

YUROK TRIBE ZERO TOLERANCE ORDINANCE

AUTHORITY:

The Yurok Tribal Council is the duly elected and authorized Governing body of the Yurok Tribe; a federally recognized Indian Tribe which is eligible for all rights and privileges afforded to a federally recognized Indian Tribe and, as such, enacts this ordinance by the power and authority granted under the Yurok Tribal Constitution. Article IV, Section 5(a) states that the Tribal Council may "enact legislation, rules and regulations not inconsistent with this constitution to further the objectives of the Yurok Tribe..."

PURPOSE

The Purpose of this ordinance is to clearly state the Yurok Tribal Council's zero tolerance policy on marijuana and to offer guidance to law enforcement on how to investigate and cite persons for the illegal cultivation of marijuana on the Yurok Reservation.

DEFINITIONS

- 1.) Court: The Yurok Tribal Court
- 2.) Cultivate, cultivation: To grow marijuana within the exterior boundaries of the Yurok Indian Reservation.
- 3.) Ordinance: The Yurok Tribe Marijuana Zero Tolerance Ordinance

SECTION 1: PROHIBITION AGAINST CULTIVATION OF MARIJUANA

No person shall cultivate marijuana within the exterior boundaries of the Yurok Indian Reservation.

SECTION 2: JURISDICTION

The Yurok Tribal Court shall have jurisdiction to hear all complaints brought under this Ordinance.

SECTION 3: ENFORCEMENT

This Ordinance shall be enforced by the Yurok Tribal Police and any other law enforcement agency having jurisdiction on the Yurok Reservation. Any such law enforcement officer may issue a citation for violation of this ordinance, or request from the Court injunctive relief

prohibiting the cultivation of marijuana, or request from the Court an Order to seize and destroy marijuana found to be in violation of this Ordinance.

SECTION 4: CIVIL PENALTIES AND COURT ORDERS

A: Fines

- 1.) Any person found to be involved in the cultivation of marijuana within the exterior boundaries of the Yurok Indian Reservation shall be subject to a fine of not more than \$500.
- 2.) The Court may impose upon those persons convicted of an offense under this ordinance the reasonable costs associated with the investigation, seizure, forfeiture, destruction, litigation, and other such costs as the Court may find reasonable which are associated with the enforcement of this Ordinance.
- 3.) In addition to any fine imposed by the Court, individuals in violation of this ordinance shall be subject to injunctive orders prohibiting the future cultivation of marijuana.

B: Injunctive Relief

- 1.) Upon application for an Order for preliminary and/or permanent injunction prohibiting the cultivation of marijuana, the Tribal Court is authorized to issue the requested order in accordance with this ordinance.
- 2.) A request for such injunctive relief shall include, at a minimum:
 - a.) The name of the person alleged to be in violation of this ordinance,
 - b.) The address where the alleged violation is taking/has taken place,
 - c.) The name of the owner of the property where the alleged violation is located,
 - d.) The approximate number of plants,
 - e.) Any other relevant information which may aid the Court in reaching a decision on whether to issue injunctive relief.

C: Orders for Seizure and Destruction of Marijuana

- 1.) In addition to the remedies outlined above, the Tribal Court is authorized to issue appropriate orders to seize, forfeit, and destroy marijuana plants cultivated in violation of this ordinance upon request from law enforcement.
- 2.) Any request for such orders shall contain, at a minimum:
 - a.) The approximate number of plants to be seized and destroyed,
 - b.) The date and number of any citation(s) issued under this Ordinance in conjunction with the request,
 - c.) The location of the marijuana plants to be seized,

- d.) The name(s) of any suspects alleged to be in violation of this Ordinance in conjunction with the request,
- e.) The name of the owner of the property where the marijuana plants are believed to exist,
- f.) Any other relevant information which may assist the Court in issuing such an Order.

SECTION 5: CRIMINAL PROSECUTION

Notwithstanding any of the provisions stated herein, the Yurok Tribe reserves the option to seek criminal prosecution of any person in violation of this ordinance for violation of any applicable criminal law by the appropriate authorities.

SECTION 6: CALIFORNIA COMPASSIONATE USE ACT OF 1996 (Prop. 215)

The Tribal Court shall not recognize as a defense to the alleged violation of the Ordinance any defense based upon alleged medicinal use, recommendation of a physician, necessity, or the application of the California Compassionate Use Act of 1996 (Prop 251).



YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548

RESOLUTION Of The YUROK TRIBAL COUNCIL

RESOLUTION NO: 06-65
DATE APPROVED: August 25, 2006
SUBJECT: Zero Tolerance Policy and 215 ID Card Non-Recognition

WHEREAS: The Yurok Tribe is a Federally recognized Tribe; and,
WHEREAS: The Yurok Tribal Council is the governing body of the Yurok Tribe under the authority of the Yurok Constitution of 1993; and,
WHEREAS: The Yurok Tribe is eligible for all rights and privileges afforded to federally recognized tribes; and,
WHEREAS: It is undisputed that there is a problem with illegal drugs within the boundaries of the Yurok Reservation, and,
WHEREAS: The Yurok Tribal Council has a strict Zero Tolerance policy prohibiting the presence of illegal drugs within the boundaries of the Reservation, and,

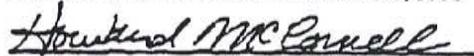
NOW THEREFORE BE IT RESOLVED: That the Yurok Tribal Council is clear in its intent to uphold and protect its sovereignty and the health and welfare of the tribal membership by establishing a Zero Tolerance policy prohibiting illegal drugs within the boundaries of the reservation. This policy includes the non-recognition of state issued 215 identification cards authorizing the use and production of medical marijuana, now,

BE IT FURTHER RESOLVED: That the Chairperson is hereby authorized to sign this resolution and to negotiate all matter pertaining hereto and that the Recording Secretary is authorized to attest.

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

This is to certify that this Resolution Number 06-65 was approved at a duly called meeting of the Yurok Tribe on August 25, 2006 at which a quorum was present and that this resolution Number 06-65 was adopted by a vote of 6 for and 0 opposed and 0 abstentions. This resolution Number 06-65 has not been rescinded or amended in any way.

DATED THIS 25th DAY OF AUGUST, 2006


Howard McConnell, Chairman

ATTEST:


Cynthia McKernan, Executive Assistant