**LAND USE RESTRICTIONS**

Ordinance # 00-500-04

**Article 1. Purpose, Findings.**

1.01. *Purpose*. This Ordinance is promulgated for the following reasons:

1. To ensure the wise use and conservation of the inland resources for future generations and create a comprehensive system of land use regulations and controls;
2. To provide for the protection of tribal property including sacred objects and artifacts and establish land use restrictions on Tribal lands, and that a general prohibition of non-member use, or access to Tribal lands.

1.02. *Findings*. The Tribal Council makes the following findings:

1. The Constitution of the Little River Band of Ottawa Indians vests the Tribal Council with the power to exercise the inherent powers of the Band by establishing through the enactment of ordinances and adoption of resolutions that govern the conduct of its members and other persons within its jurisdiction and that promote, protect, and provide for public health, peace morals, education and general welfare of the Band’s members (Article IV, Section 7(a));
2. The Constitution of the Little River Band of Ottawa Indians further vests in the Tribal Council the power to delegate its legislative and rulemaking authority regulatory commissions and subordinate organizations to manage its affairs (Article IV, Section 7(f)); and
3. The Tribal Council, pursuant to Article IV, Section 7(a) of the Tribal Constitution, is invested with the inherent power to govern the conduct of members of the Tribe and other persons within its jurisdiction;
4. Tribal lands have been designated for public uses and purposes, including: the Little River Casino Resort and Tribal Governmental Offices and certain Tribal lands have been opened for camping, hunting, trapping, gathering, and fishing activities by Tribal members;
5. The Tribal Council did, at an Emergency Session held on October 6, 2000, adopt certain interim land use restrictions, pursuant to Resolution #00-1006-01;
6. The Tribal Council passed Resolution # 16-1109-338 adopting land use guidelines for “restricted” Tribal lands.

**Article 2. Adoption, Amendment, Repeal, Severability.**

2.01. *Adoption.* This Ordinance is adopted by Resolution #00-1212-08.

2.02. *Amendment*. This Ordinance may be amended by the Tribal Council in accordance with the Constitution and the procedures set forth in the Administrative Procedures Act, Ordinance #04-100-07.

a. This Ordinance was amended by the Tribal Council by Resolution # \_\_-\_\_\_\_-\_\_\_, to update the format in accordance with the Administrative Procedures Act and to address changes in other Tribal law and Tribal Council Resolutions.

2.03. *Repeal*. The Tribal Council may repeal this Ordinance in accordance with the procedures set forth in the Administrative Procedures Act, Ordinance #04-100-07.

2.04. *Severability*. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to that end the provisions of this Ordinance are severable.

**Article 3. Definitions.**

3.01. For the purposes of this Ordinance, certain terms are defined in this Section. The word shall is always mandatory and not merely advisory.

3.02. *Closed Lands.* Closed Lands are those Tribal lands held in trust for, or owned in fee by the Little River Band of Ottawa Indians that are not open to the general public but may be accessed for a limited purpose described under this Ordinance, other Tribal Law or Tribal Council Resolution.

3.03. *Immediate Family.* Immediate Family Member is defined as including only spouses, parents, children and grandchildren of enrolled Tribal Members. This definition was set by Tribal Council Resolution #00-0925-01.

3.04. *Open Lands.* Open Lands are those Tribal lands held in trust for, or owned in fee by the Little River Band of Ottawa Indians that are open to the general public and not otherwise designated as “closed” or “restricted” under this Ordinance, other Tribal Law or Tribal Council Resolution.

3.05 *Restricted Lands*. Restricted Lands are those Tribal lands held in trust for, or owned in fee by the Little River Band of Ottawa Indians that are not open to the general public or Tribal Membership.

**Article 4. Open Tribal Lands.**

4.01. *Description of Open Lands.* The following trust and fee-owned lands of the Tribe within Manistee Township and the City of Manistee are declared to be “Open” to the general public:

a. Little River Casino Resort buildings and parking areas;

b. Tribal Administrative Offices;

c. Little River Band Community Center;

d. Little River Health Center;

e. National City Bank Building;

f. Natural Resource Commission/Gaming Commission Offices in Eastlake; and

g. Pow-Wow Grounds during announced events open to the public.

**Article 5. Closed Tribal Lands.**

5.01. *Description of Closed Lands.* The following lands are declared to be "Closed" to the general public:

a. All trust and fee-owned lands of the Tribe within Mason County;

b. All trust and fee-owned lands of the Tribe within Brown and Dickson Townships in Manistee County;

c. All trust and fee-owned lands of the Tribe within Manistee Township and the City of Manistee, with the exception of the properties described in 4.01 of this Ordinance.

5.02. *Authorized Uses by Tribal Members.* All "Closed" areas designated in 5.01 of this Ordinance shall be open to use by Tribal members and "immediate family", for the purpose of camping, hunting, trapping, gathering, fishing and hiking only, provided those persons shall possess all license(s) and permits required for such activities.

5.03. *Exception for Operation of Recreational Vehicles.* The following "Closed" areas designated in 5.01 of this Ordinance shall be open to use by Tribal members and "immediate family", for the Operation of Recreational Vehicles in accordance with the Operation of Recreational Vehicle Ordinance, Ordinance # 17-500-04a, provided those persons shall possess all license(s), registrations and permits required for such activities:

a. Bull Property. The Tribal property known as the Bull property or the Orchards on the northwest corner of Dontz Road and M-22 are closed to the operation of recreational vehicles unless amended by the Tribal Council.

b. East Lake Property. The Tribal property known as the East Lake property or “Big Blue” is closed to the operation of recreational vehicles.

c. Aki Maadiziwin. The Tribal property known as the Aki Maadiziwin Housing Development, including the Tribal Utility Department Pump House, is closed to the operation of recreational vehicles.

**Article 6. Restricted Tribal Lands.**

6.01. *Description of Restricted Lands.* The following lands are declared to be restricted to both the general public and tribal membership in order to pursue economic development projects:

All property in Muskegon County comprised of seven parcels including:

a) Odeno. The approximately 120 acres located in Fruitport Township in Muskegon, Michigan bounded on the west by South Sheridan Road and Stephens Creek to the east. North and south boundaries are privately owned parcels.

b) Race Track Parcels (otherwise known as Great Lakes Downs). The approximately 147 acres located in Fruitport Township in Muskegon, Michigan bounded on the west by Harvey Road, with the eastern boundary being I-96 and Quarterline. Northern boundary is private land while the southern boundary, across Ellis Road, is also bordered by private holdings. Commonly known as 4800 Harvey Street, Fruitport, Michigan

c) Blueberry Field Parcels. The approximately 35.1 acres located in Fruitport Township in Muskegon, Michigan bounded on the west by Harvey Road, with the eastern boundary being I-96 and Quarterline. Northern boundary is private land while the southern boundary, across Ellis Road, is also bordered by private holdings.

**Article 7. Enforcement.**

7.01. *Violation of "Closed" Areas.* Any person who is not eligible to possess, and does not possess, a Special Trespass Permit issued under the authority of the Natural Resources Department, and who enters upon trust or fee-owned lands of the Little River Band of Ottawa that have been declared "Closed" or “Restricted” under this Ordinance, other than agents, employees or sub-contractors of the Tribe acting in the course of their employment or contractual duties, shall be deemed in a trespass.

7.02. *Enforcement of "Closed" Areas.* In enforcing the prohibition against non-member use or, or access to, Tribal lands, Tribal Law Enforcement Officers shall have the authority to issue unauthorized persons a "written warning" or civil infraction for violations in accordance with the penalties described in Tribal Law. Persons trespassing upon Tribal lands after receiving a "written warning" shall be deemed to have committed an "intentional trespass" and shall be cited for a civil infraction and shall forfeit a minimum of $250.00 and any equipment used in connection with such violation may be subject to forfeiture.

7.03. *Authority and Jurisdiction.* The Tribal Prosecutor, or any duly sworn Tribal Law Enforcement Officer, is authorized, to commence proceedings on any civil infraction by the issuance of either a citation or a summons and complaint. In either case the initiating papers shall inform the defendant of the requirements of this Ordinance, the substance of the violation alleged to have occurred, the maximum forfeiture which can be imposed for the violation, and the date, time, and place where he/she is commanded to answer.

7.04. *Publication of "Closed" Area Limitations.* The Tribal Council Recorder and Natural Resource Commission shall publish notice of the general prohibition against non-member trespass on Tribal lands, together with the penalties prescribed for any trespass, in newspapers of general circulation in Manistee and Mason Counties.

**CERTIFICATION**

I, Sandy Lewis, Tribal Council Recorder, do hereby certify that this a true and correct copy of the Land Use Restrictions Ordinance approved on September , 2017.

Sandy Lewis, Tribal Council Recorder

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