

HO-CHUNK NATION CODE (HCC)
TITLE 3 – HEALTH AND SAFETY CODE
SECTION 9 – ALTERNATE SIDE PARKING ORDINANCE

ENACTED BY THE LEGISLATURE: 12/09/08

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**CHAPTER I
GENERAL**

1. Authority.

a. Article IV, Section 2 of the Constitution authorizes the legislative branch to make laws and appropriate funds in accordance with Article V.

b. Article V, Section 2(a) of the Constitution grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

c. Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation.

d. Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets.

e. Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.

f. Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation; and

g. Article V, Section 2(x) of the Constitution grants the Legislature the power to enact other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III, including but not limited to the foregoing list of powers.

2. Purpose.

During the winter, snow conditions can cause hazardous roadways. Effective snow removal is an important tool to protect the health and safety of people driving along the roadways within the jurisdiction of the Ho-Chunk Village. The purpose of this Ordinance is to ensure safe travel of people driving the streets of the Ho-Chunk Village by regulating the parking practices of all people who enter Ho-Chunk Village roadways to make snow removal more efficient.

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3. Sovereign Immunity.

a. Nothing in this Ordinance shall be deemed to waive the sovereign immunity of the Ho-Chunk Nation or any of its enterprises, officers, agents, or employees.

b. Pursuant to Article XII, Sections 1 and 2 of the Constitution, the Legislature in taking any action will be deemed to not have waived the Nation's sovereign immunity from suit, unless the Legislature expressly waives the Nation's sovereign immunity.

c. No Tribal official authorized to enforce this Ordinance shall be held liable in any civil action for any action or omission made in good faith in imposing the provisions of this Ordinance.

4. Severability Clause. Except for Section 2, if any part of this *Alternate Side Parking Ordinance* (3 HCC § 9) is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remainder of this law. The Ho-Chunk Nation Legislature hereby declares the provisions of this *Alternate Side Parking Ordinance* (3 HCC § 9) to be severable.

5. Applicability. The *Alternate Side Parking Ordinance* (3 HCC § 9) shall only be applicable to a vehicle parked on streets within the jurisdiction of the Ho-Chunk Village.

6. Definitions.

a. "Emergency Snow Event" means any time in which snow accumulation of two (2) inches or more is expected or falls within a twenty-four (24) hour period.

b. "HHCDA" means the Ho-Chunk Housing and Community Development Agency.

c. "Vehicle" means a motorized conveyance, which includes all of the following:

- (1) All Terrain Vehicles;
- (2) Boats;
- (3) Buses;
- (4) Cars;
- (5) Dump trucks;
- (6) Farm equipment;
- (7) Golf Carts;
- (8) Heavy equipment;

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- (9) Motorcycles;
- (10) Shuttles;
- (11) Snow Mobiles;
- (12) Trailers;
- (13) Trucks;
- (14) Vans, to include handicapped equipped vans; and
- (15) All other motor driven conveyance devices commonly used to transport people or products.

**CHAPTER II
ALTERNATE-SIDE PARKING**

7. Alternate-Side Parking.

a. Alternate-side parking. From the dates of November 15 to April 15 all vehicles will be parked only on the even-numbered side of the street on even-numbered calendar days, and only on the odd-numbered side of the street on odd-numbered calendar days.

b. No person shall park, stop, or leave standing any vehicle in violation of this subsection.

c. A street which is divided by a boulevard, median strip, or other separation between the traveled portions of the roadway shall be considered to be one (1) street for the purposes of the *Alternate Side Parking Ordinance* (3 HCC § 9).

d. A street which is a circle or court and is numbered with all odd or all even house numbers shall not be exempt from the *Alternate Side Parking Ordinance* (3 HCC § 9).

8. Signage.

a. The HHCDCA shall erect appropriate signs designating the restrictions contained in this *Alternate Side Parking Ordinance* (3 HCC § 9).

b. The *Alternate Side Parking Ordinance* (3 HCC § 9) shall only be effective when official traffic signs required by Section 7, subparagraph a. have been erected prominently on the Ho-Chunk Village streets.

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9. Enforcement.

a. Penalties.

(1) The registered owner of a vehicle parked in violation of these rules shall be subject to a fine of twenty-five dollars (\$25) per day for each day parked in violation of the *Alternate Side Parking Ordinance* (3 HCC § 9); and/or

(2) Subject to the requirements of Section 9, all vehicles parked in violation of the *Alternate Side Parking Ordinance* (3 HCC § 9) are subject to towing.

b. The penalties authorized pursuant to Section 8, subsection a. may be enforced by personnel of the:

(1) HHCDCA; or

(2) Bureau of Indian Affairs division of the Ho-Chunk Nation Department of Housing.

c. Failure to pay fines.

(1) Unpaid fines shall make the vehicle in question subject to impound; and

(2) Pursuant to the requirements of Section 5, subparagraph a. (1) of the *Claims Against Per Capita Distribution Ordinance* (2 HCC § 8), collection may be levied against Ho-Chunk Nation Members by per capita interception if unpaid for thirty (30) days or longer.

d. Jurisdiction. Any individual who parks a vehicle on a street within the Ho-Chunk Village consents to the jurisdiction of the Ho-Chunk Nation Trial Court.

10. Towing requirements. Vehicles may only be towed during an emergency snow event or immediately thereafter to expedite the safe passage of emergency, law enforcement, road maintenance vehicles and other public safety vehicles such as utility or HHCDCA maintenance vehicles so that residents are protected and to allow the clearing of the roads to promote the safe passage through the Ho-Chunk Village for both residents and service vehicles.

Legislative History:

10/02/08	Executive Director of Housing requests an <i>Alternate Side Parking Ordinance</i> (3 HCC § 9).
10/21/08	Ho-Chunk Nation Legislature places out for forty-five day public comment.

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Legislature passes Alternate Side Parking Ordinance through use of Quick Passage Procedures contained within the *Legislative Organization Act* (2 HCC § 11)