

**Bad River Tribal Court Code
Chapter 146 – Disorderly Conduct Code**

relating to: disorderly conduct code title, statement of purpose and definitions, enforcement and penalties.

**an amendment relating to: Public Health Isolation and Quarantine Order dated August 6, 2020 enforcement; and
an amendment relating to: applying the Public Health Release dated July 20, 2020 regarding face coverings and masks to public or business space and outdoors where unable to maintain physical distance and enforcement.**

Chapter 146 of the Bad River Tribal Court Code is created to read:

Section 146.01 Title, Statement of Purpose and Definitions.

- A. Title. This Code may be cited as the “Disorderly Conduct Code.”
- B. Statement of Purpose. The purpose of this Code is to:
1. Eliminate offensive behaviors and maintain peace within the Bad River community;
 2. To hold violators accountable for their actions;
 3. To promote health, safety, and well-being to anyone within the boundaries of the Bad River Reservation.
- C. Construction. This Chapter shall be liberally construed to effect the purposes stated above and shall be interpreted to comport with the customs and traditions of this Tribe. If Tribal Law, customs, or traditions are inconclusive in any matter arising under this chapter, then other Tribal Law, Federal Law, and as a last resort, the law of the State of Wisconsin, may be used for guidance.
- D. Definitions. As used in this Chapter the following terms shall have the meanings given below:

Disorderly Conduct

Any person subject to the jurisdiction of the Bad River Reservation who is found, by a preponderance of the evidence, to have engaged intentionally in any of the following behaviors on the Reservation, knowing, or having reasonable grounds to know that such behavior will, or will tend to alarm, anger or disturb others or provoke an assault or breach of the peace, is guilty of disorderly conduct, which is a civil misdemeanor, and is subject to a fine.

1. Disorderly Conduct means:
 - a) Engaging in brawling or fighting; or
 - b) Disturbing a lawful meeting or assembly of persons without lawful authority; or
 - c) Engaging in offensive, obscene, abusive, or abusive conduct tending to reasonably arouse alarm, anger, or resentment in others or uses offensive, obscene, or abusive words which by their very utterance, inflict injury or tend to incite and immediate breach of the peace; or
 - d) Blocking vehicular or pedestrian traffic without lawful authority; or
 - e) Preventing the free ingress or egress to public or private places without lawful authority; or
 - f) Making a false report or warning of a fire, impending explosion or other catastrophe in a place in which such an occurrence would endanger human life; or
 - g) Appearing in a public or private place in an intoxicated and disorderly condition; or
 - h) Creating a disturbance, while hosting or attending celebration, so as to disrupt the peacefulness of the neighborhood or community through loud noises and/or fights or other obnoxious behavior, or
 - i) Playing his/her music from any car, house or music player so as to create a disturbance to the neighbors or community members, between the hours of 10:00 p.m. and 8:00 a.m. Creating a disturbance or disrupting the peace shall be determined by the enforcement officer(s) from the complainant's location, or shall be determined using a decibel meter reading of 90-95 dB, or be determined by whether the noise can be heard from a distance of 500 feet or more from the disturbance.

an amendment relating to: Public Health Isolation or Quarantine Order dated August 6, 2020 enforcement

- j) Public Health Emergency in Response to the SARS – Cov – 2 virus. Isolation and Quarantine. If the Public Health Nurse reasonably believes or is informed of the existence of COVID – 19 infection, the Nurse shall immediately investigate and make or review the diagnostic report of a physician, the notification or confirmation report of a patient or a parent or caretaker of a patient and isolate, quarantine direct contacts, require restrictions or take other action pursuant to the Public Health Order dated August 6, 2020.**

an amendment relating to: applying the Public Health Release dated July 20, 2020 regarding face coverings and masks to public or business space and outdoors where unable to maintain physical distance and enforcement.

- k) **Public Health Emergency in Response to the SARS – Cov – 2 virus. All persons age 5 and older shall wear a mask or other face covering or mask over their nose and mouth when in the following situations: inside any public or business space; and while outdoors in public spaces and unable to maintain a 6 – foot distance between individuals.**

Section 146.02 Enforcement.

A. The Tribal Police shall have the authority to investigate any disturbance on the Reservation. Upon reasonable suspicion, which may be based on the complaint of another person, that any person subject to the jurisdiction of the Bad River Reservation is engaging in or has engaged in disorderly conduct as defined in section 146.01D. of this chapter, the Tribal Police shall determine whether a citation according to Section 146.03 of this chapter shall be issued.

B. As used in this section, “Reservation” means lands owned or held in trust for the Bad River Tribe.

C. Nothing contained in this section shall be construed as a waiver of sovereign immunity of the Bad River Band of Lake Superior Chippewa.

an amendment relating to: Public Health Isolation and Quarantine Order dated August 6, 2020 enforcement

D. The Tribal Police shall have the authority to execute the Public Health Order dated August 6, 2020 and a Public Health Nurse isolation, quarantine direct contact, restriction or other action if the isolation, quarantine or other restriction is violated, including removing a person to a designated place.

Section 146.03 – Penalties.

Any person who violates this Chapter shall be subject to the following:

A. A civil forfeiture not less than \$50.00 but not to exceed \$500.00 for the first offense; and/or

B. A civil forfeiture not less than \$100.00 but not to exceed \$1000.00 for a second offense within a five (5) year period; and/or

C. A penalty other than those stated above as deemed appropriate by the Court, to be determined on a case-by-case basis.