

## **CHAPTER 23 – CURFEW AND LOITERING**

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## **CHAPTER 23 – CURFEW AND LOITERING**

### **23.1      SECTION 1: CURFEW VIOLATIONS**

- 23.1.1      It shall be unlawful for any person within the exterior boundaries of the Red Cliff Reservation who is 15 years old or younger to loiter or play in or upon the highways, roads, parks, docks, buildings, vacant lots, or other unsupervised places between the hours of 10:00 p.m. and 5:00 a.m. (9-20-05C)
  
- 23.1.2      It shall be unlawful for any person within the exterior boundaries of the Red Cliff Reservation who is 16 or 17 years of age to loiter or play in or upon the highways, roads, parks, docks, buildings, vacant lots, or other unsupervised places between the hours of 12:00 a.m. and 5:00 a.m. (9-20-05C)
  
- 23.1.3      In the event, the minor is accompanied by a parent, or guardian, or other adult person, having the care and custody of the minor, or is attending a special event sponsored by the Red Cliff Tribe, or other reasonable activity, this section shall not apply.
  
- 23.1.4      It shall be unlawful for any parent, guardian, or other person having lawful care, custody, and control of any person under the age of 18 years to allow or permit such person to violate the provisions of 23.1.1.
  
- 23.1.5      Any conviction of section 23.1.1 shall be subject to a minimum monetary penalty of not less than \$20.00 and no more than \$250.00, plus any other remedies the court deems appropriate.

### **23.2      SECTION 2: RESTRICTIONS IN THE MARINA/CAMPGROUND AREA**

- 23.2.1      It shall be unlawful for any person who is under the age of 18 to loiter or play in or upon the Legendary Waters Campground and Marina area at anytime unless under the direct supervision of a parent or guardian. (11-5-2012)
  
- 23.2.2      No person shall at anytime swim from or dive from the dock located in the Legendary Waters Marina. (11-5-2012)
  
- 23.2.3      No one who is under the age of 18 shall fish from the dock located in the Legendary Waters Marina unless under the direct supervision of a parent or guardian. (11-5-2012)
  
- 23.2.4      Anyone who is under the age of 18 and who violates any provision of this ordinance shall be fined no less than \$5.00 and no more than \$20.00. The parent or guardian must accompany the child to Tribal Court and will be held responsible for payment of the fine.

- 23.2.5 Any person 18 years of age or over who is found in violation of this provision may be fined no less than \$10.00 and no more than \$25.00. The person found in violation of this ordinance may be required to appear in Tribal Court.
- 23.2.6 No person while in the boundaries of the Legendary Waters Marina/Campground area shall engage in violent, abusive, indecent, profane, boisterous, and unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. (11-5-2012)
- 23.2.7 Any person convicted of violating section 23.2.6 shall be subject to a monetary penalty of not less than \$10.00 and no more than \$250.00, plus any other remedy the court may deem appropriate. In the event the alleged offender is a minor, the minor's parent, guardian, or legal custodian must accompany the minor to court and will be held responsible for the payment of any monetary penalty.

**23.3 SECTION 3: RESTRICTIONS IN LEGENDARY WATERS RESORT & CASINO**

23.3.1 DEFINITIONS. In this chapter unless otherwise defined.

- (a) "ALCOHOL" means fermented malt beverages or intoxicating liquor.
- (b) "BAR" means a room in which alcohol is sold.
- (c) "FACILITY" means the physical building structure containing the casino, hotel, restaurant, conference center, and associated walkways and common areas. (11/9/2018)
- (d) "LEGAL DRINKING AGE" means the minimum legal drinking age as defined by the laws of the State of Wisconsin.
- (e) "MANAGEMENT" means the Red Cliff Band and its officers, who manage the Legendary Waters Resort & Casino.(11-5-2012)
- (f) "PREMISES" means all areas of the Legendary Waters Resort & Casino, including but not limited to the bar/lounge, hotel, campground, marina, entranceways, hallways, restrooms, parking or other areas. (11-5-2012)
- (g) "UNDERAGE PERSON" means a person who has not attained the legal drinking age as defined in paragraph 23.3.1 (c) A person who refuses to provide proof of age or who cannot provide proof of age satisfactory to management shall be presumed to be underage.

23.3.2 No person shall enter or remain on premises unless he or she is at all times actively engaged in gaming, bingo, or restaurant activities unless a guest at the hotel. A person, who remains in a hallway, foyer, restroom, parking or other area

for longer than 5 minutes, whether or not such person is then consuming food or drink, shall be presumed not to be engaged in gaming, bingo, or restaurant activities. (11-5-2012)

- 23.3.3 No underage person shall enter any portion of the Legendary Waters Resort and Casino facility that is encompassed by the gaming floor including the bar/lounge area in the southeast corner of the facility, unless employed by the Legendary Waters Resort & Casino. This restriction shall not apply to the Sports Bar & Lounge adjacent to the restaurant. (11-9-2018)
- 23.3.4 No underage person shall buy, take, possess, carry or consume alcohol under any circumstances on the premises.
- 23.3.5 No person shall authorize, consent to, make available, or cause the use or consumption of alcohol by an underage person. A person who furnishes alcohol to an underage person is presumed to know the age of the underage person.
- 23.3.6 No person, while on the premises, shall buy, sell, take, possess, carry, or consume any controlled substance as defined by 21 U.S.C., sec. 802(6) unless a physician issued a valid prescription for such substance to such person.
- 23.3.7 No person while on the premises shall engage in violent, abusive, indecent, profane, boisterous, and unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.
- 23.3.8 No person shall buy, sell, take, possess, or carry any open container of alcohol in any parking area of the premises.
- 23.3.9 No underage person shall enter or remain on the premises after 11:00 p.m.
- 23.3.10 No person shall refuse to leave the premises after being requested to do so by management.
- 23.3.11 No person shall enter the premises after being refused admittance by the management
- 23.3.12 An underage person who violates any provision of this ordinance shall be subject to immediate removal from the premises and shall be subject to a civil forfeiture of not less than \$10.00 nor more than \$50.00. The parent or guardian must accompany an underage person who is not eighteen to Tribal Court and will be held responsible for payment of the forfeiture.
- 23.3.13 Any person 19 years of age or older who violates any provision of this ordinance shall be subject to immediate removal from the premises and shall be subject to a civil forfeiture of not less than \$25.00 nor more than \$1,000.00.  
**(Resolution 03-18-03A)**

23.3.14 Any person who fails to pay a civil forfeiture shall not enter the premises until said forfeiture is paid in full.

23.3.15 In addition to the imposition of civil forfeitures for a violation of this Chapter 23, the Tribal Court may also impose other remedies, including but not limited to: alcohol assessment and counseling, restitution of property and physical damage, community service work, and setting forth conditions under which the defendant may enjoy the use of the premises.

## **23.4 SECTION 4: TRESPASS**

23.4.1 DEFINITIONS. In this chapter unless otherwise defined.

- (a) “Motor Vehicle” means any self-propelled vehicle where propulsion is provided by an engine or motor including but not limited to Cars, Trucks, ATV’s, Snowmobiles and Motorcycles.
- (b) “Posted” means exhibiting signs which read “PROPERTY RESTRICTED”; “NO TRESPASSING” “KEEP OUT”; or similar signs.
- (c) “Special Event” means an event that is open to the public for a specified duration of time.
- (d) “Trespass” means unlawful entry onto another's property.

23.4.2 Any individual who shall go upon or pass over any trust or restricted lands under the jurisdiction of the Red Cliff Band of Lake Superior Chippewa Indians in violation of any provisions of this or any other law of the Red Cliff Band of Lake Superior Chippewa Indians is deemed to be trespassing when the individual enters or remains on any land, building or premises after having been notified not to enter or remain there. Such notice or order may be given, by the following;

- (a) Written or verbal communication actually given to the intruder; or
- (b) Written notice posted on or about the property in a manner reasonably likely to come to the attention of potential intruders; or
- (c) By fences, barricades or other devices manifestly designed to enclose the property and to exclude potential intruders.

23.4.3 Any individual, whether a tribal member or member of the general public, who knowingly enters the Frog Bay Tribal National Park by means of a motor vehicle and who is not conducting official business or maintenance activities at the park shall be guilty of trespass.

23.4.4 The Red Cliff Tribal Wardens or any Law Enforcement Officer at the time the trespass occurs shall be authorized to seize any motorized vehicles, equipment and material goods, used in connection with the trespass to be returned at the discretion of the Court at any time during the judicial proceeding.

23.4.5 Any individual, whether a tribal member or member of the general public, who is convicted of trespassing, shall be subject to a civil forfeiture of not less than \$100.00 nor more than \$500.00. (12-18-2012)