



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

***A Resolution entitled, "Regulation of the Transport of Dust Bearing Materials and Mechanical Equipment on Tribal Roads"***

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-Laws pursuant to 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 III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** The Fort Berthold Reservation has seen a dramatic increases in the amount of vehicles hauling both dust bearing materials and mechanical equipment, and on the Fort Berthold Indian Reservation;

**WHEREAS,** The hauling of dust bearing materials without proper covering has allowed for dust and other particles to enter the air and has created an unhealthy situation for all persons within the exterior bounds of the Reservation, and;

**WHEREAS,** The hauling of mechanical equipment on public roads is frequently done without proper restraint or tie downs, and;

**WHEREAS,** The improper hauling of dust bearing materials and mechanical equipment represents a threat to the health, safety, and welfare of the Reservation.

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**NOW THEREFORE BE IT RESOLVED**, the Business Council hereby adopts the following mandatory standards for the transport of Dust Bearing Materials on Tribal and other Reservation Roads:

**TRANSPORTATION OF DUST BEARING MATERIALS – STANDARDS – IMPOSITION OF FINE.**

All dust bearing material, including but not limited to dirt, sand, gravel, and scoria must be covered by a tarp, other suitable material, or transported in such a manner to prevent any dust from escaping the transport vehicle. Dust bearing material includes, but is not limited to, dirt, sand, gravel, and scoria.

Failure to properly cover or prevent the escape of dust shall be punishable by a fine in Fort Berthold District Court. A first offense under this regulation shall be punishable by a fine of not less than two hundred and fifty dollars (\$250) and no more than five hundred dollars (\$500). A second offense shall be punishable by a fine of no less than five hundred dollars (\$500) and no more than one thousand dollars (\$1000). Third and subsequent offenses shall be left to the discretion of the sentencing judge but shall not assign a fine of less than one thousand dollars (\$1000) dollars.

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**BE IT FURTHER RESOLVED**, the Business Council hereby adopts the following mandatory standards for the transport of Mechanical Equipment on Tribal Roads

**TRANSPORTATION OF MECHANICAL EQUIPMENT – STANDARDS – IMPOSITION OF FINE.**

All mechanical equipment transported on tribal and other Reservation roads shall be properly secured through the use of tie downs or other appropriate restraint devices. The distance traveled on tribal road shall have no effect on the need for tie downs or other appropriate restraint devices. Mechanical equipment includes, but is not limited to, pay loaders, front end loaders, skid steers, tractors, towed or stored vehicles, and graders. Mechanical equipment shall also include any equipment hauled on an open flatbed trailer regardless of the size or equipment purpose.

Failure to properly secure mechanical equipment on a tribal or other Reservation road shall be punishable by a fine in Fort Berthold District Court. A first offense under this regulation shall be punishable by a fine of not less than two hundred and fifty dollars (\$250) and no more than five hundred dollars (\$500). A second offense shall be punishable by a fine of no less than five hundred dollars (\$500) and no more than one thousand dollars (\$1000). Third and subsequent offenses shall be left to the discretion of the sentencing judge but shall not assign a fine of less than one thousand (\$1000) dollars.

**BE IT FURTHER RESOLVED**, that these regulations shall be adopted as amendments to Title X- chapter 3 Civil Motor Vehicle Code and Title X Chapter 3(A) Motor Vehicle Code of the Three Affiliated Tribes law and order code and codified there into said codes.

**BE IT FURTHER RESOLVED**, that all law enforcement agencies and TERO compliance officers are authorized and directed to enforce the terms and standards adopted by this Resolution

**BE IT FINALLY RESOLVED**, that the Department of Transportation is hereby authorized to adopt such regulations as are necessary to carry out the terms and intent of this Resolution.




**CERTIFICATION**

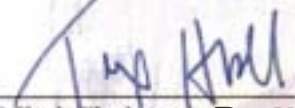
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 24<sup>th</sup> day of January, 2013, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [  ] Not Voting.

Dated this 24<sup>th</sup> day of January, 2013.

ATTEST:

  
Tribal Secretary V. Judy Brugh  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Tex Hall  
Tribal Business Council  
Three Affiliated Tribes