

Yurok Tribal Code, Public Health

YUROK TRIBE PUBLIC HEALTH CRIMINAL LAW ORDINANCE

Pursuant to its authority under Article IV, Section 5 of the Yurok Constitution, as certified on November 24, 1993, the Yurok Tribal Council hereby enacts the following ordinance regulating public health:

YUROK TRIBE PUBLIC HEALTH CRIMINAL LAW ORDINANCE 1

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GENERAL PROVISIONS

SECTION 4001. Short Title

This ordinance shall be referred to as the “Yurok Tribe Public Health Criminal Law Ordinance.”

SECTION 4002. Legislative Findings

The Yurok Tribal Council hereby finds and declares that:

- (a) Communicable diseases and conditions threaten the health, safety, and welfare of the Yurok Tribe, its members, and others within its jurisdiction from time to time;
- (b) The Yurok Tribe is in need of comprehensive regulations for the protection of public health and safety of the Yurok Tribe and Yurok Tribal Community; and

- (c) The Yurok Constitution was adopted in order to preserve forever the survival of the Tribe, protect it from forces which may threaten its existence, provide for the health, education, economy, and social wellbeing of Yurok members and future members, and to insure peace, harmony, and protection of individual human rights among our members and others who may come within the jurisdiction of the tribal government.

SECTION 4003. Purpose

[Reserved]

SECTION 4003. Ordinance Adopted by Emergency Legislative Act

This Yurok Tribe Public Health Criminal Law Ordinance was adopted by emergency legislative act, pursuant to Section 5009 of the Yurok Public Hearing Ordinance on December 3, 2020. The Yurok Tribal Council found that there was an immediate and urgent threat to the welfare of Tribal members and the Tribe due to the COVID-19 pandemic.

SECTION 4004. Scope

This Ordinance shall apply to all Yurok tribal members, wherever located; to all Indians on the Yurok Reservation; and to all individuals subject to the criminal jurisdiction of the Yurok Tribe.

SECTION 4005. Sovereign Immunity Preserved

Except as judicial review is authorized in this ordinance, and in accordance with the Yurok Tribe's Supreme Ordinance, nothing in this ordinance shall be interpreted as a waiver of the Tribe's sovereign immunity from unconsented lawsuit, or as authorization for a claim for monetary damages against the Tribe.

SECTION 4006. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of its provisions to other persons or circumstances shall not be affected, and to this end, the provisions of this ordinance are severable.

SECTION 4007. Effective Date

This ordinance shall take effect immediately upon its adoption by Tribal Council.

SECTION 4008. Repeal of Conflicting Ordinance Provisions

All prior ordinance provisions previously enacted by the Tribal Council and inconsistent with the provisions of this ordinance are hereby repealed. If the provisions of this ordinance conflict with the provisions of any other previously enacted ordinance, the provisions of this ordinance shall control. The Yurok Tribe's Supreme Ordinance is not inconsistent with provisions of this ordinance.

SECTION 4009. Definitions

[Reserved]

CHAPTER 1. CRIMINAL OFFENSES

SECTION 4101. Aggravated Violation of the Yurok Tribe Public Health Ordinance

More than five violations, within one year, of public health orders lawfully issued pursuant to the Yurok Tribe Public Health Ordinance is strictly prohibited. For purposes of this Section 4101, a qualifying violation is one that has been properly adjudicated before the Yurok Tribal Court and resulted in a sanction by the Yurok Tribal Court.

CHAPTER 2.

[Reserved]

CHAPTER 3. ENFORCEMENT

SECTION 4301. Non-Liability

The Yurok Tribe, Yurok Tribal Council, Yurok officials, officers, employees, representatives, contractors, or agents thereof, who are performing their duties by implementing or enforcing this ordinance are immune from suit for monetary damages in any court of law for their action or inaction related to such implementation or enforcement, and they do not waive any of their sovereign rights or immunities, executive privileges or rights to privacy or confidentiality.

SECTION 4302. Sanctions

- (a) Violations of offenses listed in Chapter 1 of this ordinance shall be classified as misdemeanors punishable by up to one year's imprisonment, and/or by a fine of not more than \$5,000. Nothing herein limits the application of any other civil remedies available at law, including exclusion from the Reservation, or the prosecution of additional civil offenses, including, but not limited to, reckless endangerment, mistreatment, and nuisance.
- (b) Violations of offenses listed in Chapter 1 of this ordinance will be brought for adjudication before the Yurok Tribal Court by the Yurok Tribe Office of the Tribal Attorney in compliance with applicable Yurok Tribal Court – Rules of Court.
- (c) Investigations and enforcement of this ordinance shall be conducted by Compliance Officers, the Yurok Tribal Police Department, qualified persons deputized by the Yurok Tribe Chief of Police, and other agents or officials expressly authorized by the Yurok Tribal Council. Investigations and enforcement shall occur in collaboration with the Yurok Public Health Officer and Yurok Tribe Office of the Tribal Attorney.
- (d) No other person or entity may enforce, nor pursue in court, a violation of this ordinance without the express authorization of the Yurok Tribal Council.

- (e) The Yurok Tribe Office of the Tribal Attorney is authorized to pursue or defend enforcement of this section in all applicable legal forums.

C*E*R*T*I*F*I*C*A*T*I*O*N

THE FOREGOING EMERGENCY ORDINANCE, ENTITLED THE YUROK TRIBE PUBLIC HEALTH CRIMINAL LAW ORDINANCE, WAS PASSED AT A REGULARLY SCHEDULED MEETING OF THE YUROK TRIBAL COUNCIL ON DECEMBER 3, 2020, AT WHICH QUORUM WAS PRESENT, AND THIS ORDINANCE WAS ADOPTED BY A VOTE OF 6 FOR, 0 OPPOSED AND 0 ABSTENTIONS IN ACCORDANCE WITH ARTICLE IV, SECTION 5(j) OF THE CONSTITUTION OF THE YUROK TRIBE.

DATED THIS 3rd DAY OF DECEMBER, 2020



Joseph L. James, Chairperson

Yurok Tribal Council

ATTEST:



Sherri K. Provolt, Secretary

Yurok Tribal Council