

**COQUILLE INDIAN TRIBE**  
**Chapter 675**  
**TRAFFIC ORDINANCE**

**675.010 – General Provisions**

1. Purpose - To promote a uniform, comprehensive system of laws to regulate motor traffic and to protect the public safety on the Coquille Indian Reservation. To preserve the peace and safety of the Coquille Indian Reservation, and to protect the quality of life for those persons who reside, work or visit on the Coquille Indian Reservation, this Ordinance regulates certain activities and establishes civil penalties for the violation of these regulations.

2. Background and intent – Upon restoration to federal recognition, the Coquille Indian Tribe embarked on a program for the acquisition and development of a land base. The Tribe has conceived plans for multiple uses of such lands, including housing, natural resources and commercial development of those lands. The Tribe wants to ensure the peace, safety and well-being of those persons who reside on, work on, or visit Lands of the Coquille Indian Tribe. The Tribe also wants to ensure the cleanliness and good image of those lands.

The Tribal Council has thus determined that certain activities on the lands of the Coquille Indian Reservation have the potential to interfere with the health, safety and well-being of residents of and visitors to the lands of the Coquille Indian Tribe. Those activities are set out in the Ordinance below and are regulated by this Ordinance, and certain civil penalties are authorized when the provisions of this Ordinance are violated.

3. Definitions –

- (a) – “Rules of the Road” means those provisions contained in the Addendum to this Ordinance.
- (b) – “Tribal Court” or “Court” means the Coquille Indian Tribal Court.
- (c) – “Tribe” means the Coquille Indian Tribe
- (d) – “Indian” means a member of the Coquille Indian Tribe, or any other person of Indian blood who is a member of a federally recognized Indian Tribe or any other person on the Reservation who is recognized by the Community as an Indian, including a Canadian Indian and Alaska Native.
- (e) – “Coquille Indian Reservation” shall mean those lands held in trust for the Coquille Indian Tribe and its members by the United States.
- (f) – “Coquille Forest” shall mean those lands described in P.L. 104-208.
- (g) – “Lands of the Coquille Indian Tribe” shall mean all lands, and the waters thereon or appurtenant to, over which the Coquille Indian Tribe may exercise jurisdiction, whether exclusive or concurrent, including but not limited to all reservation lands of the Coquille Indian Tribe, all lands held in trust for the Tribe or its members by the United States, all Indian-owned

fee lands and all lands considered to be “Indian Country” of the Coquille Indian Tribe.

### **675.020 – Jurisdiction**

1. Generally – The Tribal Court shall have jurisdiction over all traffic infractions committed by persons within the lands of the Coquille Indian Tribe, except for the Coquille Forest. The Coquille Indian Tribe expressly determines that the actions of non-Indian traffic violators, many of whom are residents of and domiciled on the Coquille Indian Reservation or employees of the Coquille Indian Tribe, directly impact upon the health, safety and welfare of Tribal members and reservation residents, and affect the ability of the Tribal government to carry on its operation in an orderly manner.

2. Enforcement Authority - Authority for enforcement of this Ordinance shall vest with the Coquille Indian Tribal Council, which may delegate such authority.

3. Judicial Authority – The Coquille Tribal Court is hereby granted jurisdiction to hear cases brought under this Ordinance and to issue such penalties as are authorized in the particular provisions below. All matters under this Ordinance shall be brought in the name of the Coquille Indian Tribe through such officers as are designated by the Tribal Council.

### **675.120 – Civil Infractions**

It shall be a civil traffic infraction for any person on lands of the Coquille Indian Tribe to violate the Rules of the Road attached as an addendum to this Ordinance. Any person cited for an infraction may contest the citation and fine in accordance with the rules established by the Coquille Tribal Court. No person shall be subjected to loss of liberty for violation of this section. Fines under this section are not punitive and are for the purpose of preventing recurrence of the infraction and protecting the safety and welfare of all persons residing on and traveling through lands of the Coquille Indian Tribe. If fines assessed against the offender remain unpaid for more than thirty days, then the Tribal Court may order the suspension of the offender’s driver’s license pursuant to Section 675.415 of this ordinance, until the fines are paid.

### **675.310 – Traffic citation requirements**

1. Except for violation of laws governing parking of vehicles, a traffic citation conforming to the requirements of this section shall be used for all traffic infractions.

2. The citation shall consist of at least four parts. Additional parts may be inserted by law enforcement agencies for administrative use. The required parts are:

(a) The complaint.

- (b) The abstract of record.
- (c) The police record.
- (d) The summons.

3. The complaint shall contain a form of certificate in which the complainant shall certify that the complainant has reasonable grounds to believe, and does believe, that the person cited committed the infraction. A certificate conforming to this section shall be deemed equivalent of a sworn complaint.

#### **675.320 – Minimum requirements for summons**

A summons in a traffic infraction is sufficient if it contains the following:

1. The name of the court, name of the person cited, the date on which the citation was issued, the name of the complainant and the time and place at which the person cited is to appear in court.
2. A statement or designation of the infraction in such manner as can be readily understood by a person making a reasonable effort to do so, and the date, time and place at which the infraction is alleged to have occurred.
3. A notice to the person cited that a complaint will be filed with the court based on the infraction.
4. The amount of bail, if any, fixed for the infraction.
5. The options contained in 675.370 regarding the Defendant's appearance.

#### **675.330 – Minimum requirements for complaint**

1. Except as provided in this section, a complaint in a traffic infraction is sufficient if it contains the following:
  - (a) The name of the court, the name of the public body in whose name the action is being brought and the name of the Defendant.
  - (b) A statement or designation of the infraction in such manner as can be readily understood by a person making a reasonable effort to do so and the date, time and place at which the infraction is alleged to have occurred.
  - (c) A certificate under 675.310 (3), signed by the complainant.
2. The complaint shall be set aside by the court without prejudice upon motion of the Defendant before plea when the complaint does not conform to this section. A pretrial ruling on a motion to set aside may be appealed by the Tribe, as provided in the Coquille Tribal Court Ordinance.
3. Nothing prohibits the court from amending the citation in its discretion.

#### **675.340 – Review of accusatory instrument by Coquille Indian Tribal Administration**

The Coquille Indian Tribal Administration shall review an accusatory instrument relating to any traffic infraction before it is filed in the Tribal Court.

**675.350 – Designation of speed in complaint and summons charging violation of speed limit**

A complaint and summons or notice to appear on the charges specified in this section, shall specify the speed at which the Defendant is alleged to have driven and the speed designated for the district or location. This section applies to the following charges:

- (a) Violation of the basic speed rule.
- (b) Violation of the maximum speed for motor trucks and passenger transport vehicles.

**675.360 – Delivery of summons to person cited; delivery of other parts of citation**

An officer issuing the citation shall cause:

- (a) The summons to be delivered to the person cited; and
- (b) The complaint and abstract of court record to be delivered to the court.

**675.370 – Appearance by Defendant**

The Defendant shall either appear in Tribal court at the time indicated in the summons, or prior to such time shall deliver to the court the summons, together with check, cash or money order in the amount of the bail set forth in the summons, and enclosing:

- (a) A request for hearing; or
- (b) A statement of matters in explanation or mitigation of the infraction charged; or
- (c) The executed appearance, waiver of hearing and plea of guilty appearing on the summons. A statement in explanation or mitigation may also be included with the guilty plea.

**675.380 – Effect of statement in explanation or mitigation**

If a Defendant has submitted to the court a written statement as provided in 675.370(b), it constitutes a waiver of hearing and consent to judgment by the court declaring a forfeiture of bail on the basis of such statement and any testimony or written statement of the arresting officer or other witnesses which may be presented to the court.

**675.390 – Hearing date; Action for failure to appear**

1. If the Defendant requests a hearing the court shall fix a date and time for the hearing and shall, at least five days in advance of the hearing, mail to the Defendant notice of the

date and time so fixed. The notice shall set forth a warning that for failure to appear for the hearing, action will be taken by the court that may result in the suspension of the Defendant's license unless bail is deposited in the amount set forth in the summons.

2. If the Defendant fails to appear for the hearing at the time and place fixed by the court and no bail has been deposited, the court may notify any state court having concurrent jurisdiction of the Defendant's failure to appear. In the notification, the court shall certify that notice was given the Defendant as prescribed by subsection (1) of this section and that the Defendant failed to appear for the hearing.

#### **675.400 – Discretionary hearing**

1. In any case the court may direct that a hearing be held. Otherwise, the court may enter appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the Defendant and remit to the Defendant any amount by which the bail exceeds the fine.

2. No sentence to jail may be imposed, nor any fine imposed in excess of the bail deposited by the Defendant, unless a hearing is held.

#### **675.410 – Fines for traffic infractions**

1. The penalty for committing a traffic infraction shall be a fine only or as provided in 675.415, a forfeiture, suspension, revocation of a driver's license or other privilege, or other civil penalty.

2. A judgment to pay a fine for a traffic infraction shall be a sentence to pay an amount not exceeding \$600 per infraction. The judge shall exercise sole discretion in setting the amount of the fine.

#### **675.415 – Suspension of driver's license**

The Tribal Court shall honor any Memorandum of Agreement or other intergovernmental agreement duly executed concerning the suspension of driver's licenses pursuant to this Ordinance.

#### **675.420 – Trial; Burden of proof**

1. The trial of any traffic infraction shall be by the court without a jury.

2. The prosecution shall have the burden of proving the alleged traffic infraction by a preponderance of the evidence. This means that as a whole, the evidence more strongly indicates that the Defendant committed the infraction than not.

#### **675.430 – Appeal**

There shall be no appeal from a judgment involving a traffic infraction.

**675.440 – Defense counsel not provided; when prosecuting attorney may appear; notice if defense counsel to appear**

1. At any trial involving a traffic infraction only, defense counsel shall not be provided at Tribal expense.

2. At any trial involving a traffic infraction only, the prosecuting attorney may aid in preparing evidence and obtaining witnesses but shall not appear unless counsel for the Defendant appears. The court shall ensure that the prosecuting attorney is given timely notice if defense counsel is to appear at trial.

**675.450 – Former jeopardy, res judicata and collateral estoppel not applicable in traffic infraction cases**

1. If a person commits both a crime and a traffic infraction as part of the same criminal episode, the prosecution for one infraction shall not bar the subsequent prosecution for the other. However, the fact of the first conviction, plea or acquittal shall not be admissible in any subsequent prosecution for the other infraction.

2. No plea, finding or proceeding upon any traffic infraction shall be used for the purpose of res judicata or collateral estoppel, nor shall any plea, finding or proceeding upon any traffic infraction be admissible as evidence, in any civil proceeding.

**675. 470. – Disposition of Fine Monies**

All monies obtained from payment of fines and interest under this ordinance shall be deposited into the Tribe's General Fund Account, or such other account designated by the Tribal Council.

**675.490 – Interest**

Fines imposed under this section shall gather interest at the rate of 9% per annum. Despite the previous sentence, no fine shall gather interest during any period of time that a Defendant actively participates in a Tribal Court authorized fine payment plan.

**675.495 – Review**

The Coquille Tribal Council shall review this ordinance every two years in order to make appropriate changes.

**675.500 – Severability**

If a court of competent jurisdiction finds any provision of this ordinance to be invalid or illegal under applicable Tribal and/or federal law, such provision shall be severed from this ordinance and the remainder of this ordinance shall remain in full force and effect.

**675.510 – No waiver of sovereign immunity**

Nothing in this ordinance is intended or is to be construed as a waiver of the Tribe's sovereign immunity, which remains intact.