

TRIBAL CODE

CHAPTER 25

BOAT, SNOWMOBILE AND ATV REGISTRATION ORDINANCE

CONTENTS

- 25.101 Purpose.
- 25.102 Registration.
- 25.103 Registration Number.
- 25.104 Display.
- 25.105 Registration Certificates.
- 25.106 Notification of Transfer.
- 25.107 Prohibited Acts.
- 25.108 Penalties.
- 25.109 Jurisdiction.

HISTORY NOTE:

Current Ordinance:

Adopted April 14, 1986, Resolution No. 127(86), effective immediately.

Amendments:

Amended December 3, 1986, Resolution No. 432(86) Sec. 25.103 amended.

Amended Feb. 12, 1996, Resolution No. 41(96) Amends title to Boat, Snowmobile and ATV Registration Ordinance and Sec. 25.101, Sec. 25.102, Sec. 25.103, 25.104, Sec. 25.105, Sec. 25.106, Sec. 25.108, and Sec.25.109.

Amended April 10, 1997 by agreement signed by George Meyer, Secretary, on behalf of the State of Wisconsin and Tom Maulson, President of Band pursuant to s. 23.35 Wis. Stats.

Cases:

State v. Big John, 146 Wis.2d 741, (1988). This ordinance does not preempt state boat registration off the reservation. Tribal members must have state registration to operate boats off the reservation.

TRIBAL CODE

CHAPTER 25

BOAT, SNOWMOBILE AND ATV REGISTRATION ORDINANCE

25.101 Purpose.

The purpose of this ordinance is to provide a voluntary system in compliance with section 23.35, Wisconsin Statutes, under which tribal members may register and obtain identification numbers for boats, snowmobiles and all terrain vehicles for use on or off the reservation, in lieu of registering the same under the state registration system.

25.102 Registration.

1. Any tribal member who lives or keeps a boat, snowmobile or all terrain vehicle on the Tribe's reservation and who possesses a tribal photo identification card may apply to the Lac du Flambeau Motor Vehicle Department to register a boat, snowmobile or all terrain vehicle. The fee schedule for such registrations shall be at the prices established by s. 23.33(2)(c), (d) and (e), Wis. Stats. and shall be for terms established by s. 23.33(2)(f) and (g), Wis. Stats. Monies collected under the fee schedule shall be applied to the expenses of operating the registration program with any excess funds being used for the Tribe's conservation and natural resources programs.

2. Any non-member Indian or non-member is prohibited from operating a boat, snowmobile or all terrain vehicle on any tribal lands or waters unless the operator has in his or her possession a valid registration certificate and the vehicle properly displays registration numbers and/or decals as required by tribal ordinance and state law.

25.103 Registration Number.

The Lac du Flambeau Motor Vehicle Department shall obtain decals or stickers containing the tribal logo sufficient to be in compliance with the reciprocal agreement between the Lac du Flambeau Tribe and the state of Wisconsin pursuant to the agreement entered into under section 23.35, Wisconsin Statutes. The Department further shall maintain a system of record keeping sufficient to be in compliance with the requirements of the aforementioned reciprocal agreement.

25.104 Display.

Each member shall place the decal or sticker and registration number on their vehicle in the following manner:

1. Boats. Upon being issued a certificate of number and decal, the owner of a boat shall display the issued numbers on each side of the forward half of the boat. These numbers must be displayed in contrasting color and not less than 3-inch block letters and numbers in such a manner that they may be clearly visible and shall maintain such numbers in legible condition at all times with a space or hyphen (minimum of 2 inches) between letters and numbers. Registration decals shall be affixed in line with and three inches from the identification numbers toward the stern.

2. Snowmobiles. Upon being issued a registration decal, the owner of a snowmobile shall attach the registration decals to the snowmobile in a prominent place, and shall maintain the registration decals in a legible condition at all times. Decals shall be not larger than 3 inches in height and 6 inches in width. Registration decals are to be applied on both sides of the cowling of the snowmobile.

3. All Terrain Vehicles. Upon being issued a registration decal, the owner of an all terrain vehicle shall attach the registration decals to the all terrain vehicle in a prominent place, and shall maintain the registration decals in a legible condition at all times. Decals shall be not larger than 3 inches in height and 6 inches in width. Registration decals are to be applied on both side of the all terrain vehicle.

#### 25.105 Registration Certificate.

Any person operating a boat, snowmobile, or all terrain vehicle registered to the Tribe must have in their possession the certificate of registration issued by the Tribe. Said registration certificate shall be displayed upon request by any tribal law enforcement officer or conservation warden or any law enforcement officer or conservation warden authorized under Tribal law to enforce Tribal ordinances. If the vehicle is being operated off reservation said registration certificate shall be displayed upon request by any Great Lakes Indian Fish and Wildlife Conservation Warden or any law enforcement officer or conservation warden authorized under Wisconsin law to enforce boat, snowmobile or all terrain vehicle laws.

#### 25.106 Notification of Transfer.

If the owner of a registered boat, snowmobile or all terrain vehicle transfers his or her interest in the same to another member, the new owner shall notify the department so that registration may be transferred. If the ownership interest is transferred to a non-member, such registration shall be void.

#### 25.107 Prohibited Acts.

It shall be unlawful for a tribal member, non-member Indian, or non-member to:

1. Deface or alter a tribal boat, snowmobile or all terrain vehicle registration sticker or decal;
2. Register a boat, snowmobile or all terrain vehicle which is not owned by the member;
3. Transfer ownership of a registered boat, snowmobile, or all terrain vehicle without notifying the Tribe's Motor Vehicle Department.
4. Violate any other provision of this ordinance.

25.108 Penalties.

1. Violation of this ordinance shall be punishable by a forfeiture of up to \$500.00.
2. Court costs of \$20.00.

25.109 Jurisdiction.

The Lac du Flambeau Tribal Court is hereby given jurisdiction over all matters pertaining to this ordinance. This ordinance shall apply to all Tribal members, non-member Indians, and all non-members operating upon Tribal lands or waters.