

PICAYUNE RANCHERIA OF THE CHUKCHANSI INDIANS



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
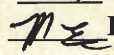
ORDINANCE NO. 0003

AN ORDINANCE OF THE PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS' TRIBAL COUNCIL ESTABLISHING PROCEDURES TO REGULATE TIME, PLACE AND MANNER OF PUBLIC ASSEMBLY BY PERSONS, ORGANIZATIONS AND ENTITIES ON THE PICAYUNE RANCHERIA AND TRIBAL TRUST LANDS.

The Tribal Council of the Picayune Rancheria of Chukchansi Indians ("Council") hereby ordains as follows:

Section 1. Findings and Declarations. The Council for the Picayune Rancheria of Chukchansi Indians ("Tribe") finds and declares that:

1. The Tribe is a federally recognized Indian tribe organized under a written Constitution which designates the Council as the governing body of the Tribe.
2. The Tribe is the beneficial owner of the Picayune Rancheria and various parcels of land outside the boundaries of the Reservation. Title to the Tribe's trust lands is owned by the United States of America in trust for the Tribe. All land within the boundaries of the Picayune Reservation and all other land owned by the United States in trust for the Tribe outside the boundaries of the Picayune Reservation (collectively "Reservation") is Indian Country under 18 U.S.C. § 1151 and is under the jurisdiction of the Tribe.
3. The Tribe is the owner and operator of the Chukchansi Gold Resort & Casino ("Casino") that is open to the public. In addition, the Tribe as a government owns several governmental buildings from which it engages in the day-to-day operations of its Tribal government. Some of the Tribe's governmental buildings are open to its members and the public.
4. In the past, people have conducted demonstrations on the Reservation that have blocked public access to the Casino and Tribal buildings; have engaged in conduct that has harassed patrons of the Casino; and have engaged in loud noises and demonstrations that has posed a threat to public safety and welfare.
5. In order to protect both public safety and the right of tribal members and all persons that live, work and visit the Reservation to free speech under the Indian Civil Rights Act of 1968,

Chairwoman:  Date: 07/02/2025
Vice Chairman:  Date: 07/02/2025

82 Stat. 77, 25 U.S.C. § 1301 et seq., and the Tribe's Constitution, while having the capability to maintain order, the Council has decided to adopt a system of issuing permits for lawful public assembly and to regulate the time, place and manner of such demonstrations and activities on the Reservation.

6. By employing a permit system, the Council wishes only to regulate the time, place and manner of the public assembly, not the content of speech, to ensure safe access to and operation of the Casino and public buildings on the Reservation and to maintain and ensure the safety of all people that live, work, and visit the Reservation.

7. To regulate, and gain and ensure compliance with the time, place and manner provisions of this Ordinance, the Council has authorized the imposition of civil penalty fines for violations and provided for the arrest, by the Sheriff of Madera County, Federal Officers and Tribal Police, in instances of trespass and for certain violations of this Ordinance.

8. Unpaid civil penalty fines would be offset against the amount otherwise due and owing to the Tribe, by way of offset, and civil suit as authorized by this Ordinance.

9. To ensure fair enforcement of the penalty provisions, the Council wishes to provide an appeals process for both the fact of the violation and the amount of any penalty imposed.

10. The Council finds that it is in the best interests of the Tribe to adopt a permit system to protect freedom of speech while allowing tribal business to be conducted without disruption and to protect public safety.

Section 2. Adoption of New Ordinance Entitled: "Public Assembly." A new Ordinance entitled "Public Assembly" is hereby added to the Tribe's Tribal Code and shall provide as follows:

PUBLIC ASSEMBLY

Sections:

- 1.010 Purpose
- 1.020 Application
- 1.030 Permit Issuance
- 1.040 Permit Denial
- 1.050 Locations Available for Public Assembly
- 1.060 Permit Conditions
- 1.070 Maximum Time Period of Permit
- 1.080 Prohibited Acts
- 1.090 Permit Revocation
- 1.100 Civil Penalties
- 1.110. Appeals

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1.010 Purpose. Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of view by members of the Tribe are allowed within the Reservation, provided a permit therefore has been issued by a Tribal official duly authorized by a resolution of the Council to issue such permit.

1.020 Application. An applicant shall submit, no later than seven (7) days prior to the date of the proposed event, a written application for such a permit, in the form prescribed by the Tribe or a duly authorized Tribal official, which shall set forth:

1. The name and contact information of the applicant;
2. The date, time and duration of the proposed event;
3. The nature of the proposed event;
4. The proposed location of the event;
5. An estimate of the number of persons expected to attend;
6. A statement of the equipment and facilities proposed to be used; and
7. Any other information concerning time, place, or manner as may be reasonably required by the Tribe or a duly authorized Tribal official.

1.030 Permit Issuance. The duly authorized Tribal official shall, without unreasonable delay, issue a permit on a proper application unless:

1. A prior application for a permit for the same time and place has been submitted and that has been or will be granted and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area;
2. It reasonably appears that the event will present a clear and present danger to the public health or safety; or
3. The event is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering such things as damage to facilities or interference with regular Tribal business.

1.040 Permit Denial. If a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.

1.050 Locations Available for Public Assembly. The Council shall designate on a map, that shall be available in the office of the Tribal Administrator, the locations available for public assembly. Locations may be designated as not available only if such activities would:

1. Cause injury or damage to Tribal facilities;
2. Unreasonably impair natural resources;
3. Unreasonably interfere with Tribal administration or business; or
4. Present a clear and present danger to the public health and safety.

1.060 Permit Conditions. The permit may contain such conditions as are reasonably consistent with protection and use of any area under permit. It may also contain reasonable limitations on the equipment used, noise levels and the time within which the event is allowed. No permit for public assembly shall be issued for time periods extending past sunset.

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1.070 Maximum Time Period of Permit. No permit shall be issued for a period in excess of two (2) days, provided that permits may be extended for like periods, upon a new application, unless another applicant has previously requested use of the same time and place and multiple occupancy of that particular area is not reasonably possible.

1.080 Prohibited Acts. It is prohibited for any person, organization or entity to engage in activities covered under this Ordinance that: obstruct or impede pedestrians or vehicles, harass members or residents with physical contact or threat, exceed noise levels specified in any permit issued under this Ordinance, or violate any permit condition. Any person, organization or entity who refuses to cease such activity will be deemed to be in trespass and subject to arrest by any authorized federal or Tribal law enforcement official and the Sheriff of Madera County, pursuant to Section 602(o) of the California Penal Code, which provides as follows:

[E]very person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor . . . [including] (o) Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, or (2) the owner, the owner's agent, or the person in lawful possession. The owner, the owner's agent, or the person in lawful possession shall make a separate request to the peace officer on each occasion when the peace officer's assistance in dealing with a trespass is requested.

1.090 Permit Revocation. A permit may be revoked under a finding by a duly authorized Tribal official that any of the conditions listed in section 1.030 exist or will likely reasonably exist or that any condition(s) under section 1.060 have been violated. Such a revocation shall be made in writing, with the reason(s) for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made to be followed by written confirmation within seventy-two (72) hours (i.e., three [3] days).

1.100 Civil Penalties. If any person, organization or entity violates the terms or conditions of a permit, the Council shall assess the following civil penalties:

1. \$100 for a first violation;
2. \$250 for a second violation;
3. \$500 for a third violation.
4. For fourth and subsequent violations, such further amount as the Council, by resolution, deems necessary for further violations.

Unless paid within thirty (30) days of a final decision, the amount of unpaid civil penalty fines shall be set off against any per capita payment due the violator if a tribal member or added to any

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judgment entered in favor of the Tribe by any court of competent jurisdiction in furtherance of this Ordinance.

1.110. Appeals. An applicant or any other person against whom a violation or civil penalty has been issued may appeal in writing the fact of the violation or the amount of the civil penalty, or both, initially imposed by the Council for further consideration by the Council. The written appeal shall set forth the grounds for the appeal. The Council, in its discretion, may grant the appellant a hearing before the Council. Any decision by the Council in the matter of a civil penalty on appeal under this Ordinance shall be final.

Section 3. Amendments. This Ordinance may be amended at any time by the Council when the Council deems such an amendment is necessary to promote the general health, safety, and welfare of the Tribe or its members.

Section 4. Repeal of Prior Ordinances. All prior Ordinances previously enacted by the Council, which are inconsistent with the provisions of this Ordinance are hereby repealed. If the provisions of this Ordinance conflict with the provisions of any other Ordinance, the provisions of this Ordinance shall control.

Section 5. Effective Date. This Ordinance shall take effect immediately after its adoption by the Council.

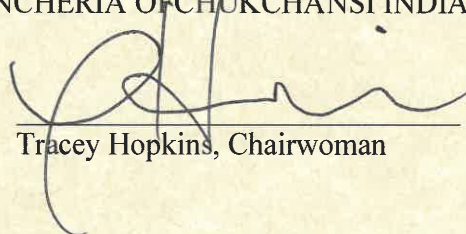
CERTIFICATION

The foregoing ordinance was adopted at a regular meeting of the Picayune Rancheria Tribal Council held on the 2nd day of June 2025, with a quorum present, by the following vote:

AYES: 6
NAYES: 0
ABSENT: 0
ABSTAIN: 0


PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS

By:



Tracey Hopkins, Chairwoman

ATTEST:



Melvin Espe, Vice Chairman