

UPPER SIOUX COMMUNITY

Misrepresentation of Age

Ordinance

Section 1.1. 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 1.2. 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 1.3.1 Offense **Misrepresentation of age.**

It is unlawful for a person under the age of 21 years to claim to be 21 years old or older for the purpose of purchasing alcoholic beverages.

Section 1.3.2 Offense **Misrepresentation of age.**

It is unlawful for a person under the age of 18 years to claim to be 18 years old or older for the purpose of entering a gaming facility with intent on gaming.

Section 1.3.3 Proof of age; defense; seizure of false identification.

(a) Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:

- (1) a valid driver's license or identification card issued by a Federally Recognized Tribe, the State of Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;
- (2) a valid military identification card issued by the United States Department of Defense;
- (3) a valid passport issued by the United States; or
- (4) in the case of a foreign national, by a valid passport.

(b) A licensed liquor retailer or gaming facility may seize a form of identification listed under paragraph (a) if the retailer or municipal liquor store has reasonable

grounds to believe that the form of identification has been altered or falsified or is being used to violate any law. A licensed liquor retailer or gaming facility that seizes a form of identification as authorized under this paragraph must deliver it to a law enforcement agency, within 24 hours of seizing it.

Section 1.4. 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 (\$250.00).

Section 1.5 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 1.6 Applicability. This Ordinance shall apply to members and non-members of the Upper Sioux Community.

Section 1.7 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 1.7 Effective Date. This Ordinance shall become effective immediately upon passage of the Governing Resolution adopting this Ordinance.

CERTIFICATION
