at 1720 Big Lake Road, Cloquet, Minnesota 55720 within 30 days of the action. The appeal shall include an explanation of the grounds upon which the person believes that the adverse action taken was unlawful or unfair.
- b. Upon the receipt of such appeal, the Chairman shall place the matter on the executive session agenda of the Reservation Business Committee.
- c. • The person shall be notified in writing of the Reservation Business Committee's decision in regards to his or her appeal.

CHAPTER 5

AMENDMENT OR REPEAL


Section 501 Amendment or Repeal

This Ordinance, and any provision herein, may be amended or repealed by resolution of the Reservation Business Committee.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #04/03 was duly presented and adopted by Resolution #1156/03 by a vote of 2 for, 1 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on June 26, 2003 on the Fond du Lac Reservation, and subsequently amended by Resolution #1228/03 on August 19, 2003.


Robert B. Peacock, Chairman


Kevin R. Dupuis, Sr., Sec./Treas.

laws:2003.04(062603)(081903)