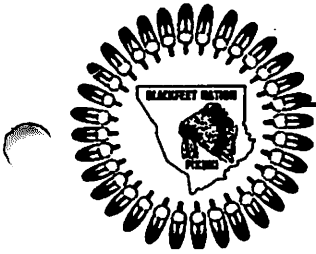


BLACKFEET NATION

1

P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax (406) 338-7530



EXECUTIVE COMMITTEE
WILLIE A. SHARP, JR. - CHAIRMAN
PETER D. TATSEY - VICE CHAIRMAN
T.J. SHOW - SECRETARY
KENNETH AUGARE - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL
WILLIE A. SHARP, JR.
PETER D. TATSEY
T.J. SHOW
HENRY BUTTERFLY
PAUL MCEVERS
REIS FISHER
JESSE "JAY" ST. GODDARD
SHANNON J. AUGARE
WOODROW "JAY" WELLS

RESOLUTION

No. 113-2011

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Reservation; and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, education and resources of the Blackfeet Indian Reservation, and

WHEREAS, Article VI, Section 1(k) of the Constitution and By-Laws of the Blackfeet Indian Nations empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation; and

WHEREAS, It has come to the attention of the Blackfeet Tribal Business Council that the Blackfeet Community is deeply concerned with the problems of public intoxication, public loitering and the safety of the public; and

WHEREAS, On July 7, 2005, the Blackfeet Tribal Business Council adopted Executive Resolution No. EX217-2005 which decriminalized public intoxication but permitted such intoxicated person or incapacitated person to be taken into protective custody by law enforcement officers.

WHEREAS, It has again come to the attention of the Blackfeet Tribal Business Council that there is no provision in the Blackfeet Law and Order Code of 1967, as amended, which specifically relates to public intoxication and public loitering; and

Resolution No. 113-2011

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WHEREAS, It is the desire of the Blackfeet Tribal Business Council to rescind Resolution No. EX217-2005 and implement a new ordinance on Public Intoxication and Public Loitering following the requirements set out in Article V, Section 3 of the By-Laws of the Blackfeet Tribe.

THEREFORE BE IT RESOLVED as follows:

1. That the Blackfeet Tribal Business Council hereby rescinds Resolution No. EX217-2005 dated July 7, 2005 in its entirety, pursuant to Section Article V, Section 3 of the By-Laws of the Blackfeet Tribal Business Council.

2. That a copy of the new ordinance on public intoxication and public loitering, referred to as Chapter 5, Part IV, Offenses Against Administration and Order, Section 16, Blackfeet Law and Order Code of 1967, as amended. That a copy of the Ordinance is attached hereto and made a part of this Resolution by this reference.

3. The Chairman and Secretary are authorized to sign this Ordinance on behalf of the Blackfeet Tribal Business Council

ATTEST:

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**



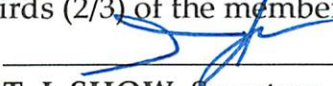
T. J. SHOW, Secretary



WILLIE A. SHARP, JR., Chairman

CERTIFICATION

I hereby certify that the foregoing Rescinding Resolution was adopted by the Blackfeet Tribal Business Council in a duly called and convened Regular Session, assembled the 6th day of January, 2011, with Nine (9) members present to constitute a quorum, and with a voice vote of Nine (9) FOR, Zero (0) OPPOSED, and Zero (0) ABSTAINING, that being at least two-thirds (2/3) of the members voting for rescission.
(SEAL) ROLL CALL VOTE



T. J. SHOW, Secretary
Blackfeet Tribal Business Council

BLACKFEET NATION

1

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SHANNON J. AUGARE
WOODROW "JAY" WELLS

ORDINANCE

No. 107

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Reservation; and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, education and resources of the Blackfeet Indian Reservation, and

WHEREAS, Article VI, Section 1(k) of the Constitution and By-Laws of the Blackfeet Indian Nations empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation; and

WHEREAS, It has come to the attention of the Blackfeet Tribal Business Council that the Blackfeet Community is deeply concerned with the problems of public intoxication, public loitering and the safety of the public; and

WHEREAS, It has come to the attention of the Blackfeet Tribal Business Council that there is no provision in the Blackfeet Law and Order Code of 1967, as amended, which specifically relates to public intoxication and public loitering; and

WHEREAS, There is now a need to amend the Blackfeet Law and Order Code to define and set forth the penalty for public intoxication and public loitering; now

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THEREFORE BE IT ORDAINED as follows:

1. That the Blackfeet Tribal Business Council hereby amends Chapter 5, Part IV, Offenses Against Administration and Order, by adding a new Section 16, as follows: (the language within the quotation marks (“ ”) shall be the language included in the Blackfeet Law and Order Code of 1967, as amended.)

“PART IV. OFFENSES AGAINST ADMINISTRATION AND ORDER.

Section 16. PUBLIC INTOXICATION AND LOITERING.

(1) DEFINITIONS:

A. “Public place” shall include any occupied structure, abandoned structures accessible by the public, public street or alley open to the ways and means of the public. Places where the public has an interest as affecting the safety, health, morals, and welfare of the community.

B. “Loitering” means an individual physically occupying the outside perimeter (within 100 feet) of a business or publicly occupied structure when not allowed by the premises.

C. “Intoxicated Person” means a person whose mental or physical functioning is substantially impaired as result of the use of alcohol.

(2) PUBLIC INTOXICATION

A. Any intoxicated person who is observed, in any public place, either under the influence of alcohol or other intoxicating substances, commits the crime of public intoxication. This law excludes consumption of alcohol in designated liquor establishments and sanctioned events by the Blackfeet Tribe.

B. The penalty for public intoxication shall be the following:

i. 1st Offense: Fifty Dollar (\$50.00) fine (credit for time served – discretionary) or ten (10) days incarceration (available for suspension upon conditions).

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Resolution No. 113-2011

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ii. 2nd Offense: Five (5) days mandatory incarceration and One Hundred Dollars (\$100.00) fine. Fine may be available to be worked off with various tribal programs and organizations.

iii. 3rd Offense: Thirty (30) days incarceration, ten (10) days mandatory. The remainder may be suspended on conditions and probation and a Two Hundred Fifty Dollar (\$250.00) fine. Fine may be available to be worked off with various tribal programs and organizations.

iv. 4th Offense: Sixty (60) days mandatory incarceration (One half (1/2) may be suspended on conditions and probation) and a Five Hundred Dollar (\$500.00) fine (fine available to be worked off with various tribal programs and organizations).

v. 5th and Consecutive Offenses: Mandatory six (6) months incarceration (remaining one-third (1/3) may be suspended on conditions and probation) and a Seven Hundred Fifty Dollar (\$750.00) fine. Fine available to be worked off with various tribal programs and organizations.

D. Offenders/defendants must complete a mandatory drug and alcohol assessment within thirty (30) days of conviction and must follow the recommendations of assessment.

(3) LOITERING

Any person who is observed, in any public place, loitering in front of a public business or service, or who solicits or harasses a patron of the business or client of the service commits the crime of public loitering.

i. 1st Offense: One Hundred Dollar (\$100.00) fine. Fine available to be worked off with various tribal programs and organizations.

ii. 2nd Offense: Two Hundred Fifty Dollar (\$250.00) fine. Fine available to be worked off with various tribal programs and organizations.

iii. 3rd Offense: Ten (10) days mandatory incarceration and Three Hundred Fifty Dollar (\$350.00) fine. Fine available to be worked off with various tribal programs and organizations.

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iv. 4th Offense: Thirty (30) days mandatory incarceration and Four Hundred Fifty Dollar (\$450.00) fine. Fine available to be worked off with various tribal programs and organizations.

v. 5th and Consecutive Offenses: Mandatory six (6) months incarceration and Five Hundred Fifty Dollar (\$550.00) fine. Fine available to be worked off with various tribal programs and organizations." *(end of language to be put into the Blackfeet Tribal Law and Order Code of 1967, as amended.)*

2. This Ordinance shall be published in *The Glacier Reporter* for four (4) consecutive weeks and posted in public places by the Blackfeet Tribal Documents Office, after which time it shall be in full force and effect.

3. Business owners throughout the Blackfeet Indian Reservation are encouraged to post "No Loitering" signs in and around their place of business as a means of giving public notice.


5. The Chairman and Secretary are authorized to sign this Ordinance on behalf of the Blackfeet Tribal Business Council.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION



T. J. SHOW, Secretary



WILLIE A. SHARP, JR., Chairman

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Blackfeet Tribal Business Council in a duly called and convened Regular Session, assembled the 6th day of January, 2011, with Nine (9) members present to constitute a quorum, and with a vote of Nine (9) FOR, Zero (0) OPPOSED, and zero (0) ABSTAINING.

(SEAL)



T. J. SHOW, Secretary
Blackfeet Tribal Business Council