

**SALT RIVER PIMA-MARICOPA  
INDIAN COMMUNITY  
10005 East Osborn Road  
Scottsdale, Arizona 85256**

**ORDINANCE NUMBER: SRO-518-2020**

**TO ENACT A NEW CIVIL ORDINANCE TO CHAPTER 1, GENERAL PROVISIONS  
AND ENTERPRISES, DIVISIONS AND BOARDS, ARTICLE V, LOCAL  
EMERGENCIES AND DISASTERS, TO MAKE LOCAL EMERGENCY  
DECLARATIONS AND MAJOR DISASTER DECLARATIONS ENFORCEABLE.**

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An Amendment to Chapter 1, Article V that provides for a new civil ordinance under Section 1-503 to provide enforcement mechanisms for Local Emergency Declarations and Major Disaster Declarations.

**Chapter 1, Article V.  
Local Emergencies and Disasters**

Sec. 1-503. Violation of a Local Emergency Declaration or Major Disaster Declaration.

- (a) Civil offense. Any person who knowingly or intentionally fails or refuses to obey any lawful order or regulation issued from a Local Emergency Declaration or a Major Disaster Declaration shall be held responsible for a civil offense. A first violation shall result in a fine of two hundred fifty dollars (\$250.00) and a second or subsequent offense shall result in a fine of five hundred dollars (\$500.00). All ordered fines shall be automatically deducted out of the individual's per capita distribution(s) if applicable. If the individual does not receive per capita, the Court shall order the individual to pay the fine by a specified due date determined at the discretion of the Court.
- (b) Commencement of civil proceeding. A civil allegation under Sec. 1-503(a) shall be commenced by the filing of a civil complaint by the Office of the General Counsel or a citation by the Salt River Police Department.
- (c) Contents of a civil complaint or citation. The complaint shall be in writing and contain a brief statement of the essential facts constituting the offense charged, the name of the accused person, the approximate date and time of the offense charged, the place where the offense occurred, and a citation of the provision under which the offense is charged. The complaint shall bear the signature of an advocate or attorney from the Office of General Counsel which can include an electronic signature.

- (d) Initial hearing. Upon receipt of the complaint or citation, the Court shall set an initial hearing at a time not less than ten (10) calendar days and no more than twenty (20) calendar days. The accused person shall enter a plea of responsible or denial to the allegation(s) in the complaint or citation at the time of the initial hearing.
- (e) Plea of responsible. If the accused person enters a plea of responsible, the Court shall move to enter judgment and disposition immediately.
- (f) Plea of denial. If the accused person denies the allegations in the complaint or citation at the initial hearing, the matter shall be heard in an informal hearing before a judge of the Community court. The hearing shall be heard not less than ten (10) calendar days and no later than twenty (20) calendar days after the initial hearing. The hearing shall be informal and without a jury. Witnesses may testify in narrative form. The Community shall have the burden of proof and shall prove the civil violation by a preponderance of the evidence. The rules of evidence do not apply, except for provisions relating to privileged communications. If the accused person is found responsible, the Court shall move to enter judgement and disposition immediately.

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

This Ordinance is hereby enacted pursuant to the authority contained in Article VII, Section 1 of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, and amended by the Tribe, February 27, 1996, and approved by the Secretary April 23, 1996, the foregoing Ordinance was adopted this 15<sup>th</sup> day of April, 2020, in a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 9 members were present by a vote of 5 for; 4 opposed, 0 abstentions, and 0 excused.

#### SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY COUNCIL



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Martin Harvier, President

ATTEST:



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Erica Harvier, Council Secretary

