

LAW AND ORDER CODE
ARTICLE IX
CIVIL PROCEEDINGS

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LAW AND ORDER CODE
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[NOTE: Except as otherwise noted, the provisions of Article IX of the Law and Order Code were enacted on January 14, 2002.]

ARTICLE IX. CIVIL PROCEEDINGS

CHAPTER 1. GENERAL PROVISIONS

Section 9-101. Jurisdiction.

Subject matter and personal jurisdiction are established pursuant to the Tribal Law and Order Code, Article I, Chapter A, §§ 101 and 102.

Section 9-102. Purpose.

Article IX is adopted by the Tribal Council of the Colorado River Indian Tribes pursuant to Article VI, §1(v) of the Constitution of the Colorado River Indian Tribes. The purpose of Article IX is to promote and preserve the peace, harmony, safety, health and general welfare of the people of the Colorado River Indian Reservation and those permitted to enter upon or reside within the territory of the Reservation.

Section 9-103. Definitions.

In this Article, except where otherwise specifically provided or unless the context otherwise requires, the following terms and expressions shall have the meanings defined below wherever they are utilized in this Article:

(A) “Colorado River Indian Reservation” or “Reservation” means all lands and waters located within the exterior boundaries of the Colorado River Indian Reservation as established, existing and geographically defined under the laws of the United States, encompassing all territory within its exterior boundaries as now or hereinafter prescribed or ascertained, including fee patented lands, allotted lands, townsites, roads, bridges, and lands and rights-of-way, owned, used or claimed by any person.

(B) “Colorado River Indian Tribes” or “Tribes” means the citizenship and organization of the Colorado River Indian Tribes of the Colorado River Indian Reservation, under and pursuant to its Constitution and By-Laws, as amended, ratified July 17, 1937 and approved August 13, 1934 (48 Stat. 984), as amended.

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- (C) “Reasonable Force” means the force reasonably necessary to terminate the civil trespass.
- (D) “Trespasser” means any person using, possessing, or occupying, any tribal lands without a lease, permit, or other written approval or authorization of the Tribal Council. For purposes of this Article, a Trespasser shall also mean any person who moors, anchors, or connects a boat in any way to tribal lands without a lease, permit, or other written authorization of the Tribal Council, regardless of whether the boat itself rests on tribal lands.
- (E) “Tribal Council” or “Council” means the Tribal Council of the Colorado River Indian Tribes.
- (F) “Tribal Court” or “Court” means the Colorado River Indian Tribes’ Tribal Court.
- (G) “Tribal Lands” means all lands either owned in fee by the Colorado River Indian Tribes or held in trust by the United States for the Colorado River Indian Tribes.

CHAPTER 2. TRESPASS

Section 9-201. Purpose.

The purpose of this section is to set forth law governing occupation of premises and lands within the Colorado River Indian Reservation, to deter and prevent trespass on the Reservation and to remove trespassers in an orderly and expeditious manner.

Section 9-202. Applicability.

Except as otherwise expressly provided, this Chapter applies to the unlawful occupation or use of premises and lands within the Reservation.

Section 9-203. Tribal Court Jurisdiction to Hear Trespass Actions.

(A) This Chapter applies to all persons and property, personal and real, subject to the jurisdiction of the Tribes as established by the Constitution of the Tribes, the inherent sovereignty of the Tribes, by the Tribal Law and Order Code as set forth in Section 9-101, Chapter 1 of this Article, and by other applicable laws, regulations, and ordinances.

(B) The Colorado River Indian Tribes Tribal Court is hereby granted the jurisdiction and authority to determine whether a person or entity has committed a trespass or is presently trespassing, including issuing orders requiring the person or entity having been found by the Court to be a trespasser to vacate the subject tribal lands and requiring a tribal Realty Agent, Law Enforcement Officer, and/or Fish and Game Warden to physically remove the person or entity and their personal property from the subject tribal lands.

Section 9-204. Removal of Trespassers.

Prior to making any attempt to remove a trespasser from tribal lands, the Tribe's duly authorized Realty Agent, Law Enforcement Officer, and/or Fish and Game Warden shall: (1) advise the trespasser that he/she is trespassing on tribal lands; and, (2) advise the trespasser to vacate the tribal lands immediately. In the event that the trespasser does not immediately vacate the lands the procedures set forth herein shall be followed.

Section 9-205. Complaint in Trespass.

If the trespasser fails to vacate the subject trust lands when advised to do so as set out in Section 9-204 of this Chapter, the Tribe may file a Trespass complaint with the Tribal Court. The complaint shall be verified and shall set forth the following: (1) if known, the names of the trespassers; (2) if the names of the trespassers are unknown, the trespassers may be designated by the fictitious name "Doe" and the complaint shall include an approximate number of trespassers and a legal description of the tribal lands they use, possess or occupy; (3) legal description of the subject tribal lands; (4) a signed and authenticated affidavit from a duly authorized Realty Agent, Law Enforcement Officer, and/or Fish and Game Warden stating; (a) that the trespassers are on tribal lands without the permission of the tribes, and (b) that the trespassers have been asked to vacate tribal lands pursuant to Section 9-204 of this Chapter; and, (5) a request for a removal order.

Section 9-206. Tribal Court Action.

Within twenty-four hours of the receipt of the Tribes' Trespass Complaint, the Tribal Court shall issue either a removal order or a written explanation of any defect(s) in the Tribes' Trespass Complaint. If the Tribe's Trespass Complaint contains defects the Tribes shall be given leave to amend its complaint.

Section 9-207. Removal Order.

The Tribal Court shall issue a removal order if the Tribes' Trespass Complaint satisfies the requirements of Section 9-205 of this Chapter. The removal order shall be issued on the basis of the ex-parte complaint of the Tribes. The removal order shall direct the Tribes' duly authorized Realty Agents, Law Enforcement Officers, and/or Fish and Game Wardens to use all reasonable force necessary to remove any and all trespassers and their personal property from the subject tribal lands. There is no right to appeal a removal order.

Section 9-208. Authority to Remove.

The Tribes' duly authorized Realty Agents, Law Enforcement Officers, and/or Fish and Game Wardens shall have the authority to do all things reasonably necessary, including exercising reasonable force, to remove trespassers from tribal lands. No Realty Agent, Law Enforcement

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Officer, or Fish and Game Warden acting pursuant to this Article shall be civilly or criminally liable for any injury or damage incurred by any party during the removal process.

Section 9-209. Severability.

If any section, subsection, paragraph, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of this Article.

Section 9-210. Effective Date.

This Article shall take effect immediately upon its passage.

Section 9-211. Reservations.

Nothing in this Article shall be construed as a limitation upon the sovereignty or sovereign immunity of the Tribes or the jurisdiction of the Colorado River Indian Tribes or the Tribal Court.

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