

UPPER SIOUX COMMUNITY Drug Paraphernalia Ordinance

Section I.1. Declaration of Policy. It is the policy of the Upper Sioux Community to protect the safety and welfare of all persons within the Community boundaries by strictly regulating conduct which unreasonably threatens the health or safety of the public and to protect the safety and well being of the Upper Sioux Community.

Section I.2. Definitions.

The Community. Shall be defined as meaning all land which is held in trust by the United States for the benefit of the Upper Sioux Community or any other lands acquired and held under the jurisdiction of the Upper Sioux Community.

Section 1.3. Offense.

POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.

It is unlawful for any person knowingly or intentionally to use or to possess drug paraphernalia. Any violation of this section is a petty misdemeanor.

Section I.4. Penalties for Violation. Any person who is found to be in violation of this Ordinance shall be subject to the following penalties:

- A. For a conviction of a first offense, a civil fine of One Hundred dollars (\$100.00).
- B. For a second or more convictions within one year of a first conviction, a civil fine of One hundred and Fifty dollars (\$150.00).

Section I.5 Jurisdiction of Upper Sioux Community Tribal Court. The Upper Sioux Community Tribal Court shall have jurisdiction to enforce the provisions and penalties of this Ordinance upon a presentation of a complaint by a Peace officer or the Board of Trustees ("Board") or persons designated by the Board notwithstanding whether such person is an attorney and notwithstanding whether such person has been admitted to practice law before the Tribal Court.

Section I.6 Applicability. This Ordinance shall apply to members and non-members of the Upper Sioux Community.

Section I.7 Severability. If any part of this Ordinance is found to be invalid by a court of competent jurisdiction or by the Department of the Interior, it shall be severed and the remaining parts of the Ordinance shall remain in full force and effect.

Section I.7 Effective Date. This Ordinance shall become effective immediately upon passage of the Governing Resolution adopting this Ordinance.

C E R T I F I C A T I O N

We, the undersigned officers of the tribal council known as the Board of Trustees, do hereby certify that the foregoing **Upper Sioux Community Drug Paraphernalia Ordinance** was duly adopted and approved by the Tribal Council on **19 October 2010** by a vote of 5 For, 0 Against, 0 Abstentions and 0 Absent and Excused.



Kevin Jensvold, Tribal Chairman

Attest:



Amy LaBatte, Tribal Council Secretary