



Puyallup Tribe of Indians



NOTICE

TO: PUYALLUP TRIBAL MEMBERS
FROM: PUYALLUP TRIBAL COUNCIL
DATE: MARCH 27, 2019
SUBJECT: CIVIL TRAFFIC CODE

The intent of the Civil Traffic Code is to promote the welfare and safety of all persons who use the roadways lying within the jurisdiction of the Puyallup Tribe of Indians and to provide for fair and efficient disposition of civil traffic infractions.

The Puyallup Tribal Constitution Article VI, Section 1(k) grants the Puyallup Tribal Council the authority to promulgate and enforce ordinances governing the conduct of members of the Puyallup Tribe, in order to provide for the maintenance of law and order and the administration of justice.

It is necessary at times to amend the Civil Traffic Code to meet the needs of the Puyallup Tribal Community.

Tribal Council posts this legislation at appropriate locations in compliance with Section 2.12.040 of the "Code Adoption, Revision, and Distribution" Ordinance. The Code shall be posted for 30 days for public comment.

The amended Civil Traffic Code will be posted for public comment at the following locations: Puyallup Tribal Administration Building, Puyallup Tribal Court, Puyallup Tribe's House of Respect, and the Kwawachee Counseling Center.

Comments must be forwarded to the Puyallup Tribal Council's Secretary. Additional copies are available upon request by calling the Code Writer Department at: 253-573-7800 Ext. 6042 or 6043.



Puyallup Tribe of Indians



PUYALLUP TRIBAL COUNCIL RESOLUTION NO. 260319-A

WHEREAS, the Puyallup Tribe has existed since creation as the aboriginal people who are the owners and guardians of their lands and waters; and

WHEREAS, the Puyallup Tribe is an independent sovereign nation, having historically negotiated with several foreign nations, including the United States in the Medicine Creek Treaty; and

WHEREAS, the Puyallup Tribal Council is the governing body of the Puyallup Tribe in accordance with the authority of its sovereign rights as the aboriginal owners and guardians of their lands and waters, reaffirmed in the *Medicine Creek Treaty*, and their *Constitution and By Laws*, as amended and approved by the Tribe and the Assistant Secretary of the Interior; and

WHEREAS, it is the duty of the Puyallup Tribal Council to promote the peace, safety, morals, and general welfare of the Puyallup Tribal Community; and

WHEREAS, the Puyallup Tribal Constitution Article VI, Section 1(k) grants the Puyallup Tribal Council the authority to promulgate and enforce ordinances governing the conduct of members of the Puyallup Tribe, and providing for the maintenance of law and order and administration of justice; and

WHEREAS, amending the Civil Traffic Code to include Civil Laws for public consumption of drugs and alcohol, will allow Tribal Law Enforcement to address the safety issues with illegal public consumption of drugs and alcohol; and

WHEREAS, it is necessary at times to amend the Civil Traffic Code, to meet the needs of the Puyallup Tribal community.

This Resolution amends the Civil Traffic Code 5.04. The purpose of these amendments is to create civil laws regarding public consumption of drugs and alcohol within the Tribe's jurisdiction. This resolution also approves the language to be used on public signs notifying the public of these laws.

NOW BE IT ENACTED by the Puyallup Tribal Council of the Puyallup Tribe, to become effective immediately, the following laws are now incorporated into the Civil Traffic Code 5.04.

5.04.555 Public consumption of illegal drugs.

No person shall use illegal drugs in a public place.

This section shall not preclude arrest or conviction for any other crimes, offenses, or infractions related to the possession or use of illegal drugs.

5.04.555.A Public consumption of marijuana.

No person shall use marijuana in a public place. Violation of this section is also a Class C offense under PTC 5.12.1050 (d.)

5.04.555.B Public consumption of alcoholic beverages.

No person shall open a package containing an alcoholic beverage or consume an alcoholic beverage in a public place, unless consumption of alcoholic beverages in such a place is specifically permitted or licensed by the Puyallup Tribe.

NOW BE IT ENACTED by the Puyallup Tribal Council of the Puyallup Tribe, to become effective immediately, the following fines for violations of the above laws are now incorporated into the Civil Traffic Code 5.04. under (Section 5.04.900 Fines.)

5.04.900 Fines.	FINE	MANDATORY APPEARANCE
5.04.555 Public consumption of illegal drugs	\$25	NO
5.04.555.A Public consumption of marijuana	\$25	NO
5.04.555.B Public consumption of alcoholic beverages	\$25	NO

NOW BE IT ENACTED by the Puyallup Tribal Council of the Puyallup Tribe, to become effective immediately, the Civil Traffic Code Section 5.04.900 now incorporates the following fine for violation of (Section 5.04.780 Alcoholic beverages-Prohibited) and amends the requirement of mandatory appearance for violation of this civil law.

5.04.900 Fines.	FINE	MANDATORY APPEARANCE
5.04.780 Alcoholic beverage prohibitions (Motor vehicle)	\$25	NO

NOW THEREFORE, BE IT RESOLVED, that the Puyallup Tribal Council of the Puyallup Tribe, approves of the following proposed language to be used on publicly placed signs, for the purpose of public notification of the above civil laws;

NOTICE

Public Drug Use in this area is both a Crime and a Civil Offense.

Public Possession of Open Alcoholic Beverages in this area is a Civil Offense.

Violators will be Prosecuted.

Puyallup Tribal Council

PTC 5.04.555, 5.04.555 A, 5.04.555 B.

NOW THEREFORE, BE IT RESOLVED, that the indicated sections of the Civil Traffic Code 5.04.555, 5.04.555 A, 5.04.555 B, 5.04.900 listed above are included and amended; and

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Tribal Council posts this legislation at appropriate locations in compliance with Section 2.12.040 of the "Code Adoption, Revision, and Distribution" Ordinance and seeks public comment within 30 days; and

NOW THEREFORE, BE IT FINALLY RESOLVED, by the Tribal Council that it authorizes the Tribal Council Chairman (Bill Sterud), and in his absence, the Vice-Chairman (David Z. Bean), to execute this Resolution and other such required implementing documents as are required on behalf of the Tribe.

CERTIFICATION

I, Nadine Piatote, Secretary of the Puyallup Tribal Council of the Puyallup Reservation do hereby certify that the above Resolution was duly adopted at a Regular Meeting of the Puyallup Tribal Council held on the Puyallup Indian Reservation on the 26th day of MARCH 2019, a quorum being present with a vote of 6 FOR, 0 AGAINST, 0 ABSTAINING, and 1 NOT VOTING its adoption.

Nadine Piatote
Secretary, Puyallup Tribal Council

ATTEST:

Bill Sterud
Bill Sterud, Chairman
Puyallup Tribal Council

Subchapter 8. Pedestrians

- 5.04.540 Pedestrians – Drivers to use due care.
- 5.04.550 Pedestrians to remain off roadway.
- 5.04.555 Public consumption of illegal drugs.
- 5.04.555.A Public consumption of marijuana.
- 5.04.555.B Public consumption of alcoholic beverages-Open container.
- 5.04.560 Pedestrians – Right-of-way in crosswalk.
- 5.04.570 Skateboarding.

Subchapter 8. Pedestrians

- 5.04.540 Pedestrians – Drivers to use due care.

Every driver of a vehicle shall exercise due care to avoid colliding with any person upon a roadway. [Res. 220391-a (04/22/91); prior code § 5.01.910]

- 5.04.550 Pedestrians to remain off roadway.

Every pedestrian shall remain safely off the main traveled portion of the roadway. [Res. 220391-a (04/22/91); prior code § 5.01.920]

- 5.04.555 Public consumption of illegal drugs.

No person shall use illegal drugs in a public place.

This section shall not preclude arrest or conviction for any other crimes, offenses, or infractions related to the possession or use of illegal drugs.

- 5.04.555.A Public consumption of marijuana.

No person shall use marijuana in a public place. Violation of this section is also a Class C offense under PTC 5.12.1050 (d.)

- 5.04.555.B Public consumption of alcoholic beverages.

No person shall open a package containing an alcoholic beverage or consume an alcoholic beverage in a public place, unless consumption of alcoholic beverages in such a place is specifically permitted or licensed by the Puyallup Tribe.

5.04.560 Pedestrians – Right-of-way in crosswalk.

When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite side of the roadway as to be in danger. [Res. 220391-a (04/22/91); prior code § 5.01.930]

5.04.570 Skateboarding.

Every person using a skateboard, roller-skates or rollerblades upon any sidewalk or public place shall use the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of sidewalk or public path and condition of surface and shall obey all traffic control devices. Every person using a skateboard, roller-skates or rollerblades upon a sidewalk or public path shall yield the right-of-way to any pedestrian. No skateboarding or roller-skating shall occur on any public roadway. [Res. 220391-a (04/22/91); prior code § 5.01.940]

Subchapter 14. Fines and Penalties

5.04.900 Fines.

The following schedule of fines apply to the civil traffic infractions enumerated in this chapter. If a “YES” appears under “MANDATORY APPEARANCE,” the person must appear before the Court for a hearing and cannot pay a fine in lieu of that Court appearance.

STATUTE	INFRACTION	FINE	MANDATORY APPEARANCE
5.04.190	Vehicle safety equipment violation of any provision	\$50	NO
5.04.380	Drivers to be licensed	none	YES
5.04.390	Operator’s license on person	\$25	NO
5.04.400	Driving while license is suspended or revoked	none	YES
5.04.410	Failure to comply with learner’s permit	\$50	NO
5.04.420	Motorcycle endorsement required	\$50	NO
5.04.430	Vehicle license required	\$50	NO
5.04.440	Failure to yield to emergency vehicle	none	YES
5.04.450	Following fire vehicle	none	YES
5.04.555	Public consumption of illegal drugs	\$25	NO
5.04.555.A	Public consumption of marijuana	\$25	NO
5.04.555.B	Public consumption of alcoholic beverages	\$25	NO
5.04.460	Crossing fire hose	\$50	NO
5.04.480	Motorcycles – operation on laned roads	\$50	NO
5.04.490	Motorcycles – riding on permanent seat	\$50	NO

STATUTE	INFRACTION	FINE	MANDATORY APPEARANCE
5.04.500	Motorcycles – foot pegs	\$50	NO
5.04.510	Motorcycles – both feet on same side	\$50	NO
5.04.520	Motorcycles – clinging to other vehicles	\$50	NO
5.04.530	Off-road vehicles	\$50	NO
5.04.540	Pedestrians – due care	\$50	NO
5.04.550	Pedestrians – remain off road	\$50	NO
5.04.560	Pedestrians – right-of-way	\$75	NO
5.04.570	Skateboarding, roller-skates, and rollerblades	\$25	NO
5.04.580	Throwing glass or other material on road	\$75	NO
5.04.590	Littering	\$150	NO
5.04.600	Permitting escape of load or other materials	\$50	NO
5.04.610	Interference with signs, signals	\$100	NO
5.04.620	Exceeding speed limit		NO
	1 – 5 MPH	\$15	
	6 – 10 MPH	\$25	
	11 – 15 MPH	\$35	
	16 – 20 MPH	\$50	
	21 MPH and over shall be considered reckless driving under PTC 5.08.140		
5.04.630	Due care required	\$50	NO
5.04.640	Drive on right side	\$50	NO
5.04.650	Turning, stopping, moving right or left: turn signals required	\$50	NO
5.04.660	Turning at intersection	\$50	NO
5.04.670	Right-of-way – vehicle turning left	\$50	NO
5.04.680	Overtaking and passing	\$50	NO
5.04.690	Passing school bus	\$100	NO
5.04.700	Following too closely	\$50	NO
5.04.710	“U” turns	\$50	NO
5.04.720	Backing	\$50	NO
5.04.730	Traffic signs, signals and markings	\$50	NO
5.04.740	Stopping, standing or parking on road	\$50	NO
5.04.750	Stopping, standing or parking in certain places	\$50	NO
5.04.760	Leaving children unattended in vehicle	none	YES
5.04.770	Obstructing view of driver	\$50	NO
5.04.780	Alcoholic beverage prohibitions (Motor vehicle)	\$25	NO

No mandatory appearance for those over 16 years of age. Those 16 years of age and younger must appear with parent.

5.04.910 Penalties.

It is a traffic infraction for any person to violate any of the provisions of this chapter. Unless another penalty is specified in this chapter (see PTC 5.04.900), every person convicted of a traffic infraction shall be subject to a fine of not more than \$500.00. [Res. 220391-a (04/22/91); prior code § 5.01.1620]