



**MENOMINEE NATION
THE MENOMINEE TRIBAL LEGISLATURE
TRIBAL ORDINANCE 23 – 79
AMENDMENT IN PART TO THE CODE OF MENOMINEE
INDIAN TRIBE OF WISCONSIN
CHAPTER 550 – “Vehicles and Traffic”**

FINAL APPROVAL:

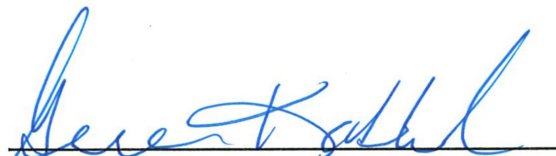
BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

Tribal Ordinance 23-79 is hereby enacted. Tribal Ordinance 23-79 hereby amends in part Chapter 550, “Vehicles and Traffic” of the Code of the Menominee Indian Tribe of Wisconsin, as attached hereto and as if fully reproduced here.


CERTIFICATION

We, the undersigned Officers of the Menominee Tribal Legislature, do hereby certify that the foregoing amendment to Menominee Indian Tribe of Wisconsin General Code, “Chapter 550, “Vehicles and Traffic” was **duly adopted** at a regular meeting of the Tribal Legislature held February 15, 2024, at which a quorum was present, by a vote of **8** for, **0** opposed, **0** abstentions and **0** absent.

The undersigned also certify that the foregoing amended chapter to the Code of the Menominee Indian Tribe of Wisconsin has been posted in accordance with the Menominee Constitution and Bylaws.



**GENA KAKKAK, TRIBAL CHAIRWOMAN
MENOMINEE INDIAN TRIBE OF WISCONSIN**



**SPENCER GAUTHIER, TRIBAL SECRETARY
MENOMINEE INDIAN TRIBE OF WISCONSIN**

DATE: FEBRUARY 15, 2024



MEMORANDUM

To: Menominee Tribal Legislature
From: Forrest J. Gauthier and Lynelle John
Date: January 26, 2024
Re: Ordinance 23-79 - Chapter 550 Vehicles and Traffic – ATV/UTV Road Access

Attached is a redline and clean version of the recommended amendments to Chapter 550 to allow road access for all-terrain vehicles (ATV) and utility-type side-by-side vehicles (UTV) and for better enforcement mechanisms for violators.

The proposed amendments to Chapter 550 was discussed at a Law Enforcement Committee on January 11, 2024.

1. Amends § 550-19 to authorize the operation of ATV/UTV's on highways or other paved roads within the exterior boundaries of the Menominee Reservation except, State Highway 47 and 55.
2. Adds § 550-19 A (6). To operate on State Highway 47 and 55 only to cross or access in the most direct manner possible designated highways, other paved roadways, tribal roads, BIA roads, and designated all-terrain vehicle routes and trails.
3. Adds requirements in § 550-17 requiring a rear plate displaying the registration number.
4. Adds the ability for law enforcement officers to seize and impound the ATV/UTV for certain violations.

If you have any questions or concerns regarding the above, please do not hesitate to contact me at fgauthier@mitw.org or at (715) 799-5194 or lrjohn@mitw.org or at (715) 799-5256.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article IV All-Terrain Vehicles

[Adopted 8-20-1997 by Ord. No. 97-13; amended in its entirety 5-10-2010]

§ 550-14 Title.

The title of this article is "All-Terrain Vehicle Regulations."

§ 550-15 Purpose.

The purpose of this article is to establish a statutory base for regulation of all-terrain vehicles within the exterior boundaries of the Menominee Indian Reservation.

§ 550-16 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCOMPANIED

Being subject to continuous verbal direction or control.

ALL-TERRAIN VEHICLE

An engine-driven device which has a net weight of 900 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on two or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of six inches, which is designed to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed six pounds per square inch as recommended by the manufacturer. The term "all-terrain vehicle" shall also include non-street-legal motorbikes, motorized vehicles, snowmobiles, go-carts, golf carts, six- to eight-wheel amphibious vehicles, and utility-type side-by-side vehicles, regardless of size, weight or dimensions.

ALL-TERRAIN VEHICLE ROUTE

A route designated for all-terrain vehicle use by the Menominee Tribe.

ALL-TERRAIN VEHICLE TRAIL

A marked corridor on public property or on private lands, subject to public easement or lease, for all-terrain vehicle use designated by the Menominee Tribe as established by the Community Development Department in cooperation with Menominee Tribal Conservation, Menominee Tribal Enterprises, Menominee Tribal Police, and any other concerned departments; however, such corridor shall exclude roadways or highways except those roadways which are not seasonally maintained for motor vehicle traffic.

APPROVED CROSSING

An area used to cross a stream, creek, lake or wetland that has been designated as a crossing by Menominee Tribal Environmental Services Department, Historic Preservation, Community Development, Conservation and any other tribal department deemed necessary in designating an approved crossing.

ARCHAEOLOGICAL SITE

A geographic location which contains any material of artifacts, features, structures, organic and environmental remains of past human activity, ancient or contemporary burial sites, sacred sites, human ancestral remains, or historic properties which include districts, sites, buildings, structures and objects significant in history, architecture, archaeology, engineering and culture of the Menominee.

CULTURAL SITE

A geographic location which is highly significant due to the nature of activity occurring on the site and may be the location of traditional Menominee cultural activities, and may include sites that include plants that are traditional to the Menominee culture and activities.

EYE PROTECTIVE WEAR

Goggles, sunglasses, or glasses.

HIGHWAY

All public ways and thoroughfares and bridges on the same.

HUSBANDRY

The raising of livestock and the cultivation of crops; agriculture; the prudent management or conservation of resources.

IMMEDIATE FAMILY

Persons who are related as spouses, as siblings, or as parent and child.

INDIAN LANDS

All lands within the exterior boundaries of the Menominee Reservation.

INTOXICANT

Any alcoholic beverage, controlled substance or other drug, or combination thereof.

LAW ENFORCEMENT OFFICER

Any duly authorized tribal conservation or tribal police officer.

OPERATE

To exercise physical control over the speed or direction of an all-terrain vehicle or to physically manipulate or activate any of the controls of an all-terrain vehicle necessary to put it in motion.

OPERATION UNDER THE INFLUENCE

A condition in which a person's ability to operate an all-terrain vehicle, because of the consumption or use of an intoxicant, is impaired to the extent that the person is less able to exercise the clear judgment and steady hand necessary to handle and control the all-terrain vehicle.

OWNER

A person who has lawful possession of an all-terrain vehicle by virtue of legal title or equitable interest in the all-terrain vehicle which entitles a person to possession of the all-terrain vehicle.

QUALIFIED DESCENDANT

An individual who lacks sufficient blood quantum to qualify for inclusion on the official tribal roll, and who is a first- or second-degree descendant of an enrolled Menominee tribal member, as described in Sec. 2 of Menominee Tribal Ordinance No. 09-18,^[1] and who has not relinquished his or her tribal membership.

SPOUSE OF A TRIBAL MEMBER

Any person who is legally married to a tribal member who has not relinquished his or her tribal membership.

TRIBAL MEMBER

Any person included on the official roll of the Tribe.

USED EXCLUSIVELY FOR AGRICULTURAL PURPOSES

Use of an all-terrain vehicle only on land owned or leased by the person or member of the person's immediate family over which the owner or lessee has management and control exclusively for agricultural use.

USED EXCLUSIVELY ON PRIVATE PROPERTY

Use of an all-terrain vehicle by the owner of the all-terrain vehicle or a member of his or her immediate family only on land owned or leased by the all-terrain vehicle owner or a member of his or her immediate family.

WETLAND

Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated (hydric) soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar areas.

§ 550-17 Registration required.

[Amended 8-19-2010; 1-5-2012 by Ord. No. 11-32]

The Menominee Tribe shall cause to be established rules, procedures and requirements for all-terrain vehicle registration.

- A. All-terrain vehicles shall be registered with the Menominee Tribe Department of Licensing and Permits prior to operation of such vehicles within the exterior boundaries of the Menominee Indian Reservation. A tribally issued all-terrain vehicle license sticker shall be affixed to and displayed on all-terrain vehicles at all times. The all-terrain vehicle license sticker shall be prominently visible on both sides of the all-terrain vehicle and in a position which is forward of the operator. Registration cost shall be as set by the Legislature.
- B. All-terrain vehicles registered as public are required to furnish a rear plate that displays the registration number. Plates can be created or purchased. Plates must meet the specifications below:
 - (1) The plate must be a minimum of 4" in height and 7 1/2" wide and made of white material.
 - (2) The registration number must be made of black lettering a minimum of 1 1/2" high with a minimum 3/16" stroke.
 - (3) Only the four registration numbers and two letters need to be on the plate. The registration number can be found on both the decals and the registration card.
 - (4) The owner must maintain the plate so it is in legible condition; and the plate shall be attached to the rear of the vehicle.
- C. It shall be a violation of this article for the owner of an all-terrain vehicle to allow a person to operate an all-terrain vehicle in violation of any section of this article.

§ 550-18 Rules of operation.

For the protection of the Menominee Indian Tribe of Wisconsin and tribal land, operation of an all-terrain vehicle in the following manner shall be prohibited:

- A. In any careless way so as to endanger the person or property of another. It is unlawful for any person to endanger the safety of his/her own person or property or the safety of another's person or property by a high degree of negligence in the operation of an all-terrain vehicle.

- B. On the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for all-terrain vehicle use.
- C. On Indian lands without the consent of the Menominee Tribal Legislature or Indian owner. Failure to post Indian lands does not imply consent for all-terrain vehicle use.
- D. On any pathways or sidewalks specified for pedestrian use.
- E. On any public, church, school or business properties, or cultural or archaeological sites.
- F. With any firearm in his or her possession, unless it is enclosed in a carrying case, or in a commercially manufactured scabbard or rack, and is in accordance with the Firearms Ordinance. This provision does not apply to law enforcement officers acting in their official capacity.
- G. When within 150 feet of a dwelling at a speed exceeding 10 miles per hour.
- H. On the frozen surface of lake waters within 100 feet of a person not in or on an all-terrain vehicle or motor vehicle or within 100 feet of a fishing shanty at a speed exceeding 10 miles per hour.
- I. All all-terrain vehicle operators under the age of 18 are required to wear a protective helmet, unless the operator is age 18 or older, or unless operation of the all-terrain vehicle is for the purpose of husbandry.
- J. Without wearing the required eye protection.
- K. In any streams, creeks, lakes or wetlands except in an approved crossing.
- L. No person under the age of 12 shall operate an all-terrain vehicle.
- M. No person under the age of 12 shall operate an all-terrain vehicle, and persons aged 12 to 16 must successfully complete an approved all-terrain vehicle safety course, and must carry documentation showing successful completion of said safety course while operating an all-terrain vehicle.
- N. In any manner to flee or escape a law enforcement officer.
- O. With a passenger, unless the all-terrain vehicle is designated for more than one passenger or is outfitted with a commercially manufactured bolt-on apparatus designed to allow for a passenger. Passengers under the age of 16 are only allowed to ride with a person over the age of 18 years. All passengers must wear a protective helmet, regardless of age.
- P. An all-terrain vehicle shall not exceed 10 miles per hour under the posted speed limit, and exceptions shall be made for navigating from one trail to another over paved roads.

§ 550-19 Operation on or near highway.

All-terrain vehicles may not be operated on any highways or other paved roadways within the exterior boundaries of the Menominee Indian Reservation except by a Tribal Member-, Descendant, or Spouse of a Tribal Member. Tribal Members, Descendants, or Spouses of Tribal Members may not operate on State Highway 47 and 55.

- A. Operation on roadway. All-terrain vehicles may be operated on the paved roadway portion of any highway only in the following situations:
 - (1) To cross a roadway.
 - (2) On any roadway not seasonally maintained for motor vehicle traffic.

- (3) To cross a bridge, culvert or railroad right-of-way.
 - (4) On roadways designated as all-terrain vehicle routes.
 - (5) On roadways if the all-terrain vehicle is an implement of husbandry.
- B. Operation adjacent to roadway. An all-terrain vehicle may be operated adjacent to a paved roadway on an all-terrain vehicle route or trail if the all-terrain vehicle is operated in the following manner:
- (1) At a distance of 10 feet or more from the paved roadway along U.S. numbered highways, state and county highways, tribal roads, town roads, and BIA roads.
 - (2) Travel shall conform to the direction of traffic in the nearest lane.
 - (3) Roadway speed limits shall be observed when traveling adjacent to a roadway.

§ 550-20 Equipment requirements.

It shall be a violation of this article if the following equipment requirements are not met:

- A. Any all-terrain vehicle operated during the hours of darkness or operated during daylight hours on any highway right-of-way is required to display a lighted headlamp and tail lamp.
- B. The headlamp on an all-terrain vehicle is required to display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least 200 feet ahead of the all-terrain vehicle.
- C. The tail lamp on an all-terrain vehicle is required to display a red light visible during darkness from a distance of 500 feet to the rear.
- D. Every all-terrain vehicle is required to be equipped with at least one brake operated either by hand or by foot.
- E. Every all-terrain vehicle is required to be equipped with a functioning muffler to prevent excessive or unusual noise.

§ 550-21 Operation while under the influence prohibited.

It is illegal to operate an all-terrain vehicle while under the influence of alcohol or other drugs.

- A. No person may engage in the operation of an all-terrain vehicle with a blood alcohol concentration (BAC) of 0.08% or more. However, a person may be arrested for operating under the influence with a BAC that is under 0.08%.
- B. No person may operate an all-terrain vehicle while under the influence of an intoxicant to a degree which renders him or her incapable of safe operation of an all-terrain vehicle.
- C. No person may engage in the operation of an all-terrain vehicle with any detectable amount of a restricted controlled substance in his or her blood.
- D. You are required to provide a sample of your breath, blood or urine if a law enforcement officer has probable cause to believe you are operating an all-terrain vehicle under the influence. If you refuse to provide a breath, blood or urine sample, you will be charged with an additional violation.
- E. No person shall operate an all-terrain vehicle or ride as a passenger on an all-terrain vehicle while carrying open intoxicants.

§ 550-21.1 Violations and penalties.

Violation of a provision of this article shall result in forfeiture as follows:

- A. Operating an all-terrain vehicle without a valid registration in violation of § **550-17** of this article shall result in a forfeiture of \$50.
- B. Operating an all-terrain vehicle in any careless way so as to endanger a person or person's property in violation of § **550-18** of this article shall result in a forfeiture of \$50.
- C. Operating an all-terrain vehicle on the private property of another without consent of the owner or lessee in violation of § **550-18** of this article shall result in a forfeiture of \$100.
- D. Operating an all-terrain vehicle on Indian lands without the consent of the Menominee Tribal Legislature or Indian owner in violation of § **550-18** of this article shall result in a forfeiture of \$100.
- E. Operating an all-terrain vehicle on any pathways or sidewalks specified for pedestrian use in violation of § **550-18** of this article shall result in a forfeiture of \$50.
- F. Operating an all-terrain vehicle on any public, church, school or business properties in violation of § **550-18** of this article shall result in a forfeiture of \$50.
- G. Operating an all-terrain vehicle while transporting any uncased firearms or bows in violation of § **550-18** of this article shall result in a forfeiture of \$60.
- H. Operating an all-terrain vehicle within 150 feet of a dwelling at a speed exceeding 10 miles per hour in violation of § **550-18** of this article shall result in a forfeiture of \$30.
- I. Operating an all-terrain vehicle on a frozen lake surface within 100 feet of a person or ice shanty at a speed exceeding 10 miles per hour in violation of § **550-18** of this article shall result in a forfeiture of \$40.
- J. Operating an all-terrain vehicle without wearing a protective helmet in violation of § **550-18** of this article shall result in a forfeiture of \$10.
- K. Operating an all-terrain vehicle without wearing required eye protection in violation of § **550-18** of this article shall result in a forfeiture of \$10.
- L. Operating an all-terrain vehicle in any streams, creeks, lakes or wetlands in violation of § **550-18** of this article shall result in a forfeiture of \$50.
- M. Operation of an all-terrain vehicle by a person under the age of 12 years in violation of § **550-18** of this article shall result in a forfeiture of \$20.
- N. Operating an all-terrain vehicle without successful completion of an all-terrain vehicle safety course in violation of § **550-18** of this article shall result in a forfeiture of \$20. Operating an all-terrain vehicle without proof of successful completion of an all-terrain vehicle safety course in violation of § **550-18** of this article shall result in a forfeiture of \$10.
- O. Operating an all-terrain vehicle in any manner to flee or escape a law enforcement officer in violation of § **550-18** of this article shall result in a forfeiture of \$100 as well as seizure and impoundment of the all-terrain vehicle as listed in § 550-21.3.
- P. Operating an all-terrain vehicle with a passenger in violation of § **550-18** of this article shall result in a forfeiture of \$30.

- Q. Operating an all-terrain vehicle illegally on or in the vicinity of a highway in violation of § 550-19 of this article shall result in a forfeiture of \$50.
- R. Operating an all-terrain vehicle in violation of equipment requirements of § 550-20 of this article shall result in a forfeiture of \$30.
- S. Second-time violations of §§ 550-17, 550-18, 550-19 and 550-20 of this article shall result in the original penalty being doubled as well as seizure and impoundment of the all-terrain vehicle as listed in § 550-21.3.
- T. Third and subsequent violations of §§ 550-17, 550-18, 550-19 and 550-20 of this article shall result in the original penalty being tripled as well as seizure and impoundment of the all-terrain vehicle as listed in § 550-21.3.
- U. A first-time violation of any provision of § 550-21 shall result in a forfeiture of not less than \$150 nor more than \$300 as well as seizure and impoundment of the all-terrain vehicle as listed in § 550-21.3.
- V. A second violation of any provision of § 550-21 shall result in a forfeiture of \$500 and jail for not less than five days nor more than 30 days as well as seizure and impoundment of the all-terrain vehicle as listed in § 550-21.3.
- W. Third and subsequent violations of any provision of § 550-21 shall result in a forfeiture of not less than \$500 nor more than \$1,000 and jail for not less than 10 days nor more than six months as well as seizure and impoundment of the all-terrain vehicle as listed in § 550-21.3.
- X. Violation of any other provision of this article not specifically enumerated above shall result in a forfeiture of not less than \$50 nor more than \$1,000.
- Y. In addition to the above penalties, restitution may be ordered for damage caused from a violation of this article.

§ 550-21.2 Seizure and impoundment.

- A. A law enforcement officer may seize an all-terrain vehicle, and impound for evidence purposes an all-terrain vehicle, if the officer has a reasonable basis to believe the all-terrain vehicle was used in the commission of a crime/offense on the Reservation, or the officer believes the property presents a danger to persons, property, or a natural resource of the Reservation, or if the officer has a reasonable basis to believe that without immediate seizure the all-terrain vehicle will be removed from the jurisdiction.
- B. A receipt describing the seized all-terrain vehicle shall be issued to the person in possession of the vehicle at the time of seizure, if such person is present.
- C. Upon order of the Court, after final adjudication of a case, or upon the Tribal Prosecutor's determination that the all-terrain vehicle is no longer needed for evidence purposes, the owner of the all-terrain vehicle shall be notified, in writing, of when and where the all-terrain vehicle may be picked up, and of any costs the owner must pay due to the seizure and impoundment of the all-terrain vehicle.

§ 550-21.3 Seizure and impoundment for fleeing or escaping a law enforcement officer or for repeated violations.

- A. A law enforcement officer may confiscate any all-terrain vehicle and impound any all-terrain vehicle that violates any section under this Article.
- B. A receipt describing the seized all-terrain vehicle shall be issued to the person in possession of the vehicle at the time of seizure, if such person is present.

- C. Upon order of the Court, after final adjudication of a case, after proof of payment of all fines or penalties, or upon the Tribal Prosecutor's determination that the all-terrain vehicle is no longer needed for evidence purposes, the owner of the all-terrain vehicle shall be notified, in writing, of when and where the all-terrain vehicle may be picked up, and of any costs the owner must pay due to the seizure and impoundment of the all-terrain vehicle.
- D. Any all-terrain vehicle that does not have tribal registration or tribal plates displayed may be confiscated, or impounded by a law enforcement officer.
- E. Any all-terrain vehicle which is confiscated or impounded shall be held in the locked yard at Conservation.
- F. Any all-terrain vehicle that is impounded by a law enforcement officer may be released to the registered owner with an order of the Tribal Court and/or proof of payment for any fines or penalties under this Article.
- G. Any person wishing to have an all-terrain vehicle released from impoundment must make motion before the appropriate court, and said all-terrain vehicle shall only be released upon court order. Upon receipt of said court order, the all-terrain vehicle shall be released by a law enforcement officer upon payment of an impoundment fee. Said fee shall be \$200 for 30 days. If the vehicle has been impounded for more than 30 days, the fee shall be \$150 per month plus \$5 per day, which sum shall be payable to Conservation. The impoundment fee can be paid online or in Tribal Court. The fee shall include any storage fees, towing fees, and/or any other related fees as incurred by law enforcement.

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Article IV All-Terrain Vehicles

[Adopted 8-20-1997 by Ord. No. 97-13; amended in its entirety 5-10-2010]

§ 550-14 **Title.**

The title of this article is "All-Terrain Vehicle Regulations."

§ 550-15 **Purpose.**

The purpose of this article is to establish a statutory base for regulation of all-terrain vehicles within the exterior boundaries of the Menominee Indian Reservation.

§ 550-16 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

ACCOMPANIED

Being subject to continuous verbal direction or control.

ALL-TERRAIN VEHICLE

An engine-driven device which has a net weight of 900 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on two or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of six inches, which is designed to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed six pounds per square inch as recommended by the manufacturer. The term "all-terrain vehicle" shall also include non-street-legal motorbikes, motorized vehicles, snowmobiles, go-carts, golf carts, six- to eight-wheel amphibious vehicles, and utility-type side-by-side vehicles, regardless of size, weight or dimensions.

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A route designated for all-terrain vehicle use by the Menominee Tribe.

ALL-TERRAIN VEHICLE TRAIL

A marked corridor on public property or on private lands, subject to public easement or lease, for all-terrain vehicle use designated by the Menominee Tribe as established by the Community Development Department in cooperation with Menominee Tribal Conservation, Menominee Tribal Enterprises, Menominee Tribal Police, and any other concerned departments; however, such corridor shall exclude roadways or highways except those roadways which are not seasonally maintained for motor vehicle traffic.

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An area used to cross a stream, creek, lake or wetland that has been designated as a crossing by Menominee Tribal Environmental Services Department, Historic Preservation, Community Development, Conservation and any other tribal department deemed necessary in designating an approved crossing.

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A geographic location which contains any material of artifacts, features, structures, organic and environmental remains of past human activity, ancient or contemporary burial sites, sacred sites, human ancestral remains, or historic properties which include districts, sites, buildings, structures and objects significant in history, architecture, archaeology, engineering and culture of the Menominee.

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The raising of livestock and the cultivation of crops; agriculture; the prudent management or conservation of resources.

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Persons who are related as spouses, as siblings, or as parent and child.

INDIAN LANDS

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Any alcoholic beverage, controlled substance or other drug, or combination thereof.

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Any duly authorized tribal conservation or tribal police officer.

OPERATE

To exercise physical control over the speed or direction of an all-terrain vehicle or to physically manipulate or activate any of the controls of an all-terrain vehicle necessary to put it in motion.

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A condition in which a person's ability to operate an all-terrain vehicle, because of the consumption or use of an intoxicant, is impaired to the extent that the person is less able to exercise the clear judgment and steady hand necessary to handle and control the all-terrain vehicle.

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A person who has lawful possession of an all-terrain vehicle by virtue of legal title or equitable interest in the all-terrain vehicle which entitles a person to possession of the all-terrain vehicle.

QUALIFIED DESCENDANT

An individual who lacks sufficient blood quantum to qualify for inclusion on the official tribal roll, and who is a first- or second-degree descendant of an enrolled Menominee tribal member, as described in Sec. 2 of Menominee Tribal Ordinance No. 09-18,^[1] and who has not relinquished his or her tribal membership.

SPOUSE OF A TRIBAL MEMBER

Any person who is legally married to a tribal member who has not relinquished his or her tribal membership.

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Any person included on the official roll of the Tribe.

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Use of an all-terrain vehicle by the owner of the all-terrain vehicle or a member of his or her immediate family only on land owned or leased by the all-terrain vehicle owner or a member of his or her immediate family.

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- B. All-terrain vehicles registered as public are required to furnish a rear plate that displays the registration number. Plates can be created or purchased. Plates must meet the specifications below:
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 - (3) Only the four registration numbers and two letters need to be on the plate. The registration number can be found on both the decals and the registration card.
 - (4) The owner must maintain the plate so it is in legible condition; and the plate shall be attached to the rear of the vehicle.
- C. It shall be a violation of this article for the owner of an all-terrain vehicle to allow a person to operate an all-terrain vehicle in violation of any section of this article.

§ 550-18 Rules of operation.

For the protection of the Menominee Indian Tribe of Wisconsin and tribal land, operation of an all-terrain vehicle in the following manner shall be prohibited:

- A. In any careless way so as to endanger the person or property of another. It is unlawful for any person to endanger the safety of his/her own person or property or the safety of another's person or property by a high degree of negligence in the operation of an all-terrain vehicle.

- B. On the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for all-terrain vehicle use.
- C. On Indian lands without the consent of the Menominee Tribal Legislature or Indian owner. Failure to post Indian lands does not imply consent for all-terrain vehicle use.
- D. On any pathways or sidewalks specified for pedestrian use.
- E. On any public, church, school or business properties, or cultural or archaeological sites.
- F. With any firearm in his or her possession, unless it is enclosed in a carrying case, or in a commercially manufactured scabbard or rack, and is in accordance with the Firearms Ordinance. This provision does not apply to law enforcement officers acting in their official capacity.
- G. When within 150 feet of a dwelling at a speed exceeding 10 miles per hour.
- H. On the frozen surface of lake waters within 100 feet of a person not in or on an all-terrain vehicle or motor vehicle or within 100 feet of a fishing shanty at a speed exceeding 10 miles per hour.
- I. All all-terrain vehicle operators under the age of 18 are required to wear a protective helmet, unless the operator is age 18 or older, or unless operation of the all-terrain vehicle is for the purpose of husbandry.
- J. Without wearing the required eye protection.
- K. In any streams, creeks, lakes or wetlands except in an approved crossing.
- L. No person under the age of 12 shall operate an all-terrain vehicle.
- M. No person under the age of 12 shall operate an all-terrain vehicle, and persons aged 12 to 16 must successfully complete an approved all-terrain vehicle safety course, and must carry documentation showing successful completion of said safety course while operating an all-terrain vehicle.
- N. In any manner to flee or escape a law enforcement officer.
- O. With a passenger, unless the all-terrain vehicle is designated for more than one passenger or is outfitted with a commercially manufactured bolt-on apparatus designed to allow for a passenger. Passengers under the age of 16 are only allowed to ride with a person over the age of 18 years. All passengers must wear a protective helmet, regardless of age.
- P. An all-terrain vehicle shall not exceed 10 miles per hour under the posted speed limit, and exceptions shall be made for navigating from one trail to another over paved roads.

§ 550-19 Operation on or near highway.

All-terrain vehicles may not be operated on any highways or other paved roadways within the exterior boundaries of the Menominee Indian Reservation except by a Tribal Member, Descendant, or Spouse of a Tribal Member. Tribal Members, Descendants, or Spouses of Tribal Members may not operate on State Highway 47 and 55.

- A. Operation on roadway. All-terrain vehicles may be operated on the paved roadway portion of any highway only in the following situations:
 - (1) To cross a roadway.
 - (2) On any roadway not seasonally maintained for motor vehicle traffic.

- (3) To cross a bridge, culvert or railroad right-of-way.
 - (4) On roadways designated as all-terrain vehicle routes.
 - (5) On roadways if the all-terrain vehicle is an implement of husbandry.
- B. Operation adjacent to roadway. An all-terrain vehicle may be operated adjacent to a paved roadway on an all-terrain vehicle route or trail if the all-terrain vehicle is operated in the following manner:
- (1) At a distance of 10 feet or more from the paved roadway along U.S. numbered highways, state and county highways, tribal roads, town roads, and BIA roads.
 - (2) Travel shall conform to the direction of traffic in the nearest lane.
 - (3) Roadway speed limits shall be observed when traveling adjacent to a roadway.

§ 550-20 Equipment requirements.

It shall be a violation of this article if the following equipment requirements are not met:

- A. Any all-terrain vehicle operated during the hours of darkness or operated during daylight hours on any highway right-of-way is required to display a lighted headlamp and tail lamp.
- B. The headlamp on an all-terrain vehicle is required to display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least 200 feet ahead of the all-terrain vehicle.
- C. The tail lamp on an all-terrain vehicle is required to display a red light visible during darkness from a distance of 500 feet to the rear.
- D. Every all-terrain vehicle is required to be equipped with at least one brake operated either by hand or by foot.
- E. Every all-terrain vehicle is required to be equipped with a functioning muffler to prevent excessive or unusual noise.

§ 550-21 Operation while under the influence prohibited.

It is illegal to operate an all-terrain vehicle while under the influence of alcohol or other drugs.

- A. No person may engage in the operation of an all-terrain vehicle with a blood alcohol concentration (BAC) of 0.08% or more. However, a person may be arrested for operating under the influence with a BAC that is under 0.08%.
- B. No person may operate an all-terrain vehicle while under the influence of an intoxicant to a degree which renders him or her incapable of safe operation of an all-terrain vehicle.
- C. No person may engage in the operation of an all-terrain vehicle with any detectable amount of a restricted controlled substance in his or her blood.
- D. You are required to provide a sample of your breath, blood or urine if a law enforcement officer has probable cause to believe you are operating an all-terrain vehicle under the influence. If you refuse to provide a breath, blood or urine sample, you will be charged with an additional violation.
- E. No person shall operate an all-terrain vehicle or ride as a passenger on an all-terrain vehicle while carrying open intoxicants.

§ 550-21.1 Violations and penalties.

Violation of a provision of this article shall result in forfeiture as follows:

- A. Operating an all-terrain vehicle without a valid registration in violation of § **550-17** of this article shall result in a forfeiture of \$50.
- B. Operating an all-terrain vehicle in any careless way so as to endanger a person or person's property in violation of § **550-18** of this article shall result in a forfeiture of \$50.
- C. Operating an all-terrain vehicle on the private property of another without consent of the owner or lessee in violation of § **550-18** of this article shall result in a forfeiture of \$100.
- D. Operating an all-terrain vehicle on Indian lands without the consent of the Menominee Tribal Legislature or Indian owner in violation of § **550-18** of this article shall result in a forfeiture of \$100.
- E. Operating an all-terrain vehicle on any pathways or sidewalks specified for pedestrian use in violation of § **550-18** of this article shall result in a forfeiture of \$50.
- F. Operating an all-terrain vehicle on any public, church, school or business properties in violation of § **550-18** of this article shall result in a forfeiture of \$50.
- G. Operating an all-terrain vehicle while transporting any uncased firearms or bows in violation of § **550-18** of this article shall result in a forfeiture of \$60.
- H. Operating an all-terrain vehicle within 150 feet of a dwelling at a speed exceeding 10 miles per hour in violation of § **550-18** of this article shall result in a forfeiture of \$30.
- I. Operating an all-terrain vehicle on a frozen lake surface within 100 feet of a person or ice shanty at a speed exceeding 10 miles per hour in violation of § **550-18** of this article shall result in a forfeiture of \$40.
- J. Operating an all-terrain vehicle without wearing a protective helmet in violation of § **550-18** of this article shall result in a forfeiture of \$10.
- K. Operating an all-terrain vehicle without wearing required eye protection in violation of § **550-18** of this article shall result in a forfeiture of \$10.
- L. Operating an all-terrain vehicle in any streams, creeks, lakes or wetlands in violation of § **550-18** of this article shall result in a forfeiture of \$50.
- M. Operation of an all-terrain vehicle by a person under the age of 12 years in violation of § **550-18** of this article shall result in a forfeiture of \$20.
- N. Operating an all-terrain vehicle without successful completion of an all-terrain vehicle safety course in violation of § **550-18** of this article shall result in a forfeiture of \$20. Operating an all-terrain vehicle without proof of successful completion of an all-terrain vehicle safety course in violation of § **550-18** of this article shall result in a forfeiture of \$10.
- O. Operating an all-terrain vehicle in any manner to flee or escape a law enforcement officer in violation of § **550-18** of this article shall result in a forfeiture of \$100 as well as seizure and impoundment of the all-terrain vehicle as listed in § 550-21.3.
- P. Operating an all-terrain vehicle with a passenger in violation of § **550-18** of this article shall result in a forfeiture of \$30.

- Q. Operating an all-terrain vehicle illegally on or in the vicinity of a highway in violation of § 550-19 of this article shall result in a forfeiture of \$50.
- R. Operating an all-terrain vehicle in violation of equipment requirements of § 550-20 of this article shall result in a forfeiture of \$30.
- S. Second-time violations of §§ 550-17, 550-18, 550-19 and 550-20 of this article shall result in the original penalty being doubled as well as seizure and impoundment of the all-terrain vehicle as listed in § 550-21.3.
- T. Third and subsequent violations of §§ 550-17, 550-18, 550-19 and 550-20 of this article shall result in the original penalty being tripled as well as seizure and impoundment of the all-terrain vehicle as listed in § 550-21.3.
- U. A first-time violation of any provision of § 550-21 shall result in a forfeiture of not less than \$150 nor more than \$300 as well as seizure and impoundment of the all-terrain vehicle as listed in § 550-21.3.
- V. A second violation of any provision of § 550-21 shall result in a forfeiture of \$500 and jail for not less than five days nor more than 30 days as well as seizure and impoundment of the all-terrain vehicle as listed in § 550-21.3.
- W. Third and subsequent violations of any provision of § 550-21 shall result in a forfeiture of not less than \$500 nor more than \$1,000 and jail for not less than 10 days nor more than six months as well as seizure and impoundment of the all-terrain vehicle as listed in § 550-21.3.
- X. Violation of any other provision of this article not specifically enumerated above shall result in a forfeiture of not less than \$50 nor more than \$1,000.
- Y. In addition to the above penalties, restitution may be ordered for damage caused from a violation of this article.

§ 550-21.2 Seizure and impoundment.

- A. A law enforcement officer may seize an all-terrain vehicle, and impound for evidence purposes an all-terrain vehicle, if the officer has a reasonable basis to believe the all-terrain vehicle was used in the commission of a crime/offense on the Reservation, or the officer believes the property presents a danger to persons, property, or a natural resource of the Reservation, or if the officer has a reasonable basis to believe that without immediate seizure the all-terrain vehicle will be removed from the jurisdiction.
- B. A receipt describing the seized all-terrain vehicle shall be issued to the person in possession of the vehicle at the time of seizure, if such person is present.
- C. Upon order of the Court, after final adjudication of a case, or upon the Tribal Prosecutor's determination that the all-terrain vehicle is no longer needed for evidence purposes, the owner of the all-terrain vehicle shall be notified, in writing, of when and where the all-terrain vehicle may be picked up, and of any costs the owner must pay due to the seizure and impoundment of the all-terrain vehicle.

§ 550-21.3 Seizure and impoundment for fleeing or escaping a law enforcement officer or for repeated violations.

- A. A law enforcement officer may confiscate any all-terrain vehicle and impound any all-terrain vehicle that violates any section under this Article.
- B. A receipt describing the seized all-terrain vehicle shall be issued to the person in possession of the vehicle at the time of seizure, if such person is present.

- C. Upon order of the Court, after final adjudication of a case, after proof of payment of all fines or penalties, or upon the Tribal Prosecutor's determination that the all-terrain vehicle is no longer needed for evidence purposes, the owner of the all-terrain vehicle shall be notified, in writing, of when and where the all-terrain vehicle may be picked up, and of any costs the owner must pay due to the seizure and impoundment of the all-terrain vehicle.
- D. Any all-terrain vehicle that does not have tribal registration or tribal plates displayed may be confiscated, or impounded by a law enforcement officer.
- E. Any all-terrain vehicle which is confiscated or impounded shall be held in the locked yard at Conservation.
- F. Any all-terrain vehicle that is impounded by a law enforcement officer may be released to the registered owner with an order of the Tribal Court and/or proof of payment for any fines or penalties under this Article.
- G. Any person wishing to have an all-terrain vehicle released from impoundment must make motion before the appropriate court, and said all-terrain vehicle shall only be released upon court order. Upon receipt of said court order, the all-terrain vehicle shall be released by a law enforcement officer upon payment of an impoundment fee. Said fee shall be \$200 for 30 days. If the vehicle has been impounded for more than 30 days, the fee shall be \$150 per month plus \$5 per day, which sum shall be payable to Conservation. The impoundment fee can be paid online or in Tribal Court. The fee shall include any storage fees, towing fees, and/or any other related fees as incurred by law enforcement.