

COQUILLE INDIAN TRIBAL CODE

Part 6 – Public Safety and Justice

Chapter 650 Civil Violations

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

Index

<u>Subchapter/Section</u>	<u>Page</u>
650.010	3
General	
1. Purpose	
2. Background	
3. Definitions	
650.020	4
Jurisdiction	
650.100	5
Duties and Authority of Officers	
650.120	5
Complaints by Private Citizens	
650.150	5
Classification of Violations, Penalties	
650.180	6
Rules of Procedure	
650.220	7
Delivery and Filing of the Summons and Complaint	
650.240	7
Arraignment	
650.260	8
Pleas	
650.300	8
Subpoena	
650.340	9
Court-Ordered Trial; Judgment on Failure to Appear	
650.410	10
Discovery	
650.430	11
Trial Without Jury; Commencement; Burden of Proof; Proof of Mental State Not An Element, Hearing of Evidence	
650.450	12
Records	
650.500	12
Prohibited Acts Include Causing and Permitting	
650.530	12
Use or Possession of Alcoholic Beverages	
650.560	12
Possession of Marijuana	
650.570	13
Curfew	
650.580	13
Truancy	
650.610	14
Discharge of a Firearm	
650.620	14
Fireworks	

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

650.630	Misuse of a Laser Pointer	14
650.640	Littering	15
650.650	Nuisance	15
650.660	Improper Management of an Animal	15
650.670	Unlawfully Applying Graffiti	16
650.675	Theft	16
650.680	Mischief	16
650.685	Reckless Burning	16
650.690	Unlawful Use of a Weapon	16
650.695	Misuse of a Permit	17
650.697	Failure to Possess a Valid Permit	17
650.700	Unreasonable Noise	17
650.710	Harassment	18
650.715	Endangerment	19
650.720	Menacing	19
650.800	False Reporting	19
650.900	Violation of Tribal Law	19
650.905	Violations Subject to Tickets	19
650.910	Severability	21
650.920	Sovereign Immunity	21

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

650.010 General

1. Purpose: The purpose of this ordinance is to establish certain civil violations under Tribal law and to provide for the enforcement of those violations in Tribal Court. This ordinance is adopted to protect the health, welfare, and morals of the Tribal Reservation.

2. Background and Intent: This ordinance is needed to protect the health, welfare, and morals of the Tribal Reservation. The Tribe adopts this ordinance in order to exercise authority over violations occurring on or near tribal lands and to facilitate the vision developed by the Tribe with its community partners for a “Peacegiving Court” as a means of healing community based conflict.

3. Definitions:

- (a) “Alcoholic Beverage” and “Alcoholic Liquor” means any liquid or solid containing more than one-half of one percent alcohol by volume and capable of being consumed by a human being.
- (b) “Court” means the Coquille Tribal Court.
- (c) “Defendant” means the person against whom an action is filed under this Chapter.
- (d) “Firearm” means any means a weapon, by whatever name known, which is designed to expel a projectile and is readily capable of use as a weapon. For purposes of this section, the term also includes those commonly referred to as “BB guns” and “paintball guns.”
- (e) “Fireworks” means any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion or detonation.
- (f) “Guardian” means the natural or adoptive parent or parents having legal custody of the child or any other adult person who has been entrusted with the care and supervision of a child and who has legal custody of the child pursuant to court order.
- (g) “Intentionally or with Intent” when used with respect to a result or to conduct described by a section defining an offense, means that a person acts with a conscious objective to cause the result or to engage in the conduct so described.
- (h) “Knowingly” when used with respect to a conduct or a circumstance described by a statute defining an offense, means that a person acts with an

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

awareness that his conduct is of a nature so described or that a circumstance so described exists.

- (i) “Law Enforcement Officer” means Coquille Tribal police, or any county sheriff, municipal policeman or such other persons as may be designated under the laws of any tribe, state or local government.
- (j) “Litter” means all waste material including but not limited to rubbish, waste, cans, refuse, garbage, trash, debris, dead animals, or discarded materials of every kind and description.
- (k) “Public or Public Place” means a place to which the general public has access and includes, but is not limited to, hallways, lobbies, and other parts of apartments designed for actual residence and highways, streets, schools, places of amusement, parks, playgrounds, and premises used in connection with public passenger transportation.
- (l) “School Age Child” means a child between the ages of five and eighteen years; provided, however, for the purpose of this code, a child shall be deemed five years of age only if the child reaches such age prior to September 1, of the current school year.
- (m) “Tribal lands” means those lands, now and in the future, held in trust by the United States government for the benefit of the Coquille Indian Tribe, except for the Coquille Forest lands identified in 25 USC 715c(d).
- (n) “Tribe” means the Coquille Indian Tribe.
- (o) “Truant” means absence from school without an excused absence.
- (p) “Violation” means a civil offense in which the remedy involved is punishable by a fine. A violation is not a crime. Punishment may be in addition to a fine as long as the punishment does not include a term of imprisonment.

650.020 Jurisdiction

The Coquille Tribal Court shall have the jurisdiction to enforce and implement this Chapter to the greatest extent of its jurisdiction.

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

650.100 Duties and Authority of Officers

It shall be the duty of Tribal law enforcement officers to enforce the provisions of this Chapter. A citation may be issued if there are reasonable grounds to believe that the person or persons to be charged are in actual violation of a provision of this Chapter.

650.120 Complaints by Private Citizens

Any person may seek to have a citation issued for violation of this Chapter by filing a complaint with the Tribal law enforcement officer by alleging under oath and upon personal knowledge, material facts, which if proven, would constitute a violation, provided that such person can testify at trial to the material facts in the case.

650.150 Classification of Violations, Penalties

1. Unless otherwise provided by law or ordinance, all violations of Tribal ordinances under this Chapter are classified as violations.
2. Violation of or failure to comply with any provision of this Chapter is punishable upon conviction by a fine not to exceed \$750.00. Each day that such violation shall continue and persist after due notice of the violation shall constitute a separate and distinct violation, unless otherwise specifically provided.
3. The Tribal Court may order restitution in addition to any penalty or fine. The Tribal Court may also order community services in lieu of a penalty or fine if the defendant demonstrates an inability to pay. The court may place the defendant on probation, suspend the fine upon satisfactory completion of the conditions of probation and utilize alternative means to dispute resolution to include but not limited to, diversion programs, youth courts or mediation.
4. In addition to and not in lieu of any other penalty, the court shall order that the driving privileges or the right to apply for driving privileges of a person under the age of twenty-one years who commits the violation of use or possession of alcoholic beverages or possession of marijuana be suspended for a period not to exceed one year. If the court has issued an order denying driving privileges under this section, the court upon petition of the person, may withdraw the order at any time the court deems appropriate. The court notification to the Department of Transportation under this section may include a recommendation that the person be granted a hardship permit if the person is otherwise eligible for the permit.

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

650.180 Rules of Procedure

1. A citation substantially conforming to the requirements of this section may be used for citing violations of this Chapter.
2. A citation shall contain the following:
 - (a) Complaint; and
 - (b) Summons.
3. A complaint shall contain the following information
 - (a) The name of the Tribal Court, the name of the Tribe in whose name the action is being brought, and the name of the defendant or defendants;
 - (b) A statement of the violation in such a manner as can be readily understood by a person making a reasonable effort to do so; and the time and place of the alleged violation;
 - (c) A verification that the complainant swears or affirms that he or she has reasonable grounds to believe and does believe, that the person or persons cited have violated a provision of this Chapter; and
 - (d) The identity and law enforcement agency of the citing officer.
4. A summons shall contain the following information:
 - (a) The name and location of the Tribal Court, the name of the person or persons cited, the date on which the citation was issued, and the time at which the person cited is to appear in court;
 - (b) A statement of the violation in such manner as can be readily understood by a person making a reasonable effort to do so and the date and place the violation is alleged to have occurred;
 - (c) A notice to the person or persons cited that a complaint will be filed with the court based on the violation; and
 - (d) The maximum amount of penalty, if any, fixed for the violation, and a statement notifying the person that a money judgment may be entered up to the maximum amount of the penalty along with other costs allowed by law if the defendant fails to appear.

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

650.220 Delivery and Filing of the Summons and Complaint

The Tribal law enforcement officer shall cause a summons to be served on the person cited and shall file the complaint along with proof of service of the summons with the Tribal Court. Proof of service shall contain the time, place and manner of service.

650.240 Arraignment

1. An arraignment shall be conducted in open court upon the defendant's first appearance in Tribal Court unless the defendant is granted a continuance to seek assistance of counsel, to determine which plea to enter, or for other good or sufficient reason. The Judge shall advise each defendant of the right to have the arraignment continued upon request for good cause, which may be made at any time prior to pleading guilty or not guilty. If no such request is made, the Judge may proceed with the arraignment in accordance with the section.
2. A defendant may appear in person or by counsel. A defendant may be represented by counsel or a Tribal Court Advocate, but such representation shall not be provided at tribal expense.
3. Before the defendant is called upon to plead guilty, no contest or not guilty, the following proceedings shall be conducted by the Judge:
 - (a) The complaint shall be read to the defendant or the substance of the charge contained in the complaint shall be stated;
 - (b) The defendant shall be advised of the maximum penalty that the Judge may order if the defendant is convicted;
 - (c) The Judge shall inform the defendant of the following rights: the right to counsel at the defendant's own expense and the right to a reasonable continuance to obtain counsel; the right to be informed of the charges; the right to have the Tribal Court compel witnesses against the defendant to appear and testify; the right to cross-examine and question the witnesses; the right to call witnesses in his own behalf and to have the Tribal Court issue subpoenas within its jurisdictional limits notifying the witnesses to appear; the right to a trial by the Judge; and the right to testify on his or her own behalf; and
 - (d) The court shall advise the defendant that he or she may plead guilty, no contest, or not guilty. Upon a plea of guilty or no contest, judgment shall be entered. Upon a plea of not guilty, the court shall set a trial date pursuant to this Chapter.

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

4. At any trial for a violation, the Tribal Attorney may aid the Tribal law enforcement officer or designated public safety officer in preparing evidence and obtaining witnesses, but shall not appear unless the defendant retains counsel. The Tribal Court shall give the Tribal Attorney timely notice if defense counsel is to appear at trial.

650.260 Pleas

1. The defendant shall:
 - (a) appear in court at the time indicated in the summons; or
 - (b) deliver to the court a written request for a hearing prior to the time indicated in the summons; or
 - (c) deliver to the court a written waiver of hearing and plea of guilty, along with the penalty set forth in the summons prior to the time indicated in the summons.
2. If a defendant pleads not guilty, the Judge shall set the matter for trial without a jury.
3. If a defendant pleads no contest or guilty, the Judge shall determine that the plea was made voluntarily with the defendant understanding the nature of the charge and explaining fully to the defendant the right to trial by the court, to engage counsel and the maximum penalty possible for the violation(s) charged. Upon acceptance of a plea of no contest or guilty, the Judge may sentence immediately or postpone sentencing to a later date.

650.300 Subpoena

1. A subpoena shall be issued by the Judge or by the clerk of the court under authority of the Judge. It shall state the name of the court and the title, if any, of the proceedings, and shall command each person to whom it is directed to attend, give testimony, and/or make available tangible materials at the time and place specified therein.
2. A subpoena may be served by any law enforcement officer or by any person, not a party, who is at least eighteen years of age. Service of a subpoena shall be affected by delivering a copy thereof to the person ordered to appear.
4. Proof of Service of a subpoena is made in the same manner as proof of service of a summons under this Chapter.

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

650.340 Court-Ordered Trial; Judgment on Failure to Appear

1. In any proceeding where the defendant fails to appear, the court may, in its discretion, direct a hearing to be held.
2. The court may proceed to make a determination without a hearing in the following circumstances:
 - (a) The defendant fails to appear at the time, date and place specified in the citation;
 - (b) The defendant appeared at the time, date and place specified in the citation and requested a hearing or was ordered by the court to appear at a subsequent hearing and the person failed to appear at the time, date and place set for the hearing or subsequent hearing on the matter;
 - (c) A finding under this section shall be based on the citation and on any evidence the court determines to be appropriate;
 - (d) Upon making a determination under this section, the court may enter judgment and may impose the penalty along with a money judgment for costs, assessments and any restitution authorized by ordinance or law.
 - (e) If the court orders restitution, the court need not make a determination of the defendant's ability to pay. The defendant may seek review of his or her ability to pay by filing a written request with the court within one year after entry of judgment. The court shall set a hearing on the matter and may reduce the amount of restitution ordered if the defendant establishes at the hearing that he or she is unable to pay the restitution in whole or in part.
3. If judgment is entered under this section after the defendant has failed to appear, on motion by the defendant and upon such terms as are just, the court may relieve the defendant from the judgment, upon showing that the failure to appear was due to mistake, inadvertence, surprise or excusable neglect. The motion must be made within a reasonable time, but in no event more than one year after entry of judgment in the matter.
4. No judgment may be entered under this section for failure to appear unless the summons contained a statement notifying the defendant that a money judgment may be entered against the defendant up to the maximum amount of the penalty, along with others costs allowed by law if the defendant failed to appear.

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

650.410 Discovery

1. Upon request by the defendant, the Tribal law enforcement officer or public safety officer shall disclose to the defendant the following material and information within his or her possession and control:
 - (a) The names and addresses of persons whom the Tribe intends to call as witnesses at trial, together with relevant written or recorded statements or memoranda of any oral statements made by such persons;
 - (b) Any written or recorded statements or memoranda of any oral statements made by the defendant or co-defendant if the trial is to be a joint trial;
 - (c) Any reports or statements of experts made in connection with the particular case, including results of examinations and of scientific tests, experiments and comparisons which the Tribe intends to offer into evidence; or
 - (d) Any books, papers, documents, photographs, or tangible objects which the Tribe intends to offer into evidence at trial or which were obtained from or belong to the defendant.

2. Upon request by the Tribe, the defendant shall disclose to the Tribe the following material and information within the possession and control of the defendant:
 - (a) The names and addresses of persons whom the defendant intends to call as witnesses at trial, together with relevant written or recorded statements or memoranda of any oral statements made by such persons;
 - (b) Any reports or statements of experts made in connection with the particular case, including results of examinations and of scientific tests, experiments and comparisons which the defendant intends to offer into evidence; or
 - (c) Any books, papers, documents, photographs, or other tangible objects the defendant intends to offer into evidence at trial.

3. All discovery requests shall be made not less than fifteen days prior to trial, and all exchange of discovery must be completed not less than ten days prior to trial.
 2. The following material and information shall not be subject to discovery under this section:
 - (d) Work product, legal research, records, correspondence, reports or memoranda to the extent that they contain opinions, theories or conclusion of the Tribal

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

Attorney, the Tribal Law Enforcement Officer, the Tribal Public Safety Officer or other Tribal Officials in connection with the investigation and prosecution of the violation, or such documents to the extent they contain opinions, theories, or conclusions of the defendant or defendant's attorney in connection with the defense of the violation; and

- (e) The identity of a confidential informant unless the court finds that failure to disclose the identity of the informant would substantially interfere with the defendant's ability to prepare a defense.

- 5. The court may order any party who refuses to comply with a discovery request under this section to permit inspection of the material, grant a continuance, refuse to permit the witness to testify, refuse to receive into evidence material not disclosed, or enter such other order appropriate under the circumstances. Upon a showing of good cause, the court may, after an *in camera* examination, enter an order that specified disclosures be denied, restricted or deferred, or to make such other order as is appropriate under the circumstances. The court shall make a record of such examination, which shall then be sealed and preserved in the records of the court.

650.430 Trial Without Jury; Commencement; Burden of Proof; Proof of Mental State Not An Element, Hearing of Evidence

- 1. The trial shall be by the court without a jury, and shall be scheduled pursuant to the Tribal Court's regular judicial days.

- 2. The Tribe shall have the burden of proving the alleged violation by a preponderance of the evidence.

- 3. Notwithstanding any other provision of law, the court may admit the affidavit of any witness into evidence in lieu of taking testimony orally in court. The authority granted under this subsection is subject to all of the following:
 - (a) In order to allow testimony to be presented by affidavit, the court must adopt rules and procedures allowing for the use of the affidavit; and

 - (b) The court shall allow testimony by affidavit only upon finding that the failure of the witness to personally appear does not substantially impair the ability of the defendant to present a defense.

- 3. All relevant evidence which the court deems proper and necessary for reaching a true and just verdict, or which is in accordance with Tribal customs and traditions,

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

A person commits the violation of curfew by failing to obey the curfew regulations as follows:

1. A person under the age of twelve shall be within a private residence and off the public streets between the hours of 9:00PM and 6:00AM on all weekday school nights, or
2. Between 10:00PM and 6:00AM on all other nights, except when the person described in section (1) is accompanied by his or her parent or guardian or is attending or returning from a school or community function authorized by the person's parent or guardian.
3. A person over the age of twelve, but under the age of eighteen shall be within a private residence and off the public streets between the hours of 11:00PM and 5:00AM on all weekday school nights, or
4. Between 12:00AM and 5:00AM on all other nights, except when the person described in (3) is accompanied by his or her parent or guardian or is attending or returning from a school or community function authorized by the minor's parent or guardian, or
5. A parent or guardian of a child under the age of eighteen shall take reasonable steps to assure that the child complies with the applicable provisions of this section.

650.580 Truancy

A person commits the violation of truancy by failing to obey school attendance provisions as follows:

1. Any parent or guardian of a school age child who fails to enroll the child in school, or
2. Any parent or guardian of a school aged child who knowingly permits the child to be truant, or
3. Any school aged child who fails to attend all scheduled class sessions at the school in which the child is enrolled unless the child has an excused absence.
4. This section shall not apply to those children that have a high school equivalency certificate, a child barred from school by a school disciplinary action, provided the child is at all times in the immediate supervision of the guardian, a child that has a physical or mental condition that causes regular attendance at school to be impracticable, or if the guardian has presented satisfactory reasons for non-attendance to the school district.

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

650.610 Discharge of a Firearm

A person commits the violation of discharging a firearm if the person discharges a firearm on or over Tribal lands except as otherwise allowed under Tribal law. This section shall not apply to police officers acting within the scope of their employment or others action at the direction of a police officer. This section also shall not apply to individuals hunting within the Tribal Lands known as the Coquille Forest described in 25 USC 715c(d).

650.620 Fireworks

A person commits a fireworks violation if the person sells or uses fireworks within the lands of the Tribe, except as hereby provided:

1. Only those fireworks allowed by the State of Oregon are approved for use on tribal lands;
2. Fireworks may only be ignited during the forty-eight hours before the official holiday and for twenty-four hours after;
3. Official holidays during which fireworks may be ignited are the Fourth of July and New Years Day;
4. Any person under the age of eighteen must have the immediate supervision of an adult;
5. Improper or unsafe use will result in the confiscation of all fireworks in the possession of the person by tribal police;
6. Tribal officials may make subsequent restrictions on the use of fireworks based on public safety, weather conditions, and fire concerns;
7. In addition and not in lieu of any other penalty allowed at law, a fifty dollar assessment shall be paid to the Coquille Indian Housing Authority by any person found in violation of this section.

650.630 Misuse of a Laser Pointer

A person commits the violation of misuse of a laser pointer if the person intentionally points a laser device at a law enforcement officer, or at the head or face of another person, while the device is emitting a laser beam. This section does not apply to a law enforcement officer who

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

uses a laser device in discharging or attempting to discharge the officer's official duties, or to any other professional who uses a laser device to discharge professional obligations.

650.640 Littering

A person commits the violation of littering if the person:

1. intentionally, carelessly, or recklessly throws, scatters, spills, drops, discards or otherwise disposes of any litter anywhere within the lands of the Tribe, except in authorized public waste disposal grounds or an authorized receptacle made available for such purpose, or
2. without lawful permission, stores or allows to accumulate any wrecked, junked or unserviceable vehicles, appliances or implements anywhere on the lands of the Tribe.

Whenever litter is blown, scattered, spilled, thrown, or dropped from a vehicle, the operator thereof shall be presumed to have committed such offense.

650.650 Nuisance

A person commits the violation of nuisance if the person maintains an area of real property, which is unsafe, unsanitary, or an eyesore as the result of abandoned materials or debris of any kind, including substances that have accumulated as the result of fires, vandalism, weather conditions, or neglect, affecting the public health, comfort, safety and welfare.

Upon receipt of a notification of a nuisance violation, the person or persons responsible shall be allowed forty-eight hours to commence the abatement, remedy, or removal of the nuisance and shall employ sufficient labor to abate, remedy or remove such nuisance as expeditiously as possible. If a forty-eight hour is impracticable due to public safety concerns, tribal officials shall arrange for the immediate abatement, remedy, or removal of the nuisance and the person or person responsible shall reimburse the expense in addition to and not in lieu of any other penalty allowed at law.

650.660 Improper Management of an Animal

A person commits the violation of improper management of an animal the person is the owner or keeper of an animal and:

1. fails to promptly remove in a sanitary manner any waste deposited by the animal on public property or on the property of another; or

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

2. allows animal excrement to accrue on the person's property to such a degree that a person of normal sensibilities would be bothered; or
3. fails to prevent such animal from running at large on public property or on the property of others. When off the property of the owner or keeper, dogs must be restrained by a dependable leash and controlled by a responsible person.
4. A sightless person who has charge or control of a guide dog, or a police dog in the performance of law enforcement duties, shall be exempt from the provisions of this section.

650.670 Unlawfully Applying Graffiti

A person commits the violation of unlawfully applying graffiti if the person, having no right to do so nor reasonable ground to believe that the person has such right, intentionally damages property of another by applying graffiti to the property.

650.675 Theft

A person commits the violation of theft when, with the intent to deprive another of property or to appropriate property to the person or to a third person, the person:

1. Takes, appropriates, obtains, or withholds such property from an owner thereof; or
2. Takes, appropriates, obtains, or withholds property lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient.

650.680 Mischief

A person commits the violation of mischief if, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so nor reasonable ground to believe that the person has such right, the person tampers, destroys or interferes with property of another.

650.685 Reckless burning

A person commits the violation of reckless burning if the person recklessly damages the property of another by fire or explosion.

650.690 Unlawful Use of a Weapon

A person commits the violation of unlawful use of a weapon if the person:

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

1. On or over Tribal lands, attempts to use unlawfully against another, or carries or possesses with intent to use unlawfully against another, any dangerous or deadly weapon; or,
2. Intentionally discharges a firearm, blowgun, bow and arrow, crossbow or explosive device on or over Tribal lands.

This section does not apply to Police officers in the lawful performance of their official duties. This section also shall not apply to individuals hunting within the Tribal Lands known as the Coquille Forest described in 25 USC 715c(d).

650.695 Misuse of a Permit

A person commits the violation of Misuse of a Permit when:

1. The person commercially sells resources gathered under a personal use permit, including, but not limited to mushrooms, berries, brush, and basketry materials; or,
3. The person gathers in excess of the amount allowed under the issued permit.

650.697 Failure to Possess a Valid Permit

A person commits the violation of Failure to Possess a Valid Permit when the person hunts, fishes, or gathers forest products or forest resources without authorization under Tribal law and policy; *provided* that nothing in this section penalizes any person who hunts or fishes within the Coquille Forest in compliance with 25 USC § 715c(d)(10)(A); and *provided further*, that nothing in this section limits an employee of the Tribe or any Tribal forest enterprise from carrying out their official work duties.

650.700 Unreasonable Noise

A person commits the violation of unreasonable noise by creating, assisting in creating, or permitting the continuance of unreasonable noise which annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others. The following acts are declared to be unreasonable noises in violation of this section, but the enumeration shall not be construed to be exclusive:

1. The keeping of any animal which by causing or continued noise disturbs the comfort and repose of any person in the vicinity;
2. The use of any vehicle or engine, either stationary or moving, so operated as to create a loud or unnecessary grating, grinding, rattling or noise;

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

3. The erection, including excavation, demolition, alteration or repair of any building in residential areas, other than between the hours of 7:00AM and 6:00PM except in the case of urgent necessity in the interest of the public welfare and safety;
4. The use of any alarm or siren upon any vehicle, other than police, fire or other emergency vehicle. An automobile security device may be utilized at a reasonable volume, duration and frequency;
5. The operation of exhaust brakes commonly known as Jacob's Brakes;
6. The creation of any excessive noise on any street adjacent to a school, court, community health center, assisted care facility or administrative office while the same are in use, which unreasonably interferes with the operation of the institution, or which disturbs the comfort and repose of any person in the vicinity;
7. The making of any noise by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device which disturbs the comfort and repose of any person in the vicinity;
8. The use of radios, stereos, television or other equipment at a volume which disturbs the comfort and repose of any person in the vicinity; and
9. The use of lawn mowers, leaf blowers, or other landscaping equipment, except between the hours of 7:00AM and dusk on weekdays and between the hours of 8:00AM and dusk on weekends.

650.710 Harassment

1. A person commits the violation of harassment if the person intentionally harasses or annoys another person by:
 - A. Subjecting such other person to offensive physical contact; or
 - B. Publicly insulting such other person by abusive words or gestures in a manner intended and likely to provoke a violent response; or
 - C. Subjects another to alarm by conveying a false report, known by the conveyor to be false, concerning death or serious physical injury to a person, which report reasonably would be expected to cause alarm; or
 - D. Knowingly propagating a false statement about another person with the intent to cause serious emotional distress.
2. A person is civilly liable for harassment if the person knowingly permits any telephone or electronic device under the person's control to be used in violation of subsection (1) of this

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

section.

650.715 Endangerment

A person commits the violation of endangerment if the person recklessly engages in conduct which creates a serious risk of physical injury to another person.

650.720 Menacing

A person commits the violation of menacing if by word or conduct the person intentionally attempts to place another person in fear of imminent physical injury.

650.800 False Reporting

A person commits the violation of false reporting if the person knowingly certifies falsely to matters in connection with the issuance of a citation or the filing of a complaint under this chapter.

650.900 Violation of Tribal Law

A person commits the violation of tribal law if the person violates any tribal law or any other council enactment intended to preserve the peace, health, safety, welfare and morals of the lands of the Tribe, when a punishment for such violation is not provided under any other provision of this Code or the law or enactment itself.

650.905 Violations Subject to Tickets

1. Law Enforcement Officers shall have discretion to issue tickets for the following Civil Violations:
 - (a) CITC 650.620 Fireworks;
 - (b) CITC 650.630 Misuse of a Laser Pointer;
 - (c) CITC 650.640 Littering;
 - (d) CITC 650.650 Nuisance;
 - (e) CITC 650.660 Improper Management of an Animal; and
 - (f) CITC 650.700 Unreasonable Noise.

2. Tickets shall be issued for the Civil Violations referenced above at the discretion of a Law Enforcement Officer when the violation is deemed less serious than a standard citation requiring the service of a Complaint and Summons. Nothing in this section prevents a Law Enforcement Officer from issuing a general citation subject to the maximum \$750 fine, when the violation is deemed serious.

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

3. Tickets shall be issued at the base fine amount of \$25. A second ticket issued to the same offender for the same violation shall carry a base fine amount of \$50. A third ticket issued to the same offender for the same violation shall carry a base fine amount of \$100. Continuous repeat offenders are subject to standard citations for the maximum \$750 fine.
4. All tickets issued will indicate the following minimum information:
 - (a) The specific civil violation as outlined in CITC 650.905(1)(a)-(f) that is the subject of the ticket;
 - (b) The date the ticket violation occurred and the date the ticket was issued;
 - (c) The base fine amount;
 - (d) The address where payments can be mailed to satisfy the base fine amount;
 - (e) The date all base fine amounts are due on the next month following the month the arraignment date is scheduled;
 - (f) A statement indicating that tickets not paid are subject to a doubling of the base fine amount indicated on the ticket;
 - (g) The arraignment date and time the Tribal Court will offer each month to allow for contesting the ticket;
 - (h) The name and address of the defendant; and
 - (i) The name of the officer issuing the ticket.
5. Any defendant wishing to contest a ticket will appear at the time and date scheduled for ticket arraignments as indicated on the ticket and, pursuant to the process outlined in CITC650.240, shall make one of three pleas:
 - (a) Guilty;
 - (b) No Contest, with or without an explanation; or
 - (c) Not Guilty.
6. Upon a plea of guilty or no contest the Tribal Court will enter a final judgment. Upon a plea of not guilty the court shall set a trial date pursuant to Chapter 650. Peacegiving and alternative dispute resolution will not be allowed under the ticket issuing process but all other remedies outlined under CITC 650.150 shall be available to the Tribal Court, including Court administered payment plans.
7. Tickets paid before the arraignment date or final due date shall be considered complete satisfaction for the base fine amount indicated on the ticket.
8. Unpaid tickets will result in the entry of a final judgment, and a doubling of the base fine amount for late payment.
9. All final judgments may be collected through the reduction in any and all Tribal monetary benefits or other collection means as necessary to uphold the purpose

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

and power of the Tribal Court. Monetary benefits reserved for Education, General Welfare, and Social Services shall be exempt from collection efforts.

10. All revenues generated from the ticket process will be deposited to the Tribe's general fund.

650.910 Severability

The sections and subsections of this code are severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

650.920 Sovereign Immunity

Nothing in the provisions of this code constitutes consent by the Coquille Indian Tribe, tribal entities, agencies, tribal officials or employees, agents or departments to be sued in any court. This code does not represent a waiver of the Coquille Indian Tribe's sovereign immunity for any purpose. The right to protection under the Tribe's sovereign immunity is in no way waived by members of the Tribal Council, the Tribe's officials, tribal entities, agencies or employees, or any attorney or agent of the Tribe.

Coquille Indian Tribal Code
Chapter 650
Civil Violations Ordinance

History of Amendments to Chapter 650 Civil Violations Ordinance:

Approved February 28, 2004, CY0419
Adopted April 24, 2004, Adopted by Motion
Approved April 3, 2008, CY0845
Adopted June 12, 2008, CY0879
Approved December 18, 2008, CY08180
Adopted March 12, 2009, CY0944
Approved February 6, 2014, CY1419
Adopted April 17, 2014, CY1440
Approved March 10, 2016 CY1635
Adopted April 23, 2016, CY1647