

CHAPTER 60 – EMERGENCY DECLARATIONS

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CHAPTER 60 -- EMERGENCY DECLARATIONS

60.1 SECTION 1: PURPOSE AND EFFECT

This ordinance is intended to provide an enforcement mechanism for any Quarantine Order issued by the Public Health Director. It is enacted in an effort to protect the public health, safety and general welfare of the Band and its members.

60.2 SECTION 2: DEFINITIONS

60.2.1 “Emergency Declaration” means a Public Health Emergency declared by formal resolution of the Red Cliff Tribal Council.

60.2.2 “Public Health Director” or “Health Director” means that person within the tribal government designated with the primary responsibility of maintaining public health of the reservation and its residents.

60.2.3 “Public Health Emergency” means a formal declaration by the Tribal Council in the form of a resolution that addresses the occurrence or imminent threat of an illness or health condition which:

- (1) is believed to be caused by a biological agent; and
- (2) poses a high probability of any of the following:
 - a) a large number of deaths or serious or long-term disability among humans; or
 - b) widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of substantial future harm to a large number of people.

60.2.4 “Red Cliff Tribal Council” or “Tribal Council” means the duly elected governing body of the Red Cliff Band of Lake Superior Chippewa Indians.

60.2.5 “Quarantine Order” means a formal declaration by the Public Health Director that mandates that persons not leave their residence for a specified period of time in response to a Public Health Emergency except within certain defined parameters as further detailed in the Quarantine Order itself.

60.3 **SECTION 3: EMERGENCY DECLARATIONS**

60.3.1 The Red Cliff Tribal Council shall be responsible for declaring a Public Health Emergency or ratifying the existence of a Public Health Emergency.

60.3.2 Upon a Declaration of Public Health Emergency, the Public Health Director shall be authorized to issue a Quarantine Order to require that person(s) isolate.

60.4 **SECTION 4: ENFORCEMENT AND PENALTIES**

60.4.1 It shall be a violation of this law for any person to willfully obstruct, hinder, or delay the implementation or enforcement of the provisions of this law or any plan issued thereunder.

60.4.2 Any person failing to abide by the terms of any conditions or restrictions contained in an order for monitoring and quarantine issued pursuant to the authority of the Public Health Director during a Public Health Emergency shall be subject to fine and other enforcement action as further detailed in this section.

60.4.3 Violations of this section shall subject the offender to a fine of not less than two hundred fifty dollars (\$250) for any first offense and five hundred (\$500) for any subsequent violation, citations to be issued by the Red Cliff Police Department and paid to the Tribe.

60.4.4 All fines assessed under this section shall be paid within sixty (60) days of issuance of the citation, unless the Defendant files an appeal to the Red Cliff Tribal Court in accordance with the applicable provisions of tribal law before the fine is due to be paid. The Tribal Court is authorized to use available means to address failure to make timely payment under this section, including but not limited to suspension of any privileges associated with tribal membership such as use of tribal commercial facilities, motor vehicle operating privileges, etc.

60.4.5 Persons committing a first offense of this Chapter shall be eligible to have their citation expunged if, after being cited, then fully comply with the terms of the Quarantine Order. Upon expungement, no fine shall apply in connection with any first offense.