



AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL

JEFF L. GRUBBE CHAIRMAN • LARRY N. OLINGER VICE CHAIRMAN • VINCENT GONZALES III SECRETARY/TREASURER
ANTHONY J. ANDREAS III MEMBER • REID D. MILANOVICH MEMBER

ORDINANCE NO. 16
AMENDMENT NO. 1
INDIAN CANYONS

AN ORDINANCE REGULATING USES OF AND PROHIBITING CERTAIN CONDUCT IN
THE CANYON AREAS OF THE AGUA CALIENTE INDIAN RESERVATION

WHEREAS, the Agua Caliente Band of Cahuilla Indians, a federally-recognized Indian Tribe (the "Tribe") allows visitors to enter certain portions of the Agua Caliente Indian Reservation known herein as the "Indian Canyons" and described from time to time in a Resolution to be duly adopted by the Tribal Council.

WHEREAS, the Tribe desires to regulate Tribal member and non-member visitor uses of the Indian Canyons and prohibit certain visitor conduct and activities which the Tribe finds offensive or disturbing to the peace, safety and welfare of, or aesthetic enjoyment of the Indian Canyons; and

WHEREAS, the Tribe, acting through its Tribal Council, has the power under the Constitution and Bylaws of the Agua Caliente Band of Cahuilla Indians, as amended:

"To regulate the uses and disposition of Tribal property; to protect and preserve the Tribal property, including wildlife and natural resources, and the rights of its members; ... and to protect the security and general welfare of the Band and its members" (Article V (a));

"To manage... or otherwise operate Tribal properties ..." (Article V (f));

"To promulgate and enforce assessments or permit fees upon non-members doing business and obtaining special privileges on the Agua Caliente Reservation, including the privilege of ... explorations... of Tribal property" (Article V (i));

"By ordinance to exclude from the Tribal land non-Indian persons not legally entitled to be thereon and who are deemed to be objectionable, such ordinance to be subject to the approval of the Secretary of the Interior or his designated representative" (Article V (k)); and

"To enact ordinances and resolutions pertaining to Tribal affairs and to take all proper means to enforce the same" (Article V (b)); and



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WHEREAS, the Management Agreement between the Tribe and the California Department of Parks and Recreation for management of the Indian Canyons Park dated June 10, 1992, and the underlying 1988 Bond Act and May, 1992 Cooperative Management Plan, pertaining to certain designated portions of the Indian Canyons, provide that the Tribe may adopt rules and regulations for the use and enjoyment of such lands, and may otherwise adopt reasonable restrictions such as apply to other Tribal reserves for application in the covered lands; and

WHEREAS, pursuant to Federal case law, the Tribal government has (i) civil jurisdiction over both non-Indians and Indians in certain matters and the sovereign power to enact and enforce civil laws regulating the conduct of both non-Indians and Indians who come upon Tribal land; (ii) the sovereign power to exclude or evict members and non-members of the Tribe from Tribal lands, and to place conditions upon member and non-member entry onto or continued presence on Tribal lands; and (iii) criminal jurisdiction over Indians and the sovereign power to enact and enforce criminal laws regulating the conduct of Indians on Tribal lands.

NOW THEREFORE, BE IT ORDAINED BY THE TRIBAL COUNCIL OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS THAT PERSONS WHO ENTER THE INDIAN CANYONS ARE SUBJECT TO THE FOLLOWING REGULATIONS, PROHIBITIONS AND PENALTIES:

I.

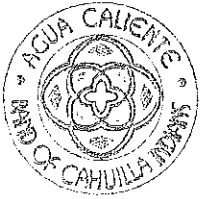
REGULATED USES AND PROHIBITED CONDUCT

A. Regulated Uses. Every visitor upon entry to the Indian Canyons is subject to the following regulations and to the civil jurisdiction of the Tribe to impose civil penalties for failure to observe such regulations. The failure by a visitor to abide by such regulations shall subject the visitor to immediate eviction pursuant to Section II.A. below and/or to the imposition of civil fines pursuant to Section II.B. below. Unauthorized parking pursuant to Section A.2. (c) below shall additionally subject the visitor's vehicle to towing and/or booting.

1. Entry to the Indian Canyons. The Tribal Council, acting by duly adopted Resolution, or at any regular or special meeting, or through its authorized committee or agent, may from time to time establish:

(a) the times of day, week and year that the Indian Canyons are open to visitors;

(b) the types of motorized vehicles or modes of conveyance that



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visitors may use while entering the Indian Canyons;

- (c) whether visitors may enter with horses; and
- (d) the fee or fees to be charged for entry, which fees may be promulgated by schedule adopted from time to time.

No visitor may enter upon or remain in the Indian Canyons except in conformance with the above restrictions on entry, and upon payment of the applicable entry fee.

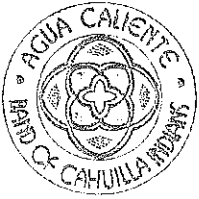
2. Authorized Travel and Parking. The Tribal Council, acting by duly adopted Resolution, or at any regular or special meeting, or through its authorized committee or agent, may from time to time:

- (a) designate roads, trails or areas for automobile travel, walking or hiking, bicycle riding, horseback riding or other mode of conveyance;
- (b) designate areas where horseback riders may tie horses; and
- (c) establish areas, zones or spaces in which visitors may park authorized vehicles entering the Indian Canyons.

Such authorized roads, trails, areas or parking places may be designated by map provided to visitors or by posted sign. No visitor may travel by automobile, walk or hike, horseback ride, bicycle, tie horses or park except upon such authorized roads, trails, areas or parking places.

3. Filming and Photography. The Tribal Council, acting at any regular or special meeting, or through its authorized committee or agent, may from time to time:

- (a) authorize certain types of, and places and times for, commercial filming or photography within the Indian Canyons;
- (b) establish fees or schedules of fees for such commercial filming or photography; and



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- (c) issue written authorization or permits for such commercial filming or photography upon payment of applicable fee.

No visitor to the Indian Canyons shall engage in any such commercial filming or photography without first obtaining such written authorization or permit and paying any applicable fee. The term "commercial filming or photography" shall refer to any such filming or photography which is conducted for profit, for sale purposes, or for distribution and use (or sale) by persons other than the photographer.

4. Restraint of Animals. Visitors who are otherwise authorized to enter the Indian Canyons with horses authorized under Section I.A.1 must control their animals and have them under restraint at all times. Horseback riders must confine horses to trails and areas designated for such use. Horseback riders must stay on trails or in areas designated for such use. No visitor shall fail to restrain an animal or to confine such animal to trails or areas designated for such use.

5. Litter Disposal. Every visitor to the Indian Canyons shall deposit litter in receptacles designated for such deposit or shall remove and pack out all such litter. No visitor shall scatter litter or fail to deposit litter in designated trash bins or receptacles or to otherwise remove such litter. The term "litter" as used in this ordinance shall mean small quantities or waste material ordinarily carried on or about the visitor, including but not limited to beverage containers and closures, packaging, wrappers, waste paper, film containers or cartridges, newspapers and magazines.

6. Selling Goods: Conducting Services: Distributing Handbills. The Tribal Council, acting at any regular or special meeting, or through its authorized committee or agent, may enter into written concession agreements, or issue written permits or licenses, and require payment of an assessment or permit fee in connection with the following activities in the Indian Canyons:

- (a) the selling or offering for sale of any merchandise, articles or things whatsoever (hereafter "goods");
- (b) the conducting or soliciting for any service, trade, occupation or profession (hereafter "services"); or



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- (c) the distribution of any printed material soliciting or exhorting a commercial, political or personal cause or purpose (hereafter "handbill").

No visitor shall sell or offer for sale any goods, conduct or solicit for any service, or distribute any handbill without such written authorization or permit and payment of any applicable assessment or fee.

7. Special Events: Fires. The Tribal Council, acting at any regular or special meeting, or through its authorized committee or agent, may:

- (a) give written authorization to individuals or entities to conduct special group events within the Indian Canyons;
- (b) impose fees or establish a schedule of fees for such events;
- (c) authorize in connection therewith the lighting of fires in fire pits, picnic or barbecue stoves, braziers or other appropriate and safe containment areas.

No visitor or entity shall sponsor, hold or conduct any special group events or light a fire except with such written authorization and payment of the applicable fees.

B. Prohibited Conduct. No visitor shall engage in any of the following objectionable conduct which is prohibited at or in any part of the Indian Canyons. Any visitor who so engages in such objectionable conduct shall be subject to immediate eviction pursuant to Section II.A. below.

1. Nudity. No visitor shall appear, bathe, swim, sunbathe, walk, ride in or on any vehicle or otherwise appear nude. For purpose of this Ordinance, the term "nude" shall refer to the exposure of the genitals, the pubic hair region, the perineum or anal region, or any portion of the female breast at or below the upper edge of the areola.

2. Disorderly Conduct. No visitor shall engage in riotous, offensive, threatening or indecent conduct, or use abusive, threatening, profane or indecent language, or disturb in any unreasonable manner other persons in the Indian Canyons or act in a manner which a reasonable person would consider to be public intoxication.



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3. Vandalism or Defacement. No visitor shall mark or write upon, paint, spray, scratch or deface in any other manner, or damage or destroy any man-made or natural structure or object within the Indian Canyons. No visitor shall pluck, pull up, cut, destroy, damage, take or remove any tree, shrub, bush, plant or flower within the Indian Canyons. No visitor shall cut or remove any wood, turf, grass, soil, rock, sand or gravel within the Indian Canyons.

4. Dumping Waste. No visitor shall place, deposit or dump or cause to be placed, deposited or dumped within the Indian Canyons any household, yard or construction waste, or any other form of natural or man-made waste product.

5. Firearms and Fireworks. No visitor shall carry or discharge any firearm, air gun, slingshot or other device designed or intended to discharge or capable of discharging any dangerous missile in the Indian Canyons. No visitor shall carry or discharge a firecracker, rocket, torpedo or other form of fireworks within the Indian Canyons.

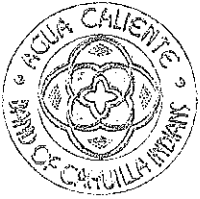
6. Hunting or Fishing. No visitor shall hunt, frighten, chase, set snare for, catch, injure or destroy any animal or bird, or injure or mistreat any domestic or other animal within the Indian Canyons. No visitor shall fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream or water source of any kind within the Indian Canyons. Notwithstanding any other provision in this Ordinance, a member of the Tribe may, subject to applicable regulations, conduct any activity prohibited by this Section or Section B.5. above within the Indian Canyons if such activity is conducted pursuant to applicable federal, Tribal or state law.

7. Abandonment of Animals. No visitor may willfully abandon any domestic dog or cat or other animal within the Indian Canyons.

8. Pollution of Waters. No visitor shall wash cooking or eating utensils, empty saltwater or place any waste liquids or solids into, or otherwise pollute the water of, any stream, spring, pond or waters within the Indian Canyons.

9. Feeding Wildlife. No visitor shall feed or leave food intended for wildlife within the Indian Canyons.

10. Domesticated Animals. With the exception of horses, as noted herein, no visitor may enter the Indian Canyons with a dog, cat, or other domesticated animal. This prohibition includes service animals.



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11. Smoking. No visitor shall smoke a cigarette, cigar, electronic cigarette, or other tobacco-related product within the Indian Canyons.

12. Alcohol. Alcoholic beverages are prohibited within the Indian Canyons. No visitor shall consume any alcoholic beverage containing more than .05% of alcohol by volume or hold or exercise dominion and control over any opened container containing such beverage, within the Indian Canyons.

13. Off-Road Vehicles. All types of off-road vehicles and all-terrain vehicles (ATVs) are prohibited within the Indian Canyons. No visitor shall use or operate any off-road vehicle or all-terrain vehicle (ATV) within the Indian Canyons.

C. Definitions. For purposes of this Ordinance, the term "visitor" shall mean any member of the Tribe or non-member that enters or uses any portion of the Indian Canyons.

II.

PENALTIES AND HEARING

A. Eviction Penalty. Any person who violates any provision of this Ordinance providing for immediate eviction as a remedy shall be immediately escorted outside of the boundary of the Indian Canyons and shall not be entitled to the return of any or all of the entry fee or permit fee which may have been paid upon or as a condition to entry.

B. Civil Fines. Any person who violates any provision of this Ordinance providing for civil fine shall be required to pay the civil fine designated for such violation as is established from time to time on a schedule of civil fines promulgated by Tribal Council by duly adopted Resolution.

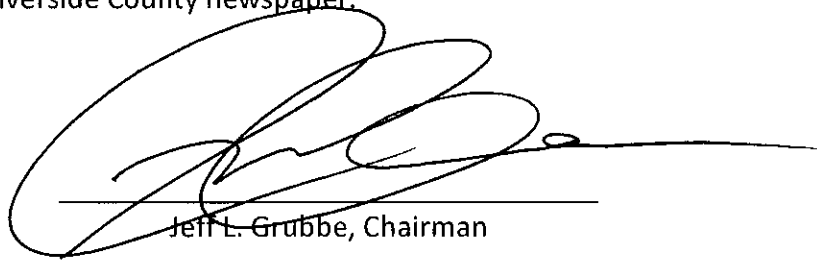
C. Due Process Hearing. The Tribal Council, acting by duly adopted Resolution, shall designate a day and time of day every month during which any person charged with a civil fine, pursuant to the violation of any provision of Section I.A. of this Ordinance, may appear and be heard by Tribal Council or by any person(s) designated by Tribal Council to hear such matters.



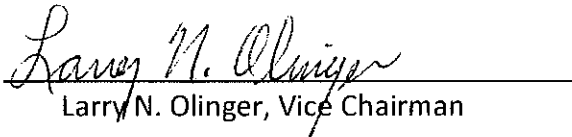
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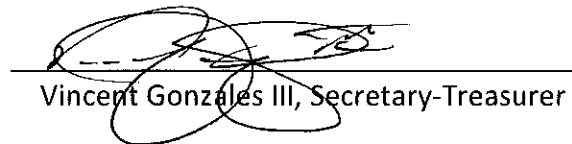
EFFECTIVE DATE: This Amendment No. 1 to Ordinance No. 16 shall take effect upon publication in a local Riverside County newspaper.



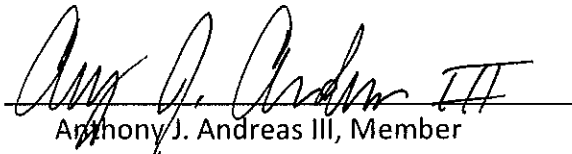
Jeff L. Grubbe, Chairman



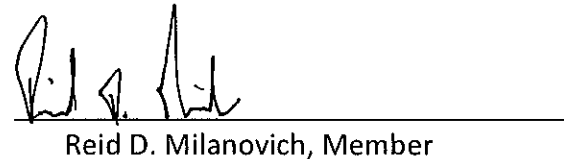
Larry N. Olinger, Vice Chairman



Vincent Gonzales III, Secretary-Treasurer

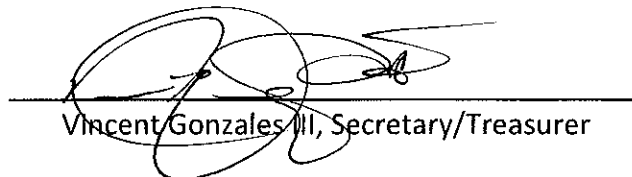


Anthony J. Andreas III, Member



Reid D. Milanovich, Member

I, Vincent Gonzales III, Secretary, Treasurer of the Agua Caliente Band of Cahuilla Indians hereby certify that the Tribal Council is composed of five members of whom five (5) constituting a quorum were present at a meeting whereof, duly called, and noticed, convened and held on the 26th day of April, 2016; that the foregoing Ordinance was duly adopted at such meeting by the affirmative roll call vote of 5-0-0 members and that said Ordinance has not been rescinded or amended in any way.



Vincent Gonzales III, Secretary/Treasurer