

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** Article I of the Constitution of the Three Affiliated Tribes expressly provides that the jurisdiction of the Three Affiliated Tribes shall extend to all persons and all lands within the exterior boundaries of the Fort Berthold Reservation; and
- WHEREAS,** Article VI, Section 3 of the Constitution of the Three Affiliated Tribes specifically grants to the Tribal Business Council all necessary sovereign authority – legislative and judicial – for the purpose of exercising the jurisdiction granted by the people of the Three Affiliated Tribes in Article I of the Constitution; and
- WHEREAS,** Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt laws regulating the procedures of agencies and officials of the Three Affiliated Tribes; and
- WHEREAS,** The Three Affiliated Tribes have not enacted legislation which would regulate or prohibit the use and sale of fireworks within the corporate limits of the City of New Town and Indian residents of the City have been permitted to use fireworks within City limits without any regulation whatsoever, all to the potential harm to property and injury to persons; and
- WHEREAS,** The City of New Town enacted, in 1989, an ordinance which generally prohibits the use and sale of fireworks within the corporate limits of the City by only non-Indian residents of the City and has recently approached the government of the Three Affiliated Tribes with the request that the Tribes enact similar legislation prohibiting the use and sale of fireworks within City limits by Indian residents of the City; and
- WHEREAS,** It is the considered judgment of the Tribal Business Council that it would be in the best interests of the respective governments of the Three Affiliated Tribes and the City of

New Town to achieve relative uniformity in their respective regulation of the use and sale of fireworks within the corporate limits of the City of New Town, so as to provide substantially greater protection of the property and health and safety of all residents of the City, Indian and non-Indian alike; and

WHEREAS, The Tribal Business Council has had the opportunity to review and comment on the draft of proposed legislative language designed to address this problem and approves the attached draft of the statutory provisions titled "Fireworks Prohibition Within New Town City Limits";

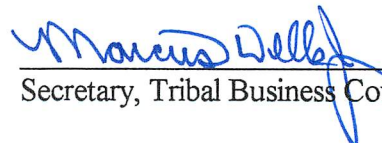
NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby formally enacts the attached statutory provisions titled "Fireworks Prohibition Within New Town City Limits" and designates said provisions as Section 1000.17 of Chapter 2 of Title III of the Fort Berthold Tribal Code.

BE IT FURTHER RESOLVED, That the attached statutory provisions titled "Fireworks Prohibition Within New Town City Limits" shall become effective immediately and shall supersede and replace any and all conflicting or inconsistent provisions included in the body of law of the Three Affiliated Tribes.

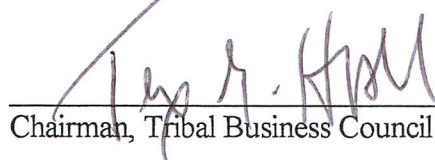
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 31st day of May, 2001; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 31st day of May, 2001.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council

**SECTION 1000.17 FIREWORKS PROHIBITION
WITHIN NEW TOWN CITY LIMITS**

1. Except as hereinafter provided, it shall be unlawful for any person within the corporate limits of the City of New Town, North Dakota, to use, explode, offer for sale, expose for sale, or sell at retail any fireworks, provided that the Three Affiliated Tribes shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the Three Affiliated Tribes and shall be of such character and so located, discharged or fired so as, in the opinion of the Three Affiliated Tribes after proper investigation, not to be hazardous to property or to endanger any person.

2. Any person who violates this Section shall be guilty of a Class III Misdemeanor for the first offense and shall be guilty of a Class II Misdemeanor for the second and subsequent offenses.

A Class III Misdemeanor carries a maximum penalty of thirty (30) days imprisonment, a fine of One Hundred Dollars (\$100.00), or both.

A Class II Misdemeanor carries a maximum penalty of ninety (90) days imprisonment, a fine of Three Hundred Dollars (\$300.00), or both.