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TITLE XVIII - ZONING AND PLANNING

CHAPTER 101 - ZONING AND PLANNING COMMISSION

Sec. 101.1 Appointment to be Made by Council

There is hereby created a Zoning and Planning Commission consisting of three members appointed by the Governor with the concurrence of the Council and shall hold office until removed.

Formerly Sec.54.1, Santa Clara Law and Order Code 1985.

Sec. 101.2 Authority of Commission

The Commission shall have authority to enforce the provisions of this Title and to issue appropriate rules and regulations subject to approval of the Pueblo Council governing: assignment of Pueblo of Santa Clara land for any purpose, except range lands; surveys and records of all assignments now existing or made in the future; building, zoning and sanitation requirements. The Adjudication Officer or Tribal Court shall have authority to resolve all disputes relating to the matters under its jurisdiction; however, any party to any dispute shall have a right of appeal of any decisions of the Zoning and Planning Commission to the Pueblo of Santa Clara Tribal Court or the Tribal Council in a civil action.

Formerly Sec.54.2, Santa Clara Law and Order Code 1985.

CHAPTER 102 - RESIDENCY REQUIREMENTS

Sec. 102.1 Approval Required for Use of Property by Non-Residents

All members of the Pueblo of Santa Clara shall first obtain approval from the Zoning and Planning Commission leasing or lending buildings, houses, or land, under their ownership or control, to non-members of the Pueblo for temporary or permanent use within the jurisdiction of the Pueblo.

Formerly Sec.55.1, Santa Clara Law and Order Code 1985.

Sec. 102.2 Approval Required for Residence by Non-Member Spouses

All non-members that plan to reside in the Pueblo or on Pueblo land with their member spouse or any other non-member must first report to the Zoning and Planning Commission before taking up residence, and sign an agreement that they will respect and will abide by the laws, customs, rules and regulations of the Pueblo Council or of any of its agencies or commissions.

Formerly Sec.55.2, Santa Clara Law and Order Code 1985.

CHAPTER 103 - *[Reserved]*

CHAPTER 104 - BUILDING PERMITS

Sec. 104.1 Purpose

The Governor and Council are interested in the orderly development of the Pueblo and it is recognized that there are certain types of construction that may be detrimental to the health, safety, and general welfare of the Pueblo residents and their property, depending on the fact of each particular case.

Formerly Sec.56.1, Santa Clara Law and Order Code 1985.

Sec. 104.2 Building Permits Required

1. Prior to the commencement of any construction having a value of over \$100.00, a plan will be submitted to the Zoning and Planning Commission. If the Commission approves the plan, a building permit will be issued by the Commission to the applicant, with any conditions or requirements deemed proper by the Commission, which will be valid for a period of one year.

2. Any building permit issued under this Section must state, among other conditions, the following:

- A. Name and address of party requesting the permit.
- B. Location of construction; that is section, township, range and any subdivision thereof, or other appropriate description.
- C. Type of construction- residential, agricultural, commercial or industrial or public.
- D. The approximate cost of construction.
- E. Statement that the construction will not be detrimental to the public peace, health, safety and general welfare of the public.
- F. That the party requesting the permit will sign the permit thereby agreeing to perform the construction as required by the permit to maintain warning signs and lights at the site of construction, to remove all rubbish from public roadways and not to block such roadways except with approval of the Commission, and leave construction site in a clean and sightly manner as may be required by the Commission.

Formerly Sec.56.2, Santa Clara Law and Order Code 1985.

CHAPTER 105 - OFF-ROAD VEHICLE TRESPASS

Sec. 105.1 Findings and Purposes

A. The Tribal Council finds that the increasing use of various types of off-road vehicles on Pueblo lands is creating serious damage to those lands by promoting erosion, damaging vegetation and causing other destructive conditions, potentially damaging cultural resources, bothering livestock and domestic animals, causing noise and dust conditions, and is otherwise adversely impacting the health, welfare and security of the Pueblo's members and other residents.

B. It is therefore the purpose of this Code to provide authority to the Pueblo to prevent unauthorized use of off-road vehicles on Pueblo land, to seize such vehicles used in violation of this Code, and otherwise to assure that Pueblo lands are protected from damage by motorized trespass on such lands.

Enacted by Res. No.87-15, February 25, 1987; REPEALED, enacted by Res. No. 05-28, November 8, 2005; approved by Sec'y, December 2, 2005.

Sec. 105.2 Definitions

As used in this Code, the following terms have the following meaning:

A. "Off-Road Vehicle" shall mean any motorized device having two, three or four wheels that is capable of being driven on uneven terrain off of established roadways (in addition to any other uses to which it is suited).

B. "Operator" means any person who operates or utilizes an off-road vehicle.

Enacted by Res. No.87-15, February 25, 1987; REPEALED, enacted by Res. No. 05-28, November 8, 2005; approved by Sec'y, December 2, 2005.

Sec. 105.3 Prohibition Against Use of Off-Road Vehicles; Civil Action; Penalty

A. No person, other than an authorized official or employee of the Pueblo, engaged in official Pueblo business, shall operate an off-road vehicle on Pueblo land off of established roadways.

B. Any person who violates Section 105.3(A) may be subject to a civil action for trespass damages, including damage to Pueblo land or property resulting from such activity, which action may be brought in Santa Clara Tribal Court by the Pueblo. In the event the Tribal Court finds in favor of the Pueblo in any such action, it shall also award the Pueblo all costs of suit and reasonable attorneys' fees for the prosecution of the action.

C. Any Indian who violates Section 105.3(A) may be fined up to \$500 for each such violation. After conviction of the first such violation, any Indian convicted of violating this Section may also be imprisoned for up to 30 days for each such violation.

Enacted by Res. No.87-15, February 25, 1987; REPEALED, enacted by Res. No. 05-28, November 8, 2005; approved by Sec'y, December 2, 2005.

Sec. 105.4 Exclusion

Any non-Indian found violating the provisions of Section 105.3(A) may be subject to exclusion from Pueblo lands, in accordance with Pueblo law.

Enacted by Res. No.87-15, February 25, 1987; REPEALED, enacted by Res. No. 05-28, November 8, 2005; approved by Sec'y, December 2, 2005.

Sec. 105.5 Confiscation of Off-Road Vehicles

A. The Tribal Police are authorized to seize any off-road vehicle being operated or that an officer of the Tribal Police has witnessed being operated in violation of Section 105.3, and to hold such vehicles for further proceedings as provided in this Code or in the Santa Clara Forfeiture Code.

B. Upon seizure of any off-road vehicle, the Tribal Police will give written notice to the Operator of the vehicle and the owner thereof, if known. If either such person is under the age of 18, such notice will also be given to the parent or guardian of such person. The notice shall identify the vehicle by vehicle identification number, make and model, shall state the date and place at which and the circumstances under which the vehicle was seized, and shall state that the owner may retrieve the vehicle upon payment to the Pueblo of the sum of \$750 to cover costs of storage and handling.

C. In the event the owner of any off-road vehicle fails to redeem the vehicle in accordance with the terms of the notice, within 30 days from the date on which such notice is given, the vehicle may be the subject of forfeiture proceedings under the provisions of the Tribe's Forfeiture Code, or otherwise under procedures approved by the Tribal Court.

Enacted by Res. No.87-15, February 25, 1987; REPEALED, enacted by Res. No. 05-28, November 8, 2005; approved by Sec'y, December 2, 2005.

CHAPTER 106 - MISCELLANEOUS PROVISIONS

Sec. 106.1 Criminal Trespass - Buildings

Any person who without permission of the owner shall enter or intentionally remain in any building or separately secured or occupied portion thereof, knowing that he is not licensed or privileged to do so whether by day or night, shall be guilty of a violation and, upon conviction thereof, may be subject to pay a penalty assessment of not more than \$300.00 with costs, or to such other orders of the Adjudication Officer or Court, and may be ordered by the Court to make restitution for any damage caused by the act of trespass.

Formerly Sec.57.1, Santa Clara Law and Order Code 1985.

Sec. 106.2 Defacing Official Signs

Any person who shall, without proper authorization, pull down or deface any sign of any nature of the Pueblo, State or Federal Government or any advertisement authorized by law, shall be guilty of a violation and, upon conviction thereof, may be subject to pay a penalty assessment of not more than \$50.00, with costs, or to such other orders of the Adjudication Officer or Court, and may be required to make restitution for the damages done.

Formerly Sec.57.2, Santa Clara Law and Order Code 1985.

Sec. 106.3 Desecration of Religious Sites

Any person who shall desecrate by any act, including removal of artifacts or any other material from burial grounds or other religious and sacred or traditional areas of the Pueblo of Santa Clara, shall be guilty of a violation and, upon conviction thereof, shall be subject to pay a penalty assessment of not more than \$500.00, with costs, or such other orders of the Adjudication Officer or Court, and may be required to make appropriate restitution in the discretion of the Court, or may be excluded from the Santa Clara Reservation under provisions of this Code.

Formerly Sec.57.3, Santa Clara Law and Order Code 1985.

Sec. 106.4 Injury to Public Property

Any person who by any means whatever shall willfully or mischievously injure, destroy or deface any building or other property of the Pueblo, State or the United States Government or any other public property or deface or write upon any walls or shall injure the grounds appurtenant thereto or the trees, fences, soil or pavement thereof, shall be guilty of a violation and, upon conviction thereof, shall be subject to pay a penalty assessment of not more than \$200.00, with costs, or to such other orders of the Adjudication Officer or Court, and may be required to make proper restitution, including parents of minor children who violate this Section.

Formerly Sec.57.4, Santa Clara Law and Order Code 1985.

Sec. 106.5 Littering

Any person who shall dispose of any garbage or other forms of litter or waste anywhere within the exterior boundaries of the Pueblo, including waterways, roadways, public roads, campgrounds or other public places, except in public waste disposal grounds designated by the Council shall be guilty of a violation and, upon conviction thereof, may be subject to pay a penalty assessment of not more than \$100.00, with costs, or to such other orders of the Adjudication Officer or Court, and may be required to clean up the litter.

Formerly Sec.57.5, Santa Clara Law and Order Code 1985.

Sec. 106.6 Maintaining a Public Nuisance

Any person who shall act in such manner or permit his property to fall into such

condition as to injure the property of other persons or the Pueblo or to place another person in fear of his safety, health or comfort, shall be guilty of a violation and, upon conviction thereof, may be subject to pay a penalty assessment of not more than \$200.00 with costs, or to such other orders of the Adjudication Officer or Court, and may be required to remove or correct such nuisance when ordered by the Court, or shall be removed or corrected by the Pueblo if the person so convicted is sixty (60) years of age or older.

Formerly Sec.57.6, Santa Clara Law and Order Code 1985.