

**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 the use of fireworks within the corporate limits of the City of Parshall; and
- WHEREAS,** The City of Parshall enacted, in 1988, an ordinance which prohibits the use of that class of fireworks commonly known as bottle rockets within the corporate limits of the City by only non-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

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

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 Parshall 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 Parshall City Limits" and designates said provisions as Section 1000.18 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 Parshall 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.

C E R T I F I C A T I O N

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.

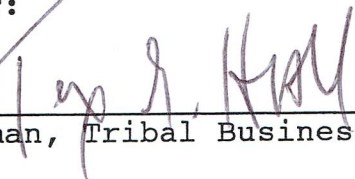
Dated this 31st day of May, 2001.

Resolution #01-142 -MWJR



Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council

**SECTION 1000.18 FIREWORKS PROHIBITION
WITHIN PARSHALL CITY LIMITS**

1. It shall be unlawful for any person within the corporate limits of the City of Parshall, North Dakota, to use or explode that class of fireworks commonly known as "bottle rockets."

2. The term "bottle rocket" shall mean and include any fireworks that upon combustion propels itself through the air to a point whereby it explodes, including all fireworks of like construction.

3. 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.

5/21/01

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**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 never have enacted legislation which would regulate the use and sale of fireworks within the corporate limits of the City of Parshall; and

WHEREAS, The City of Parshall enacted, in 1988, an ordinance which prohibits the use and sale of that class of fireworks commonly known as bottle rockets within the corporate limits of the City by only non-Indian residents of the City; and

WHEREAS, It is the considered judgement of the Tribal Business Council that it would be in the best interests of the respective governments of the Three Affiliated Tribes

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

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 Parshall 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 Parshall City Limits" and designates said provisions as Section 1000.18 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 Parshall 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.

C E R T I F I C A T I O N

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, _____ were present at a _____ Meeting thereof duly called, noticed, convened, and held on the _____ day of _____, 2001; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of _____ members, _____ members opposed, _____ members abstained, _____ not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this _____ day of _____, 2001.

Resolution #01-____-MWJR

Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

SECTION 1000.18 FIREWORKS PROHIBITION WITHIN PARSHALL CITY LIMITS

1. It shall be unlawful for any person within the corporate limits of the City of Parshall, North Dakota, to use, explode, offer for sale, expose for sale, or sell at retail that class of fireworks commonly known as “bottle rockets.”

2. The term “bottle rocket” shall mean and include any fireworks that upon combustion propels itself through the air to a point whereby it explodes, including all fireworks of like construction.

3. [Option 1]

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.

[Option 2]

Any person who violates this Section shall be subject to the imposition of a maximum fine of One Hundred Dollars (\$100.00).

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AN ORDINANCE prohibiting the sale, distribution or use of certain fireworks within the City of Parshall.

BE IT ORDAINED BY THE CITY COUNSEL OF THE CITY OF PARSHALL:

Chapter 4 - Section 209 - Certain Fireworks Prohibited--
Bottle Rockets

(1) Definitions--The term "Bottle Rocket" shall mean and include any fireworks that upon combustion propels itself through the air to a point whereby it explodes, including all fireworks of like construction.

(2) Sale Prohibited--No person shall offer for sale, distribution, expose for sale, sell at retail, use, light, explode or bring into the City of Parshall any "Bottle Rockets".

(3) Violation--Any individual, firm, corporation or partnership who violates this ordinance shall be subject to a fine not exceeding the sum of One Hundred and no/100's-----
-----(\$100.00)-----Dollars.

(4) Seizure--The State Fire Marshall or any Sheriff, police officer, constable, local fire marshall or local fireman shall seize, take, remove or cause to be removed at the expense of the owner all "Bottle Rockets" in violation of this Ordinance.

FIRST READING: *May 2, 1988*

SECOND READING: *June 6, 1988*

FINAL PASSAGE: