

WHITE EARTH RESERVATION TRIBAL COUNCIL

RESOLUTION NO. 001-98-017

WHEREAS, The White Earth Reservation Tribal Council is the duly elected governing body of the White Earth Reservation, and;

WHEREAS, The White Earth Band of Chippewa Indians enact in their inherent traditional powers the authority of the Minnesota Chippewa Tribal Constitution, Article 1, Section 3.

NOW THEREFORE BE IT RESOLVED THAT, the White Earth Reservation Tribal Council hereby adopts the following trespass law in order to protect its enrolled members and tribal employees within the boundaries of the White Earth Reservation:

Trespass

Section 1. Misdemeanor.

(a) The following terms have the meanings given them for purposes of this Section:

- (1) "Premises" means real property and any appurtenant building or structure.
- (2) "Dwelling" means the building or part of a building used by an individual as a place of residence on either a full-time or a part-time basis. A dwelling may be part of a multidwelling or multipurpose building, or a manufactured home.
- (3) "Construction site" means the site of the construction, alteration, painting, or repair of a building or structure.
- (4) "Owner or lawful possessor" as used in paragraph (b), clause (9), means the person on whose behalf a building or dwelling is being constructed, altered, painted or repaired and the general contractor or subcontractor engaged in that work.
- (5) "Posted" as used in clause (9), means the placement of a sign at least eleven inches (11") square in a conspicuous place on the exterior of the building that is under construction, alteration, or repair, and additional signs in at least two conspicuous places for each ten acres being protected. The sign must carry an appropriate notice and the name of the person giving the notice, followed by the word "owner" if the person giving the notice is the holder of legal title to the land on which the construction site

is located or by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land.

- (6) "Business licensee" as used in paragraph (b), clause (9), includes a representative of a building trades labor or management organization.
  - (7) "Building" means a structure suitable for affording shelter for human beings including any appurtenant or connected structure.
- (b) A person is guilty of a misdemeanor if the person intentionally:
- (1) permits domestic animals or fowls under the actor's control to go on the land of another within a lakeshore, village or platted area in the White Earth Reservation;
  - (2) interferes unlawfully with a monument, sign, or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or of a tract of land;
  - (3) trespasses on the premises of another and, without claim of right, refuses to depart from the premises on demand of the lawful possessor;
  - (4) occupies or enters the dwelling or locked or posted building of another, without claim of right or consent of the owner or the consent of one who has the right to give consent, except in an emergency situation;
  - (5) enters the premises of another with intent to take or injure any fruit, fruit trees, or vegetables growing on the premises, without the permission of the owner or occupant;
  - (6) enters or is found on the premises of a public or private cemetery without authorization during hours the cemetery is posted as closed to the public;
  - (7) returns to the property of another with the intent to abuse, disturb, or cause distress in or threaten another, after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent;
  - (8) returns to the property of another within 30 days after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent;
  - (9) enters the locked or posted construction site of another without the consent of owner or lawful possessor, unless the person is a business licensee; or

- (10) enters any tribally owned or leased building, office, work environment or workplace such is locked, closed, or not open to the public or after being told to leave and not return.

A misdemeanor under this law is punishable by a \$1000.00 fine and/or 30 days in jail.

Section 2. Gross Misdemeanor.

Whoever trespasses upon the grounds of a facility providing emergency shelter services for battered women or a facility providing transitional housing for battered women and their children, without claim of right or consent of one who has right to give consent, and refuses to depart from the grounds of the facility on demand of one who has right to give consent, is guilty of a gross misdemeanor.


A gross misdemeanor under this law is punishable by a \$2500.00 fine and/or 60 days in jail.

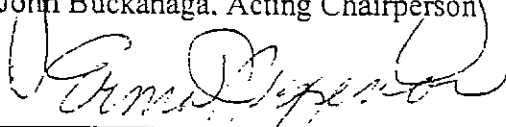
Section 3. Trespasses on School Property.

- (a) It is a misdemeanor for a person to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless the person:
  - (1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;
  - (2) has permission or an invitation from a school official to be in the building;
  - (3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or
  - (4) has reported the person's presence in the school building in the manner required for visitors to the school;
- (b) It is a gross misdemeanor for a group of three or more persons to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless one of the persons:
  - (1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;
  - (2) has permission or an invitation from a school official to be in the building;
  - (3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or
  - (4) has reported the person's presence in the school building in the manner required for visitors to the school;

- (c) It is a misdemeanor for a person to enter or be found on school property within six months after being told by the school principal or the principal's designee to leave the property and not to return, unless the principal or the principal's designee has given the person permission to return to the property. As used in this paragraph, "school property" means any property owned, leased, or controlled by a school district or an organization operating a nonpublic school, where an elementary, middle, secondary school, secondary vocational center or other school is providing educational services or used for extracurricular or cocurricular activities or the area within a school bus when that bus is being used to transport one or more elementary or secondary students.
- (d) A school principal or a school employee designated by the school principal to maintain order on school property, who has reasonable cause to believe that a person is violating this Section may detain the person in a reasonable manner for a reasonable period of time pending the arrival of a peace officer. A school principal or designated school employee is not civilly or criminally liable for any action authorized under this paragraph if the person's action is based on reasonable cause.
- (e) A peace officer may arrest a person without a warrant if the officer has probable cause to believe the person violated this Section within the preceding four hours. The arrest may be made even though the violation did not occur in the peace officer's presence.

We do hereby certify that the foregoing resolution was duly acted upon by a vote of 3 for, 0 against, 0 silent, a quorum being present at a meeting held on June 26, 1998, at White Earth, Minnesota.

  
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John Buckanaga, Acting Chairperson

  
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Erma Vizenor, Secretary-Treasurer