

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE RESCINDING ORDINANCE NO. 20-64, AS AMENDED, WHICH IMPOSED A RESERVATION-WIDE CURFEW FOR ALL PERSONS AND BUSINESSES UPON THE PINE RIDGE INDIAN RESERVATION DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-Laws by referendum vote on December 14, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 5123), and under Article III of the Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, pursuant to the Constitution and By-laws of the Oglala Sioux Tribe, the Oglala Sioux Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances, and

WHEREAS, Article IV, Sections 1(f), 1(k), 1(m), and 1(w) empower the Tribal Council to manage the economic affairs of the Tribe, protect and preserve the property of the Tribe, adopt laws governing the conduct of persons on the Pine Ridge Indian Reservation, and adopt laws protecting and promoting the health and general welfare of the Oglala Sioux Tribe and its membership, and

WHEREAS, the Tribal Council adopted Resolution No. 20-70 affirming the Declaration of a State of Emergency on the Pine Ridge Indian Reservation due to the COVID-19 public health emergency, and

WHEREAS, in response to the COVID-19 public health emergency, the Tribal Council adopted several ordinances and resolutions to address the health, welfare, and safety of its residents and neighbors in relation to the COVID-19 pandemic, including COVID-19 Curfew Ordinances, and

WHEREAS, the first Curfew Ordinance was enacted by Ordinance No. 20-26 (Mar. 31, 2020), and that Ordinance was superseded and replaced by Ordinance No. 20-64 (Sep. 30, 2020), and

WHEREAS, the Tribal Council amended Ordinance No. 20-64 by Ordinance No. 20-80 (Dec. 15, 2020), and

WHEREAS, by motion and vote on March 3, 2021, the Law and Order Committee of the Tribal Council recommended that the Tribe adopt this Ordinance to rescind the curfew ordinance, and having considered the matter, the Tribal Council agrees with the recommendation of the Law and Order Committee; now

THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribal Council does hereby rescind Ordinance No. 20-64 (Sep. 30, 2020), as amended by Ordinance No. 20-80 (Dec. 15, 2020), which imposed a reservation-wide COVID-19-related curfew upon the Pine Ridge Indian Reservation, and

BE IT FURTHER ORDAINED, that the Tribe's general curfew laws applicable to minors and parents, guardians and other persons having physical charge or control of minors shall remain in full force and effect and shall not be affected or amended by this Ordinance, and those laws include O.S.T. Ord. No. 02-25, § 569 (Sept. 4, 2002), as amended by O.S.T. Ord. No. 17-11 (Mar. 29, 2017), and


BE IT FURTHER ORDAINED, that all other COVID-19-related public health measures adopted by the Tribe shall remain in full force and effect, and

BE IT FURTHER ORDAINED, that the Tribal Secretary is directed to forward this Ordinance to the Oglala Sioux Tribal Courts and Oglala Sioux Tribe Department of Public Safety, and

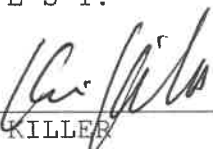
BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately and shall supersede, repeal, and replace all prior, inconsistent laws of the Oglala Sioux Tribe.

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

I, as undersigned Secretary of the Tribal Council of the Oglala Sioux Tribe, hereby certify that this Ordinance was adopted by the vote of: 17 For; 1 Against; 0 Abstain; and 0 Not Voting; during a SPECIAL SESSION held on the 4th day of MARCH, 2021.


STACY L. TWO LANCE
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T:



KEVIN KILLER
President
Oglala Sioux Tribe

