

ORDINANCE

WHEREAS, Article V, Section 2 (e) of the Constitution of the Pueblo of Isleta states, "subject only to the limitations imposed by the laws of the United States and the restrictions established by this constitution, the powers of the council shall include the following . . . to enact ordinances, subject to the approval by the Secretary of the Interior, to protect the peace, safety, property, health, and general welfare of the members of the Pueblo of Isleta; to provide for the appointment of guardians for minors and mental incompetents; and to provide for the removal or exclusion from the lands of the pueblo of any non-member whose presence may be found by the council to be injurious to the peace, safety or welfare of the members of the pueblo;" and

WHEREAS, the Council of the Pueblo of Isleta desires to pass an ordinance which will implement this provision of the Constitution and establish a procedure for the enforcement of that constitutional power,

NOW, THEREFORE, BE IT ENACTED by the Council of the Pueblo of Isleta,

1. All non-members, except those described in Paragraph Two hereof, within the exterior boundaries of the Pueblo of Isleta (hereinafter called "Pueblo") may be removed and excluded from the lands of the Pueblo by the Governor or a person authorized by him in order to protect the peace, safety, property, health, and general welfare of the members of the Pueblo; that this removal may be summary in nature and shall be within the exclusive judgment and control of the Governor or a person authorized by him.

2. Non-members who are residents may be removed and excluded by Pueblo officials in accordance with the procedures set out hereinafter. "Residents" shall be defined for these purposes as persons presently residing on the lands of the Pueblo.

3. Persons described in Paragraph Two hereof may be removed and excluded on one or more of the following grounds:

(a) the commission of any act described as unlawful in the Law and Order Code and Ordinances of the Pueblo as they presently exist and as they may be altered and amended from time to time, or any act in violation of tribal custom;

(b) commission of an unlawful act as defined by the laws of the State of New Mexico or any Federal law;

(c) unauthorized prospecting, mining, timber cutting, grazing, or any other activity causing physical loss or damage of any nature to tribal property;

(d) introduction of or use of drugs;

(e) introduction of contagious disease;

(f) interference with the political, governmental or business affairs of the Pueblo.

4. The procedure for removing persons described in Paragraph Two shall be as follows: the Governor shall cause notice to be served personally upon any resident non-member whenever the Tribal Council of the Pueblo believes cause exists for the removal or exclusion of such non-member. Such notice shall state the reason or reasons for the proposed removal or exclusion, citing the ground or grounds therefor, and identifying as nearly as practicable the place, date and time of the instances complained of. The notice shall name a time and place at which the person may appear before the Tribal Council to show cause why he should not be excluded from the lands of the Pueblo. The time for hearing shall be set out in the notice, shall be as soon as practicable, and shall set out the specific date, time, and place of the hearing, and may cite that should the Council be unable to hear the case then and there, that it would be heard as soon thereafter as the Council is able.

At the said hearing the person shall be given an opportunity to be heard and to present witnesses, testimony, and other evidence on his behalf. After such hearing, or after the time set for such hearing, if, after notice, the person receiving notice does not appear, the Tribal Council may order such person removed and excluded from all or any part of the lands of the Pueblo. The decision of the Tribal Council shall be final.

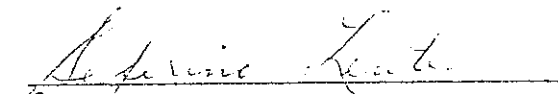
5. If any person ordered by the Tribal Council to be removed or excluded from the lands of the Pueblo, or any part thereof, does not promptly obey the order, the Governor may refer the case to the Superintendent of the appropriate agency of the Bureau of Indian Affairs.

6. In extreme cases involving immediate danger to the lives, health, morals, or property of the Pueblo or any of its members, the Governor, or a person authorized by him, may order a person described in Paragraph Two and/or any property of such person removed summarily from the lands of the Pueblo. Following such removal or exclusion, and as soon as practicable, the Governor shall cause notice to be served personally upon such person. The provisions for notice and hearing shall apply for the conditions set out in this paragraph in the same manner and form as set out in Paragraph Four above.

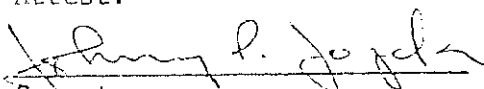
7. Nothing herein shall be construed as a grant of authority for the removal or exclusion of a Federal employee or agent authorized to be present upon Pueblo lands.

#### CERTIFICATION

I, the undersigned, as Governor of the Pueblo of Isleta, do hereby certify that at a duly called meeting of the Tribal Council of the Pueblo of Isleta, held on the 14th day of July, 1975, the foregoing Ordinance was passed and enacted, at which meeting a quorum was present, with all voting for and none opposing said Ordinance.

  
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Governor

Attest:

  
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Secretary