

CHAPTER 39 - GENERAL ORDINANCES

- 39.1 SECTION 1- ALCOHOL BEVERAGES;
RESTRICTION RELATING TO
UNDERAGE PERSONS
- 39.2 SECTION 2- OPEN CONTAINER
- 39.3 SECTION 3- PARTIES TO A VIOLATION
- 39.4 SECTION 4- WINTER PARKING
- 39.5 SECTION 5- SEVERABILITY
- 39.6 SECTION 6- DISORDERLY CONDUCT

CHAPTER 39 -- GENERAL ORDINANCES

**39.1 SECTION 1: ALCOHOL BEVERAGES; RESTRICTION
RELATING TO UNDERAGE PERSONS.**

39.1.1 No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age. Any person who furnishes alcohol to an underage person is presumed to know the age of the underage person.

39.1.2 No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on the premises owned by the adult or under the adult's control. Any person who furnishes alcohol to an underage person is presumed to know the age of the underage person.

39.1.3 A person who commits a violation of this section is subject to a penalty of:

- (a) Not more than \$500.00 for a first offense.
- (b) Not less than \$200.00 nor more than \$500.00 for any person who has a previous conviction under this section.
- (c) In addition to any monetary penalty the Court may impose other sanctions including, but not limited to community service, a prohibition of purchasing off-sale alcohol within the Red Cliff Indian Reservation, and/or be barred from any establishment that serves alcoholic beverages within the Red Cliff Reservation.

39.2 SECTION 2: OPEN CONTAINER

39.2.1 No person may possess an open container of alcohol in the following places:

- a) On any road within the boundaries of the Red Cliff Reservation.
- b) On any school premises.

- c) Alcohol beverages may be possessed or consumed on any of the above named places if specifically permitted in writing by the Red Cliff Tribal Council.

39.2.2

Penalty:

- a) Any person convicted of violating this section two shall be assessed a monetary penalty not to exceed \$250.00.
- b) In addition to any monetary penalty the Court may impose other sanctions including but not limited to A.O.D.A. assessment, community service, and/or a prohibition against purchasing off-sale alcohol within the boundaries of the Red Cliff Reservation.

39.3

SECTION 3: PARTIES TO A VIOLATION

39.3.1

No person may be a party to any violation of the Red Cliff Code of Laws.

39.3.2

Whoever is concerned in the commission of any violation of the Red Cliff Code of Laws shall be deemed a principal and may be charged with the party to a violation although he or she did not correctly commit it and although the person who directly committed it has not been convicted of the violation.

39.3.3

A person is concerned in the commission of the violation if the person:

- (a) Directly commits the violations;
- (b) Aids or abets the violation;
- (c) Is a party to a conspiracy with another or commit or conceal any violation, or advises, hires, or counsels or otherwise procures another to commit or conceal any violation of the Red Cliff Code of Laws.

39.4 **SECTION 4: WINTER PARKING**

39.4.1 **PURPOSE**

The purpose of this ordinance is to provide for the safe removal of snow from the streets of Red Cliff and the safe travel of those using the streets of Red Cliff during the snow season.

39.4.2 **PARKING**

39.4.2.1 During the period of November 15 to April 15, or when an accumulation of more than 2 inches of snow has fallen, no person shall

- (a) Park on any roadway by the Red Cliff Road Maintenance Department or the Town of Russell Maintenance Department between the hours of 10:00 P.M. and 6:00 A.M.
- (b) Park on any roadway maintained by the Red Cliff Road Maintenance Department or the Town of Russell Road Maintenance Department when 2 or more inches of snow has fallen.

39.4.3 **ENFORCEMENT**

39.4.3.1 The Red Cliff Warden's, the Red Cliff Police Department, Red Cliff Road Maintenance Department, and the Town of Russell Road Maintenance Department are authorized to enforce this ordinance.

39.4.4 **PENALTY**

- 39.4.4.1**
- (a) For the first offense in one season the penalty not less than \$10.00 no more than \$50.00.
 - (b) For the second and subsequent offense not less than \$25.00 and no more than \$100.00.
 - (c) Such other penalty the Court deems just and proper.
 - (d) Any vehicle found in violation of this ordinance may be towed, at the owner's expenses, if one or more of the following

conditions exist:

- The vehicle inhibits the free passage of other vehicles.
- The vehicle impairs the safe removal of snow from the roadway.

39.5 SECTION 5: SEVERABILITY

39.5.1 If a Court of competent jurisdiction rules that any provision of this ordinance is invalid, the remaining provisions shall not be affected thereby and shall remain in force and effect. (sec. 39.4-39.5.1 (12/28/98A))

39.6 SECTION 6: DISORDERLY CONDUCT

39.6.1 No person within the boundaries of the Red Cliff Reservation shall engage in violent, abusive, indecent, profane, boisterous, unreasonable loud or otherwise disorderly conduct under circumstances that tend to cause or provoke a disturbance.

39.6.2 (a) Any person who violates this section shall be subject to a civil forfeiture of not less than \$25.00 no more than \$500.00 for the first offense.

(b) Any person who is convicted of more than one violation within a five (5) year period shall be subject to a civil forfeiture of not less than \$75.00 but not more than \$1000.00.

(c) The Court may assess such other penalty it deems appropriate, to be determined on a case-by-case basis.

39.6.3 The Court may decline jurisdiction on a citation of this section into Tribal Court. In the event the Court declines jurisdiction, the Court shall direct the Red Cliff Police Department to cite the offending party into Bayfield County Court. (08/07/00I)