

**TRIBAL CODE
CHAPTER 104:
NUISANCE CODE**

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HISTORY NOTE:

Current Ordinance:

Resolution 2024-221, adopted July 2, 2024, enacts Chapter 104: Nuisance Code, effective immediately.

SUBCHAPTER I: INTRODUCTORY MATTERS

104.101 Purpose

The general purpose of this code is to give Law Enforcement the ability to issue civil citations for conduct on Tribal Land that would be considered a nuisance under this code.

SUBCHAPTER II: FIREWORKS

104.201 Fireworks Definitions.

1. *Consumer fireworks* means fireworks devices that are designed to produce visible effects by combustion that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and 1507 and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

2. *Fireworks* means any composition or device, except for a starting pistol, a flare gun, or a flare, designed to produce a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, pyrotechnic articles, display fireworks, and special effects.

3. *Low-impact fireworks* means ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

4. *Minor* means an individual who is less than 18 years of age.

104.202 Use of Consumer Fireworks Prohibited.

1. A person shall not ignite, discharge, or use consumer fireworks at any time other than permitted hours, as listed below:
 - a. December 31: From 11 a.m. until 11:59 p.m.
 - b. January 1: From midnight until 1 a.m.
 - c. The Saturday and Sunday immediately preceding Memorial Day: From 11 a.m. until 11:45 p.m. each day.
 - d. June 29 to July 4: From 11 a.m. until 11:45 p.m. each day.
 - e. July 5, if that date is a Friday or Saturday: From 11 a.m. until 11:45 p.m.

f. The Saturday and Sunday immediately preceding Labor Day: From 11 a.m. until 11:45 p.m. each day.

104.203 Safety.

No person shall recklessly endanger any person's life, health, safety, or well-being by the ignition, discharge, or use of consumer fireworks.

104.204 Use of Alcohol or Controlled Substances and Fireworks Prohibited.

No person shall discharge, ignite, or use fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

104.205 Possession of consumer fireworks by minors prohibited.

A minor shall not possess consumer fireworks. Consumer fireworks shall not be sold to a minor. Age verification shall be made by checking a driver's license or another form of acceptable identification.

104.206 Permissible Locations.

A person shall not ignite, discharge, or use consumer fireworks on public property, casino property, school property, church property, or another person's property without express permission from that organization or person to use those fireworks on those premises at that time.

104.207 Determination of Violation; Seizure.

If a police officer determines that a violation of this section has occurred, the officer may seize the consumer fireworks as evidence of the violation.

104.208 Violation and Penalties.

A violation of this section is a civil infraction punishable by a fine of \$25 for each violation.

SUBCHAPTER III: FIRES

104.301 Prohibited Uses

The following are prohibited uses of fire on Tribal Lands:

1. The use of burn barrels or any such container
2. The burning of garbage, leaves, grass, and/or wood
3. The burning of fields or outlots
4. Bonfires during a fire ban or a period deemed to be high-risk, questions on if a fire ban is in place or if a period is deemed to be high-risk can be answered by Sault Tribe Law Enforcement.
5. Bonfires in a pit over 48 inches in diameter.
6. Uncontrolled burns.

104.302 Permitted Uses

A person must notify Sault Tribe Law Enforcement when one of the listed permitted uses will be used on the premises:

1. Traditional fires that are kept during the death of a family member or
2. For traditional ceremonies such as feasts or prayer.

104.303 Determination of Violation.

If a police officer determines that someone is having a bonfire violating this code, that officer can require the party to put out the fire.

104.304 Violation and Penalties.

A violation of this section is a civil infraction punishable by a fine of \$25 for each violation.

SUBCHAPTER IV: NOISE

104.401 Silent Hours.

Unless specified differently within this chapter, silent hours will run daily from 12:00 a.m. until 6:00 a.m.

104.402 Enumerations.

No Person shall make any continuous unnecessary or unusual noise which either annoys, injures, or endangers the public's comfort, convenience, repose, health, or safety.

104.403 Exceptions.

None of the terms or prohibitions of subsection (a) shall apply to or be enforced against any police or fire vehicle, car, or ambulance while engaged in necessary public emergency business or the reasonable use of stationary amplifiers or loudspeakers in the course of public addresses which are noncommercial.

104.404 Violations and Penalties.

A violation of this section is a civil infraction punishable by a fine of \$25 for each violation. A person shall receive at least one warning from Law Enforcement before being issued a citation.