



**HO-CHUNK NATION CODE (HCC)
TITLE 3 – HEALTH AND SAFETY CODE
SECTION 20 – DISORDERLY CONDUCT
ORDINANCE**

ENACTED BY LEGISLATURE: August 22, 2017

CITE AS: 3 HCC § 20

1. Authority.

- (a) Article V, Section 2(a) of the Ho-Chunk Nation Constitution (“Constitution”) grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.
- (b) 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.
- (c) 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.

2. Definitions.

- (a) **Unauthorized:** Without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner, or lessee of land. Authorization shall not be implied from a failure to post private or public land.
- (b) **Motor Vehicle** For the purposes of this Ordinance, Motor vehicle shall mean any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, minibikes, golf carts, motorized three or more-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies, and tractors.

3. Disorderly Conduct.

- (a) Whoever, on land within the jurisdiction of the Ho-Chunk Nation, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is in violation of this section.
- (b) Whoever, on land within the jurisdiction of the Ho-Chunk Nation, intentionally causes, provokes or engages in any fight, brawl, riot, or noisy altercation other than if it is a bona fide athletic contest, is in violation of this section.

(c) Whoever, on land within the jurisdiction of the Ho-Chunk Nation, defecates or urinates outside of a designated sanitary facility, upon any sidewalk, street, alley, public parking lot, playground, cemetery or other public area on Nation lands, upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings, or indecently exposes himself or herself, is in violation of this section.

4. Disorderly Conduct with a motor vehicle.

(a) No driver of any vehicle shall cause by excessive and unnecessary acceleration the tires of such vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel, nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise such as would disturb the public peace.

(b) No driver of any vehicle shall operate or control or cause the unauthorized off-road operation of a motor vehicle. It shall be unlawful to operate a motor vehicle on highway and roadway shoulders and ditches, alleys, parks, sidewalks, bikeways, parking lots or on any Nation lands or parking lots held open to the public without the consent of the owner on private lands or the Nation before operation.

(c) Exceptions. Any exceptions to this section are as follows:

(i) Motor vehicle does not mean any airplane, railroad train, boat, wheelchair, or bicycle.

(ii) Vehicle being operated solely for the purpose of construction, or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;

(iii) Vehicle is being operated by or at the direction of public employees or utility company employees as part of their employment duties.

(iv) Vehicle is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

(v) Vehicle is being operated legally according to Wisconsin Statutes. This includes the operation of a motor vehicle on a highway or parking lot or service road or driveway acceptable by right or custom for public operation.

5. Penalties.

(a) This ordinance shall be enforced by the Ho-Chunk Nation Police Department and the Ho-Chunk Nation Department of Justice and shall be subject to 2 HCC §14 Ho-Chunk Nation Statute of Limitations and Commencement of Claims Act.

(b) Whoever has been found to violate any provision of this ordinance shall be made to forfeit \$300 plus costs of prosecution for each offence and cost of restitution.

Legislative History:

- 05/23/17 Legislature places the draft Disorderly Conduct Ordinance out for 45 day public comment through Resolution 05-23-17K.
- 08/22/17 Legislature enacts the Disorderly Conduct Ordinance (3 HCC § 15) through Resolution 08-22-17D.
- 01/08/24 Pursuant to the Legislative Organization Act, 2 HCC § 11.46c, technical corrections, including numbering for any laws may be made without full Legislative approval, provided the Vice President and Legislative Counsel shall indicate their approval in writing. When the Disorderly Conduct Ordinance was passed, it errantly was numbered with a Section number already in circulation (Dangers to Public Safety and Well-Being Act, 3 HCC § 15, enacted by quick passage on June 20, 2017 via Legislative Resolution 06-20-17Y). The Disorderly Conduct Ordinance was never revoked. As such, the Disorderly Conduct Ordinance will now be numbered 3 HCC § 20.