

**SAGINAW CHIPPEWA INDIAN TRIBE  
ORDINANCE 24- FIREWORKS ORDINANCE**

**Section 1. Findings.**

There is a continuing serious risk of improper sale, storage for sale and use of fireworks on land within the Isabella Reservation of the Saginaw Chippewa Indian Tribe (hereafter, "Tribe"). Such risk imperils the health and welfare of the Tribe, its members, and nonmembers. The purpose of this Ordinance is to minimize this risk, while allowing limited sale of fireworks within the Tribe's Isabella Reservation.

**Section 2. Prohibition of Sale or Storage for Sale Without a Permit.**

No person may sell or transfer, or offer to sell or transfer, or store for sale or transfer, "fireworks" as defined under Michigan Penal Code M.C.L. 750.243a. within the Tribe's Isabella Reservation a) on land owned by the Tribe or b) on land owned by the United States in trust for either the Tribe or a Tribal member or c) by a Tribal member in fee, unless such person has a Tribal Fireworks Permit issued by the Saginaw Chippewa Tribal Council (hereafter, "Tribal Council"). Current approvals for the sale or storage for sale of fireworks issued by the Tribal Council pursuant to Tribal Council Resolution 05-167 shall be recognized as valid permits under this Ordinance through August 31, 2006. After August 31, 2006 all such approvals issued under Resolution 05-167 shall be deemed expired.

**Section 3. Tribal Fireworks Permit.**

Tribal members may apply for a Tribal Fireworks Permit by submitting a written request for such Permit to the Tribal Council. The application shall state the location of the property where fireworks will be sold and stored, and shall state who will be authorized to sell the fireworks. The Tribal Council may require such additional information as it deems necessary to act on the application. If the Tribal Council finds that the applicant is of good character, has complied with all applicable laws, and will be able to sell or store for sale fireworks in a safe and suitable manner, the Council may issue a Tribal Fireworks Permit limited to a single named location and containing such limitations as the Council deems appropriate. The Tribal Council may rescind the Permit if it finds that the holder of the Permit has violated, or has allowed violation of, federal or Tribal law or has in anyway endangered the community through his or her sale or storage for sale of fireworks. The Tribal Council shall not issue more than five Tribal Fireworks Permits to be effective during any one period.

**Section 4. Penalties.**

Any person who sells or stores for sale fireworks or who leases Tribal land and allows the sale or storage for sale of fireworks on such Tribal leased land in violation of this Ordinance shall be subject to a civil penalty of not less than \$2,000 and not more than \$5,000 a day for each violation. As provided in this Ordinance, fireworks stored in violation of this Ordinance shall also be subject to seizure, forfeiture, and destruction.

**Section 5. Enforcement.**

Saginaw Chippewa Tribe law enforcement officers shall enforce the provisions of this Ordinance. A law enforcement officer shall have the authority to enter property subject to this Ordinance for the purpose of determining whether there is a violation, if the officer has probable cause to believe that fireworks are being sold or stored on the property.

**Section 6. Jurisdiction and Process.**

The Tribal Court shall have jurisdiction to adjudicate violations of this Ordinance. If a law enforcement officer determines that a person is or has violated this Ordinance, the officer shall issue a civil citation. A copy of such citation shall be filed promptly with the Tribal Court and the Secretary of the Tribal Council, and the citation shall constitute the Complaint in Tribal Court. The Tribal Legal Department shall be responsible for serving and prosecuting the Complaint in the same manner as civil actions generally and the Tribal General Counsel may assign such cases to the Tribal Prosecutor if necessary. All court proceedings related to such citation shall be before the judge without a jury.

**Section 7. Seizure and Forfeiture.**

If a Tribal law enforcement officer issues a citation for violation of this Ordinance, the officer may seize all fireworks stored on the related property. Seized fireworks shall be handled, stored, and maintained by the Law Enforcement Department held in a secure location - consistent with the Department's procedures for handling evidence. If the Tribal Court determines that a violation of the Ordinance occurred, the fireworks seized in conjunction with the violation shall be forfeited to the Tribe and destroyed by the Law Enforcement Department.

**Section 8. Signs.**

A person who is issued a Tribal Fireworks Permit or who has a current approval by Council under Resolution 05-167 may post up to three signs within the Isabella Reservation relating to the sale of fireworks authorized by the Permit; provided that no sign shall interfere with the reading of or otherwise obstruct another authorized sign; and provided that no sign shall contain disparaging or demeaning language regarding any named business, person or location authorized by Permit to sell or store for sale under this Ordinance. Signs permitted under this Ordinance shall be no larger than four feet in width and four feet in height and shall not extend more than two feet from the bottom of the sign to the ground. Any sign relating to the sale of fireworks that is not authorized by a Tribal Fireworks Permit or does not conform to the requirements of this Ordinance shall be considered a public nuisance and may be removed by a Tribal law enforcement officer or such other person as authorized by the Tribal Council.

**Section 9. Effective Date.**

This Ordinance shall become effective immediately.