

## CHAPTER 47

### STOCKBRIDGE-MUNSEE COMMUNITY ROAD SAFETY ORDINANCE

#### **Section 47.1 Purpose.**

The purpose of this ordinance is to establish the rules for road safety within the jurisdiction of the Stockbridge-Munsee Tribe and its Roads Department in order that Stockbridge-Munsee Community employees may work safely and efficiently on the roads and in order that the roads may be kept safe and in good condition.

#### **Section 47.2 Jurisdiction.**

The Stockbridge-Munsee Community finds that the safe operation of its roads and streets is a central function of the Stockbridge-Munsee government. Accordingly, any person who interferes with this function, or interacts with the Road Department or travels on the roads within the reservation boundaries, is consenting to the jurisdiction of the Stockbridge-Munsee Community.

#### **Section 47.2 Definitions.**

(A) “Debris” means any object within the right of way placed there some person including snow plowed or shoveled from a person’s property into the right of way.

(B) “Department” means the Stockbridge-Munsee Road Department.

(C) “Towed at owner’s expense” means all costs associated with towing an automobile whether the automobile is actually towed or not, and includes any charges for travel miles or time, storage and return and any other associated costs.

(D) “Right of way” means the corridor beginning at the center of a road or street and ending 33 feet from the center on either side.

(E) “Snow removal” season means the period between October 1 and May 1.

(F) “Tribal court” means the Stockbridge-Munsee Tribal Court.

(G) “Tribe” means the Stockbridge-Munsee Community.

#### **Section 47.3 Snow Removal Season.**

(A) During snow removal season, between the hours of 10:00 p.m. and 6:00 a.m., all rights of ways must remain clear of motor vehicles, logs, and any other debris or obstruction except as provided by this ordinance.

(B) During snow removal season, any motor vehicle in a right of way between the hours of 10:00 p.m. and 6:00 a.m. which interferes with the Department's duties may be ordered towed at the owner's expense. The director of the Department or his appointee may order a motor vehicle towed.

(C) During snow removal season, any logs in a right of way which interfere with the Department's duties must be removed by the Forestry Department.

(D) Any damage caused to any of the Department's equipment caused by logs or other debris or objects which were not visible from the road and which the Department could not have reasonably anticipated in the right of way shall be paid for by the party responsible for leaving the objects in the right of way.

#### **Section 47.4 General Road Safety.**

(A) Except as stated in Section 47.3, if in the course of their regular work Department employees find that they are unable to complete work due to or other objects in the right of way, the Department will first make a reasonable effort to contact the owner of the motor vehicle or object.

(B) Except as stated in Section 47.3 (A), if the Department is unable to contact the owner of the motor vehicle or debris, the Department director or his appointee may have the motor vehicle towed or debris removed at the owner's expense.

#### **Section 47.5 Mailboxes.**

(A) If in the course of its duties, Department equipment comes into contact with a mailbox which causes it to become destroyed or inoperable, the Department will replace the mailbox at the Department's expense.

(B) If in the course of performing its snow removal duties, snow removed from the road causes a mailbox to become destroyed or inoperable, the Department is not responsible for replacing the mailbox.

#### **Section 47.6 Towing.**

If the Department orders an automobile towed under Section 47.3, and the owner of the automobile refuses to pay the cost of towing, the Department may use the Tribal Court to collect the towing fee from the owner of the automobile.

**Section 47.7 Warnings and citations.**

- (A) Stockbridge-Munsee law enforcement officers may assist the Department with enforcement of this ordinance.
- (B) Stockbridge-Munsee law enforcement officers may issue warnings and citations for violations of this ordinance.
- (C) The deposit for a citation issued under this ordinance shall be \$100.
- (D) The Tribal Court may levy a fine up to \$500 for a violation of this ordinance.
- (E) The regular Tribal Court code and procedures apply.

**LEGISLATIVE HISTORY**

Roads Safety Ordinance adopted by Resolution #090-96, on November 5, 1996.