

**SAN CARLOS APACHE TRIBE
SAN CARLOS APACHE INDIAN RESERVATION
SAN CARLOS, ARIZONA**

RESOLUTION

No. JUN-26-142

**(Enacting Unruly Gatherings & Special Events Ordinance; Minors Curfew; and
Special Event Permit Regulations)**

WHEREAS, the San Carlos Apache Tribe (the “Tribe”) is a federally recognized Indian Tribe organized pursuant to the provisions of Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, the San Carlos Council (“Council”) has the authority, among other things, to “represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to [the Tribe’s] Constitution and Bylaws, to “enact ordinances, subject to review by the Secretary of the Interior, ... governing ... law enforcement on the Reservation,” pursuant to Article V, Section(s) 1(a) and (m) of the Amended Constitution and By-Laws of the San Carlos Apache Tribe; and

WHEREAS, in recent months, at least two large social gatherings held at private residences on the Reservation — both in connection with high school graduation celebrations — had shooting incidents that endangered attendees and surrounding community members; and

WHEREAS, one of those incidents resulted in the tragic and untimely death of a young female high school ~~graduate~~ student and member of the Tribe, a loss that has deeply wounded this community, her family, and all who knew her; and

WHEREAS, the Council is committed to ensuring that no further members of the Tribe, guests, families or other residents, suffer injury or death at large residential social gatherings on the Reservation, and that the grief this community has endured not be repeated; and

WHEREAS, the absence of a structured regulatory framework governing large residential gatherings has created dangerous conditions that the Tribe’s Law Enforcement alone cannot adequately address without advanced planning, coordination, and host accountability; and

WHEREAS, large community events — including those hosted by the San Carlos Apache Tribe itself, its enterprises, programs, and departments, as well as events organized by outside entities, businesses, or companies on the Reservation — present the same

or greater public safety risks as private residential gatherings, and the same minimum safety standards should apply regardless of who hosts the event; and

WHEREAS, the Council's Law & Order Committee this day presents an amendment to the Tribe's Law & Order Code, to address residential safety, and an amendment to the Tribe's Civil Code to regulate social gatherings, and recommends that the Council enact the following provisions, as attached and incorporated by this reference:

Title II, Chapter 6 – Criminal Code, Section 19, Unruly Social Gatherings & Special Events Ordinance;

Residential Gathering Safety Ordinance

WHEREAS, the Council concurs with the Law & Order Committee, and finds that regulating social gatherings for the purpose of preserving the public's health, welfare, safety and peace in the communities on the Reservation, and thus the attached amendments are reasonable, necessary and in the best interests of the Tribe, its members, and all persons present on the Reservation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the San Carlos Apache Tribe:

1. The following amendments to the Tribe's Code, as attached, are hereby enacted and shall be known as Dezirae's Law:
 - A. Section 19, the Unruly Gatherings & Special Events Ordinance, as attached, of Title II, Chapter 6 – Criminal Code; and
 - B. Section 20, Curfew; Juvenile Delinquency
 - C. The Residential Gathering Safety Ordinance.
2. The Acting Council Secretary is hereby directed to publish the Unruly Gathering & Special Events Ordinance in all District Offices and the Administration Office, as well as the local media, and send a copy to the San Carlos Apache Bar Association.
3. The Chief Judge is hereby directed to post the Unruly Gathering & Special Events Ordinance on the Court's website and provide copies thereof upon demand by the public.
4. The Acting Council Secretary, together with the Tribe's Attorney General, is hereby directed to issue a press release on behalf of the Council that provides notice through local media of the Unruly Gathering & Special Events Ordinance, noting that it is a criminal offense for an adult to knowingly provide alcohol to minors or otherwise allow minors to consume alcohol on property the adult owns or controls; that a curfew for minors is hereby in

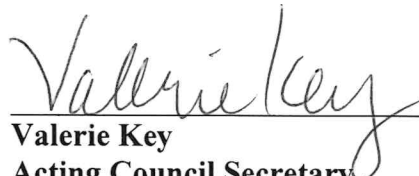
effect at 10:00 p.m.; that Special Events of more than seventy-five (75) persons require a permit; and that such Special Events be held in District Community facilities and subject to search for weapons, drugs and alcohol.

BE IT FURTHER RESOLVED by the Council of the San Carlos Apache Tribe that the Chairman, or in his absence, the Vice Chairman, or designee, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

CERTIFICATION

I, the undersigned, Secretary of the San Carlos Council, hereby certify that the Council is composed of eleven (11) members, of whom 9, constituting a quorum, were at a Meeting hereto held on the 17th day of June, 2026, and that the foregoing Resolution No. JUN-26-142 was duly adopted by a vote of **FOR: 0; OPPOSED: 0; ABSTAINED: 0;** of the Council pursuant to Article V, Section 1 (a) of the Amended Constitution and Bylaws of the San Carlos Apache Tribe, effective, February 24, 1954, according to the following vote tabulation:

<u>Council Member</u>	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Not Present</u>
Terry Rambler, Chair	___	___	___	___
Tao Etpison, Vice Chairman	<u>x</u>	___	___	___
Ina Salter, 7 Mile	<u>x</u>	___	___	___
John Antonio, 7 Mile	<u>x</u>	___	___	___
Barbara May, Gilson Wash	<u>x</u>	___	___	___
Simon Hooke, Gilson Wash	___	___	___	<u>x</u>
Valerie Key, Peridot	<u>x</u>	___	___	___
Dr. John Bush, Peridot	<u>x</u>	___	___	___
Jonathan Kitcheyan, Bylas	___	___	___	<u>x</u>
Ned Anderson, Jr., Bylas	<u>x</u>	___	___	___
Eugene D. Nozie, Bylas	<u>x</u>	___	___	___



Valerie Key
Acting Council Secretary
SAN CARLOS APACHE TRIBE

Ordinance No. XX-2026

Resolution No. YY-YYY-2026

**Section 19, the Unruly Gatherings & Special Events Ordinance
Title II, Chapter 6 – Criminal Code**

19.1 Short Title.

This Ordinance shall be known and may be cited as the “Unruly Gathering & Special Events Ordinance” Section 19 of Chapter 6, the Criminal Code.

19.2 Authority.

This Ordinance is enacted pursuant to the inherent sovereign authority of the San Carlos Apache Tribe and the authority vested in the San Carlos Council by the Tribe’s Constitution to protect the health, safety, and welfare of the Tribe’s communities on the Reservation.

19.3 Findings.

- (a) Large gatherings at private residential properties have experienced shootings and other violence that resulted in physical harm to and death of participants;
- (b) Minors may likely be disproportionately exposed to harm at such gatherings where alcohol and controlled substances may be present;
- (c) Said gatherings occurred without advance notification to, or coordination with, the Tribe’s public safety agencies, which impeded their response;
- (d) A regulatory framework governing large residential gatherings may aid in the prevention of physical harm and death; and
- (e) Minors must be subject to a curfew past 10:00 p.m. until dawn.

19.4 Purpose. The purpose of this Ordinance is to:

- (a) Establish minimum public safety standards for large gatherings on the Reservation;
- (b) Require advance notification to and coordination with the Tribe’s public safety agencies;
- (c) Mandate security measures commensurate with gathering size;

- (d) Protect minors from exposure to alcohol, controlled substances, and unsafe conditions;
- (e) Establish civil and criminal accountability for hosts and organizers of Covered Events; and
- (f) Provide the Tribe's law enforcement agency with clear authority to act preemptively and responsively to protect public safety at Covered Events.

19.5 Jurisdiction.

This Ordinance applies to all persons and events occurring within the exterior boundaries of the San Carlos Apache Reservation, including all trust lands, allotted lands, and fee lands subject to the sovereign jurisdiction of the Tribe.

19.6 Applicability.

- (a) This Ordinance applies to all Covered Events on the Reservation without exception as to the identity of the Host or Organizer, including:
 - (1) Private individuals hosting residential gatherings;
 - (2) The San Carlos Apache Tribe, its departments, programs, enterprises, and wholly owned entities when organizing or hosting a Covered Event;
 - (3) Outside businesses, companies, corporations, nonprofit organizations, promoters, or any other entity organizing or sponsoring a Covered Event on the Reservation.
- (b) The defense of tribal sovereign immunity shall not be raised by any department, enterprise, program, officer, contractor or employee of the Tribe as a basis for non-compliance with the operational and safety requirements of this Ordinance. The Tribe, in organizing community events, affirmatively accepts the safety obligations imposed herein as a condition of event operation.
- (c) Any person, outside entities, companies, or organizations that seek to host a Covered Event on the Reservation must, in addition to obtaining a Special Event Permit under Title 3, execute a written agreement with the Tribe acknowledging compliance with this Ordinance and accepting liability for any violations occurring at their event.

19.7 Definitions. For the purpose of this section, the following terms shall be defined as follows:

- (a) "*Alcohol*" means any beverage with an alcohol content greater than one-half of one percent (0.5%) by volume, including but not limited to beer, wine, malt beverages, and distilled spirits.
- (b) "*Community Event*" means a Covered Event held at a non-residential venue, including but not limited to tribal parks, fairgrounds, community centers, school grounds, commercial lots, parking areas, or any other public or semi-public location on the Reservation, organized by the Tribe, a tribal entity, an outside organization, a business, or a company.
- (c) "*Controlled Substance*" means any substance defined as a controlled substance under applicable Tribal law or, where no tribal law exists on a specific substance, as defined under the federal Controlled Substances Act, 21 U.S.C. § 812.
- (d) "*Covered Event*" means any of the following gatherings of seventy-five (75) or more persons occurring on the Reservation, whether or not a fee is charged for admission:
 - (1) any special event gathering, party, celebration, or social assembly held at a private residence or residential property on the Reservation; or
 - (2) any community event, festival, concert, celebration, sporting event, cultural gathering, or similar public or semi-public assembly held on Tribal land, public property, commercial property, or any other venue on the Reservation — regardless of whether the event is hosted by a private individual, the Tribe, a subsidiary enterprise of the Tribe, a program or department of the Tribe, a nonprofit organization, a business, or any other entity or company; and
 - (3) does not include any public event sponsored by the Tribe
- (e) "*District Community Center*" shall mean those community facilities provided by the Districts of Bylas, Peridot, Gilson Wash, or 7-Mile.
- (f) "*Event Venue*" means the physical location, including any structures, grounds, parking areas, and adjacent outdoor spaces, at which a Covered Event is held.
- (g) "*Host*" or "*Organizer*" means:
 - (1) for residential gatherings — the person or persons who own, lease, occupy, or otherwise control the residential property at which a Covered Event is held, or any person who sponsors, organizes, or arranges such event or both;
 - (2) for community events — the entity, organization, business, company, tribal department, tribal enterprise, or individual that sponsors, organizes, promotes, or is primarily responsible for the planning and conduct of the Covered Event. This includes the Tribe when acting as the organizer of a community event.

- (h) "Indian" means an enrolled member of a federally recognized Indian tribe.
- (i) "Law enforcement" means the San Carlos Apache Police Department ("SCAPD") and any sworn law enforcement officer exercising jurisdiction within the Reservation.
- (j) "Minor" means any person under the age of eighteen (18) years.
- (k) "Owner" means any person or legal entity that owns a property or has charge, care, possession, or control of a property as a legal owner.
- (l) "Permit" means an official, written document issued by the Tribe that gives the bearer a license to undertake a Covered Event.
- (m) "Public property" means assets, land and infrastructure owned by the Tribe, its government.
- (n) "Property" means any parcel of land within the Reservation upon which a dwelling, house, manufactured home, or other structure primarily used as a private residence is situated, and the curtilage thereof, that is the site where an unruly gathering.
- (o) "Responsible person" means any person who is:
 - (1) an owner, landlord, or tenant; or
 - (2) the sponsor, host, or organizer of an unlawful gathering. If such person is a juvenile, the term responsible person includes, in addition to the juvenile, the juvenile's parents or legal guardians. Responsible person does not include owners, landlords, or tenants where an unruly gathering takes place if the persons in attendance obtained use of the property through illegal entry or trespassing.
- (p) "Security Guard" means an adult individual, eighteen (18) years of age or older, who has been approved by the Tribe's Law Enforcement and who is not, at the time of service, under the influence of alcohol or any controlled substance. Preference shall be given to persons holding a current security guard license issued pursuant to Arizona law (see A.R.S. § 32-2601 *et seq.*) or persons certified by a Tribal Law Enforcement-recognized training program.
- (q) "Special Event Permit" means the official written authorization issued by the Tribe permitting a Covered Event to proceed consistent with this Ordinance.
- (r) "Tribal Court" means the courts of the Tribe.

- (s) “*Tribe*” means the San Carlos Apache Tribe.
- (t) “*Unruly gathering*” means a party, gathering, or event on any public or private property, including property used to conduct business, in a manner which causes a disturbance of the reasonable enjoyment of private or public property by any person or persons. Such disturbances may include, but are not limited to: excessive noise (meaning noise reasonably evaluated by a police officer as disturbing the peace and quiet enjoyment of people working or living in the vicinity of the property), impeding traffic, obstruction of sidewalks or streets by crowds or vehicles, drinking alcohol in public areas, the use or possession of illegal drugs, the possession or consumption of alcohol or controlled substances by minors, the illegal possession of firearms, lasers or weapons, fighting or violence, serious disruptive behavior, disturbing the peace, and/or littering.

19.8 Unruly gatherings prohibited.

- (a) It shall be unlawful for a responsible person to permit an unruly gathering.
- (b) It shall be unlawful for any person to engage in any conduct causing a gathering to be unruly.

19.9 Abatement of unruly gathering. A sworn police officer may abate an unruly gathering by any reasonable means including, but not limited to, employing reasonable exigent means to enter the property in the event of a threat to a life or for purposes of crowd control, citation of violators under the Tribe’s Law & Order Code, and dispersion of the persons attending the gathering.

19.10 Responsible person exception. If a responsible person is the owner, landlord, or tenant of property where an unlawful gathering takes place, such person shall not be liable under this section unless:

(a) The owner, landlord, or tenant was either:

- (1) present at the property while the unlawful gathering occurred; or
- (2) had knowledge of the unlawful gathering and took no reasonable action to prevent the unlawful gathering; or

(b) An unlawful gathering had taken place on the property within the prior 180 days.

19.11 Prohibited Conduct – No Alcohol, Controlled Substances and Weapons

- (a) No Open Alcohol Containers. No person shall possess or consume an open container of alcohol in any parking area, driveway, street, or outdoor common area surrounding the premises of a Covered Event.
- (b) No Alcohol Sales. No alcohol shall be sold at a Covered Event unless the Host has obtained a separate and valid alcohol permit from the Tribe in accordance with applicable law. Violation of this section may result in referral for additional licensing penalties separate from and in addition to any penalties under this Ordinance.
- (c) No alcohol or controlled substances. The Host of a Covered Event shall post signs in any parking area, driveway, street or outdoor common area surrounding the premises of a Covered Event stating, "NO ALCOHOL OR DRUGS ALLOWED – Possession of Alcohol or Drugs is Illegal."
- (d) No Alcohol or Controlled Substances Accessible to Minors.
 - (1) The Host bears strict liability for ensuring that no alcohol or controlled substances are accessible to any Minor at a Covered Event on the Host's property.
 - (2) The presence of alcohol or a controlled substance within reach of or consumed by a Minor at a Covered Event shall constitute a violation of this Ordinance regardless of the Host's knowledge, unless the Host demonstrates that all reasonable preventive measures were taken and that the substance was introduced without the Host's knowledge and in circumvention of those measures.
- (e) Firearms Prohibited
 - (1) No person shall possess a firearm on the premises of a Covered Event, including within any structure, yard, or parking area associated with the event.
 - (2) This prohibition does not apply to:
 - (i) On-duty Tribal Law Enforcement officers or other duly authorized peace officers acting in their official capacity; or
 - (ii) Off-duty law enforcement officers serving as required security personnel pursuant to this Ordinance, while acting in that official capacity.
 - (3) The Host shall post visible notice of this firearms prohibition at all entry points to the Covered Event. Signage shall state: "NO FIREARMS PERMITTED ON THESE PREMISES — COVERED EVENT IN PROGRESS."

19.13 Noise, Capacity and Safety Standards

- (a) **Capacity Responsibility.** The Host is responsible for ensuring that the number of persons present at the Covered Event does not exceed a safe occupancy level given the size of the premises, available exit routes, and applicable safety considerations. Tribal Law Enforcement may order a reduction of attendance if, in the officer's reasonable judgment, the number of persons present creates a dangerous condition.
- (b) **Parking and Street Access.**
 - (1) The Host shall ensure that adequate off-street or designated parking is available for attendees. Obstruction of public roads, emergency access lanes, or neighboring driveways is prohibited.
 - (2) SCAPD may require the Host to arrange parking attendants or designate a remote parking area with shuttle transport for events anticipated to draw 100 or more attendees.
- (c) **Event Hours.**
 - (1) All Covered Events shall conclude no later than 2:00 AM, unless the Permit expressly provides for an extended hour upon good cause shown by the Host.
 - (2) Amplified music or sound that causes unreasonable disturbance to or otherwise interferes with the quiet enjoyment of neighboring residences must be reduced or ceased upon notice from Law Enforcement.
- (d) **Emergency Access.** The Host shall ensure that all emergency access routes, driveways, and pathways to the premises remain clear and unobstructed at all times during the Covered Event to allow immediate access by Law Enforcement, Fire, and Emergency Medical Service personnel.

19.15 Penalties and Enforcement

- (a) **Schedule of Civil Fines.** Unless otherwise designated, a violation of this Ordinance is a civil violation of this Code, and the court shall impose a civil penalty of not less than \$500 and not more than \$2,500, as follows:

Offense Level	Civil Fine	Additional Consequences
First Offense	\$500 – \$1,000	Warning; remediation plan required
Second Offense (2 yrs)	\$1,000 – \$2,500	Permit eligibility suspended 1 year
Third Offense / Pattern	Up to \$5,000	Tribal Court referral; injunctive relief

- (b) Immediate Shutdown Authority. SCAPD officers shall have authority, without prior notice or judicial order, to immediately shut down and disperse any Covered Event — whether or not a Permit was obtained — if the officer reasonably determines that:
 - (1) A threat of imminent violence or bodily harm to any person is present;
 - (2) The event is being conducted in material violation of this Ordinance; or
 - (3) Continuation of the event would pose an unreasonable risk to public safety.
- (c) Failure to comply with a lawful shutdown order issued under this section shall constitute a separate violation subject to additional penalties.
- (d) Habitual Offender. Any Indian person who commits a violation of this section after having previously been found responsible by a court on one or more separate occasions for committing a civil violation of this section within an 18-month period, whether by admission, by default, or by judgment in court shall be deemed a habitual offender and shall be guilty of a criminal offense if Indian and jurisdiction permits and shall be precluded from sponsoring any future events. If the habitual offender is a Non-Indian or Non-Tribal entity they shall be subject to the fine in subsection 19.5(a) and shall be precluded from sponsoring any future events.
- (e) Expenses of Any Response. In addition to any penalty imposed, any person who commits a violation of this section is liable for the expenses of any response from the Tribe that results from the violation. The fact that a person is convicted or found responsible for a violation of this section is prima facie evidence of liability under this section. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed. For the purposes of this section, "expenses of any response" means reasonable costs directly incurred by the Tribe, by and through its public safety agencies, that makes an appropriate response to an incident, including the costs of providing police, fire fighting, rescue, public works, and emergency medical services at the unruly gathering and the salaries of the persons who respond to the unruly gathering but excluding charges assessed by the ambulance service.
- (e) Restitution. In addition to or in lieu of civil fines or expenses incurred by the Tribe of any response, the Tribal Court may order a Host to pay restitution to any victim or the family of any victim who suffered injury, death, or property damage as a proximate result of the Host's failure to comply with this Ordinance.

- (f) Enforcement Authority. This Ordinance shall be enforced by SCAPD. The Tribal Court shall have jurisdiction over all civil penalty proceedings, restitution matters, and civil damage actions arising under this Ordinance.
- 19.15 Other remedies. Nothing in this section shall be construed as affecting the ability to initiate or continue concurrent or subsequent criminal prosecution for any violation of the provisions of the Tribe's Law & Order Code arising out of the circumstances necessitating the application of this section.
- 19.16 Special Events Permit Requirement. Covered Events shall only be held at a District Community Center; provided that alcohol, controlled substances or weapons must not be allowed within the area of the facility, including parking areas, street or outdoor common areas surrounding the premises.
 - (a) No person shall host or organize a Covered Event without first obtaining a Permit from the Tribe's Law Enforcement in accordance with this Chapter.
 - (b) A Special Event Permit is required for a Covered Event in which:
 - (1) any person seeking to hold a social gathering that may adversely impact surrounding public streets, rights-of-way, disturb the peace, or
 - (2) that has the potential to become an unruly gathering, or
 - (3) that will have a crowd size greater than seventy-five (75) persons.
 - (c) A person shall not conduct, manage, or sponsor any organized Covered Event at a residence under the jurisdiction of the Tribe.
 - (d) Where a permit has been issued for an organized Covered Event pursuant to this section, a person shall not conduct, manage or participate in the permitted Covered Event in violation of or in any manner contrary to the provisions of the permit.
 - (e) Any violation of any requirement or condition of the permit shall be grounds for immediate revocation of the permit by the Tribe and fines.
 - (f) Special Event Permits shall be issued by the SCAPD for a fee of \$25, subject to the coordination with and the availability of a District Community Center and that Center's rent requirements.
 - (g) Permit application. Any person desiring to conduct or manage a Covered Event shall, not less than sixty (60) calendar days before the date on which the special event is to occur, file with the SCAPD an application for a Special Event Permit on a form furnished by that department setting forth the following information:

- (1) The name, address and telephone number of the applicant and of any other persons or organizations on whose behalf the application is made and the purpose of the Covered Event.
- (2) The name, address and telephone number of the person who will be the special event manager or organizer and will be responsible for the Covered Event.
- (3) The name, address and telephone number of the person or organization to which the permit is to be issued.
- (4) The date or dates when the special event is to be conducted and the time when the Covered Event is to commence and finish.
- (5) The estimated number of persons who will participate.
- (6) The estimated number of vehicles, if any, which will participate in the Covered Event.
- (7) Ages or age groups of the participants.

(h) Special Event Permit Issuance.

- (1) The SCAPD shall provide notice of the issuance or denial of a permit shall be provided to the applicant. Notice of the issuance shall be provided the police, fire and emergency medical services within fourteen (14) calendar days of the issuance.
- (2) Appeal. If the permit is denied by the SCAPD, the applicant may, within five (5) working days, appeal in writing the denial to the Council through the Council Secretary. The Council shall hear the appeal at the next available regularly scheduled Council meeting. The decision of the Council regarding the appeal shall be final.
- (3) Security. A host shall pay for security at a Covered Event held at a District Community Center and all persons seeking to attend the Covered Event shall be subject search for weapons, drugs or alcohol by security staff.
- (4) Penalty. Any person violating any provision of this subsection shall be guilty of a civil violation and subject to a fine of three hundred dollars per person per violation.

(i) Special Event Security Standards

- (1) Tiered Security. The Host shall provide the following minimum number of Security Guards during all hours of a permitted Covered Event:

Estimated Attendance	Minimum Security Guards Required
75 – 99 persons	1 certified Security Guard
100 – 149 persons	2 certified Security Guards
150 – 199 persons	3 certified Security Guards
200 or more persons	3 Guards + 1 per each additional 50 attendees above 150, PLUS at least one (1) off-duty SCAT Law Enforcement Officer (at Host's expense)

(2) Security Qualifications and Approval.

- (A) All Security Guards employed at a Covered Event must be pre-approved by SCAPD as part of the security plan.
- (B) SCAPD may disapprove any proposed Security Guard upon a finding that the individual is unqualified, has a disqualifying criminal history, or is otherwise unsuitable for the role.
- (C) Fitness for Duty. No Security Guard or off-duty law enforcement officer serving in a paid security capacity at a Covered Event shall consume alcohol or any controlled substance during the performance of security duties. Any Security Guard or off-duty officer found to be intoxicated during a Covered Event shall be immediately removed from duty by the Host, and the Host shall promptly obtain a qualified replacement.
- (D) Security Duties. Security Guards shall be responsible for, at minimum:
- (i) Monitoring entry points and crowd conditions throughout the Covered Event by conducting identification checks to verify the age of attendees, and to prevent entry of weapons, alcohol or scheduled drugs, as a condition of entry;
 - (ii) Identifying and addressing disturbances before they escalate;
 - (iii) Conducting reasonable visual checks and, pat-down or wand inspections for weapons or prohibited items at entry; and
 - (iv) Immediately contacting SCAPD upon any threat of violence, display of a weapon, or imminent safety concern.

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CURFEW ORDINANCE

20.0 Curfew.

This Section amends the Tribe's Curfew Ordinance (Resolution No. JN-17-113, Ord. No. 2017-006) and codifies provisions thereto under Chapter 6 – Criminal Code, as follows:

~~Section 1.~~20.1 Curfew - Minors; School nights

It shall be unlawful for any Indian parent or guardian having the care and custody of an Indian minor under eighteen years of age who attends school to permit or cause such minor to attend motion picture shows, entertainment, carnivals, religious ceremonies or revival services between the hours of 9:00 P.M. and sunrise on any night of the week preceding a school day, unaccompanied by said parent or guardian.

~~Section 2.~~20.2 Curfew - Minors; Weekends

It shall be unlawful for any Indian parent or guardian having the care and custody of a minor Indian child under 18 years of age to permit or cause such minor to go about the Reservation on any night, other than nights preceding a school day unaccompanied by said parent or guardian after the hour of 10:00 P.M.

20.3 Curfew – Response to District-wide Emergency

- (a) Order. In response to a murder, or series of violent assaults that exhibit heightened juvenile crime, or gang violence, occurring in a certain community of the Reservation, or for the purpose of a law enforcement investigation of a crime or crimes that threaten public safety or the children of the Reservation, as may be indicated by clear and convincing circumstances, and to reinforce parental authority, the Chairman, or, in the absence of the Chairman, the Vice Chairman, upon request of the SCAPD Chief of Police, may order an extended curfew for minors between the hours of 10:00 p.m. and dawn, which may include adults; provided that:
 - (i) the Chairman, or Vice Chairman, ordering an emergency curfew and the Chief of Police consult with the Council within five (5) working days of the order to review the basis of the order and determine further Council action; and
 - (ii) failure of the Chairman, or Vice Chairman to consult with the Council after issuance of an emergency curfew order shall result in an automatic termination of the order and curfew.

- (b) Notice. The Chairman, or in his absence, the Vice Chairman must provide notice through all local media of the emergency justifying the curfew immediately upon issuance of the order.

20.4 Defenses and Exceptions. In all areas of the Reservation, a minor is NOT violating a curfew if:

- (a) Accompanied by the minor's parent, guardian, or an adult having supervisory custody;
- (b) With prior permission of the parent or guardian, in a motor vehicle involved in interstate travel;
- (c) Has been specifically directed to the location on reasonable, legitimate business or some other activity by the parent, guardian or adult having supervisory custody;
- (d) With prior permission of the parent or guardian, in an employment activity or going to or returning home by the most direct route from an employment activity without any detour or stop;
- (e) Involved in an emergency, an unforeseen combination of circumstances or the resulting state that calls for immediate action;
- (f) With prior permission of the parent or guardian, engaged in a reasonable and legitimate exercise of First Amendment rights protected by the United States Constitution;
- (g) Married and sixteen (16) years of age or over, or in the military;
- (h) On the sidewalk abutting their residence or on the next-door neighbor's property with the consent of the neighbor; or
- (i) If attending a Covered Event, the minor must be accompanied by a parent or legal guardian at all times after 10:00 PM; provided that any minor found unaccompanied at a Covered Event after 10:00 p.m. shall be immediately removed by Law Enforcement from the event premises and returned to the minor's residence forthwith.

~~Section 320.5~~ Juvenile Delinquency

Any Indian child under 18 years of age found in violation of either ~~Section 1~~ or ~~Section 2~~ Sections 20.1, 20.2 or 20.3 of this Ordinance shall be deemed guilty of a Juvenile Delinquency and such offenses shall be referred to the Juvenile Court of the San Carlos Reservation, there to be dealt with at the discretion of the Court.

~~Section 4.~~20.5 Penalties; Parents or Guardians

Any Indian parent or guardian having the care and custody of a minor Indian child under 18 years who shall violate the provisions of this Ordinance shall be deemed guilty of ~~an~~ a status offense, and, upon conviction thereof, shall be punished by imprisonment not to exceed 20 days or be fined ~~\$200~~ \$300 or both, such imprisonment and fine with costs. In the event of a Curfew response to a District-wide Emergency, pursuant to Section 20.3 above, then a violation shall be considered as an arrestable offense, subject to the totality of the circumstances and reasonable suspicion by the arresting officer.

~~Section 5.~~—20.6 Law Enforcement

The Law Enforcement officers of the ~~San Carlos Reservation~~SCAPD shall have the right and duty to take violators of the curfew to his or her home and turn him or her over to their parent or guardian with instructions to keep him or her at home during curfew hours.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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CIVIL CODE

SPECIAL EVENT TORT LIABILITY AND RESPONSIBILITY

HOST ACCOUNTABILITY

- 1.1 Title. This Ordinance shall be known and may be cited as the "Special Event Tort Liability and Responsibility Act," and provides for host accountability in tort for any Community or Covered Event sponsored or hosted by a person.
- 1.2 Authority. This Ordinance is enacted pursuant to the inherent sovereign authority of the San Carlos Apache Tribe and the authority vested in the Tribal Council by the Tribal Constitution to protect the health, safety, and welfare of the Tribal community.
- 1.3 Definitions.
- (a) "*Community Event*" means a special event held at a non-residential venue, including but not limited to parks, fairgrounds, community centers, school grounds, commercial lots, parking areas, or any other public or semi-public location on the Reservation, organized by the Tribe, a tribal entity, an outside organization, a business, or a company.
- (b) "*Covered Event*" means any of the following gatherings of seventy-five (75) or more persons occurring on the Reservation, whether or not a fee is charged for admission:
- (1) any special event gathering, party, celebration, or social assembly held at a private residence or residential property on the Reservation; or
 - (2) any community event, festival, concert, celebration, sporting event, cultural gathering, or similar public or semi-public assembly held on Tribal land, public property, commercial property, or any other venue on the Reservation — regardless of whether the event is hosted by a private individual, the Tribe, a subsidiary enterprise of the Tribe, a program or department of the Tribe, a nonprofit organization, a business, or any other entity or company; and
 - (3) does not include any public event sponsored by the Tribe
- (c) "*Host*" or "*Organizer*" means:
- (1) for residential gatherings — the person or persons who own, lease, occupy, or otherwise control the residential property at which a Covered Event is held, or any person who sponsors, organizes, or arranges such event or both;

(2) for community events — the entity, organization, business, company, tribal department, tribal enterprise, or individual that sponsors, organizes, promotes, or is primarily responsible for the planning and conduct of the Covered Event. This includes the Tribe when acting as the organizer of a community event. Where multiple persons or entities qualify under this definition, all shall be jointly and severally responsible for compliance.

- 1.4 Joint and Several Liability. Where two (2) or more persons qualify as the Host of a Community Event or a Covered Event, all such persons shall be jointly and severally liable for compliance with this Ordinance and for any civil fines, penalties, or restitution assessed hereunder.
- 1.5 Effect of Prior Violations. Any Host who has been found in violation of this Ordinance within the preceding two (2) years shall be subject to automatic denial of any Permit application for a period of one (1) year from the date of the prior violation finding.
- 1.6 Civil Liability for Damages. A Host who fails to comply with the requirements of this Ordinance and whose failure is a contributing cause of injury, death, or property damage to any person at a Covered Event may be held civilly liable for damages arising from such failure, as determined by the Tribal Court. Civil damage proceedings shall be separate from, and in addition to, any civil fines assessed under Section 19 of the Tribe's Criminal Code.

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MISCELLANEOUS

Severability; Relationship to Existing Law; Effective Date; Mandatory Review

- (a) Severability. If any provision of this Ordinance, or the application of any provision to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of this Ordinance and the application of its provisions to other persons or circumstances shall not be affected.
- (b) Relationship to Existing Law. This Ordinance supplements and does not supersede any existing law, ordinance, or code governing alcohol licensing, juvenile welfare, or Law Enforcement authority of the Tribe. In the event of a conflict between this Ordinance and an existing law, the more protective provision shall govern.
- (c) Effective Date. This Ordinance shall take effect thirty (30) days following its adoption by the Council, or upon such earlier date as the Council may designate by resolution.
- (d) Mandatory Review. The Council shall review this Ordinance no later than two (2) years after its effective date, or sooner if directed by resolution of the Council, to assess its effectiveness and make any necessary revisions.

Certification by the Council Secretary that the foregoing Ordinance was enacted pursuant to Council Resolution No. JUN-26-142.

By: Valerie Key (Date)
Valerie Key
Acting Council Secretary
San Carlos Apache Tribe