

**HAVASUPAI TRIBE
LAW AND ORDER CODE**

CHAPTER 18. TOURISM

(Enacted by Reso. No. 64-18, Effective November 3, 2018)

18.1 PURPOSE

The purpose of this Section is to protect the community and environment of the Havasupai Reservation, and to ensure the safety of tourists, by regulating the activities and practices of tourists visiting the Havasupai Reservation and of companies who bring tourists to the Reservation.

18.2 DEFINITIONS

- A. “Camera” means any devices capable of capturing video or photographs, including cellular phones or other electronic devices when used in that capacity.
- B. “Outfitter” means an individual, company, or employee of a company that furnishes tours onto the Reservation.
- C. “Person” means individual, company, organization or association.
- D. “Tourist” means any non-resident individual, Indian or Non-Indian, who travels to and is within the exterior boundaries of the Havasupai Reservation primarily for the purposes of leisure or sightseeing, and any other Non-Indian present on the Reservation for any other purpose.

18.3 CONSENT TO THE CIVIL JURISDICTION OF THE HAVASUPAI TRIBE

Entrance onto the Reservation is conditioned upon the Tourist’s consent to the Tribe’s civil regulatory and civil adjudicatory jurisdiction. By entering onto the Havasupai Reservation, non-Indians consent to the Tribe’s civil regulatory and civil adjudicatory jurisdiction. Tourists consent, contractually, to the Tribe’s civil jurisdiction by possessing an entrance permit to visit the Reservation.

18.4 ALCOHOL

In addition to applicable federal criminal liability, Tourists who possess alcohol are liable for civil fines in the following amounts:

- A. Possession and Transport of Alcohol. It is prohibited and shall be a civil infraction for a Tourist or Outfitter to possess or transport, or employ another to

possess or transport, alcohol within the exterior boundaries of the Reservation. Persons who violate this Section shall be liable for a civil fine of \$1,000.00 per offense and expulsion from the Reservation.

- B. Sale of Alcohol. It is prohibited and shall be a civil infraction for a Tourist or Outfitter to sell, serve, or furnish at a price, alcohol within the exterior boundaries of the Reservation. Persons who violate this Section shall be liable for a civil fine of \$3,000.00 per offense and expulsion from the Reservation.
- C. Consumption of Alcohol. It is prohibited and shall be a civil infraction for a Tourist or Outfitter to consume alcohol within the exterior boundaries of the Reservation. Persons who violate this Section shall be liable for a civil fine of \$1,000.00 per offense and expulsion from the Reservation.

18.5 ILLEGAL DRUGS

The Havasupai Reservation is federal land. Regardless of state laws, all drugs listed in the Schedule of Controlled Substances, Title 21 C.F.R. Part 1380 that are federally prohibited are illegal on the Reservation, including Marijuana in any amount. In addition to applicable federal criminal liability, Tourists who possess illegal drugs are liable for civil fines in the following amounts:

- A. Possession and Transport of Illegal Drugs. It is prohibited and shall be a civil infraction for a Tourist or Outfitter to possess or transport, or employ another to possess or transport, illegal drugs within the exterior boundaries of the Reservation. Persons who violate this Section shall be liable for a civil fine of \$5,000.00 per offense and expulsion from the Reservation.
- B. Sale of Illegal Drugs. It is prohibited and shall be a civil infraction for a Tourist or Outfitter to sell, serve, or furnish at a price, illegal drugs within the exterior boundaries of the Reservation. Persons who violate this Section shall be liable for a civil fine of \$5,000.00 per offense and expulsion from the Reservation.
- C. Consumption of Illegal Drugs. It is prohibited and shall be a civil infraction for a Tourist or Outfitter to ingest or otherwise use illegal drugs within the exterior boundaries of the Reservation. Persons who violate this Section shall be liable for a civil fine of \$1,000.00 per offense and expulsion from the Reservation.

18.6 TRAILS

It shall be prohibited and a civil infraction for a Tourist to leave designated trails, or to climb cliffs or canyon walls, dive off of waterfalls, or trespass onto Tribal members' homes or yards. Persons who violate this Section shall be liable for a civil fine of \$200.00 and expulsion from the Reservation.

18.7 CAMERAS

Supai is a living community and the privacy of its residents must be respected at all times. Tourists or Outfitters taking pictures or video of tribal members, their homes, or the village is strictly prohibited, unless advance written permission has been granted by the Tribal Chairperson or Tribal Council. Cameras must be put away between the first home south of the village and the last home on the trail to the waterfalls. Pictures of Tribal members or their animals on the trail may only be taken with the permission of the individual packer. Cameras used for taking video or photos in prohibited areas may be confiscated, and persons who violate this Section may be liable for a civil fine of \$250.00 and expulsion from the Reservation.

18.8 DRONES

Out of concern for the safety of aircraft, the village and the village's residents, and for privacy, all drone usage is strictly prohibited within the exterior boundaries of the Reservation, unless granted written advance permission by the Tribal Chairperson or the Tribal Council. Persons found in violation of this Section shall have their drones confiscated by the Tribe and if they wish to have them returned, shall pay shipping postage. Persons found in violation of this Section shall also be liable for a civil fine of \$250.00.

18.9 LITTERING

Tourists or Outfitters who deposit trash in any place other than designated trash receptacles or who do not pack their trash out as may be required by Tourist Office policy shall be liable for a \$1,000.00 civil fine.

18.10 VANDALISM

It shall be prohibited for Tourists to write on, mark, or otherwise deface rocks, trees, or other surfaces, whether natural or man-made. Those who violate this Section shall be liable for a \$500.00 civil fine.

18.11 ARCHEOLOGICAL AND CULTURAL SITES

Tourists or Outfitters found disturbing, defacing, removing, excavating, or trespassing onto archeological or cultural sites shall be liable for a \$5,000.00 civil fine and permanent exclusion from the Reservation, in addition to applicable federal criminal penalties.

18.12 REMOVAL OF NATURAL RESOURCES

Removing rocks, plants, animals, or other natural resources from the Reservation shall be strictly prohibited. Those who violate this Section shall be liable for a \$500.00 fine.

18.13 VIOLATION OF ENTRANCE PERMIT CONDITIONS

All violations by Tourists of the Tribe's Entrance Permit Conditions not specifically mentioned in this Code shall be punishable by expulsion from the Reservation and any other penalties contained in the Entrance Permit.

18.14 VIOLATIONS OF RULES AND REGULATIONS FOR OUTFITTERS

- A. Liability. Outfitters who violate the Rules and Regulations for Outfitters shall be civilly liable for fines ranging between \$1,000.00 and \$5,000.00, and may be subject to suspension or revocation of their business license or expulsion and exclusion from the Reservation, as determined by the Tribal Council.
- B. Penalty. In determining the severity of the penalty, the Tribal Council may consider the nature of the violation, if the Outfitter has committed this or other offenses in the past, and the necessity to protect the community.

18.15 AUTHORITY TO ISSUE CIVIL CITATIONS

Employees of the Tribe's Tourist Enterprise and Wildlife Program and Havasupai Lodge, so designated, may issue civil citations to Tourists and Outfitters for violations of this Code.

18.16 CHALLENGES TO CITATIONS

- A. Court Challenges. Except as provided for in Section 18.7, Tourists or Outfitters who have been issued civil citations under this Code and who wish to challenge the validity of their citation may do so, only after paying all fines, by filing a Petition with the Havasupai Tribal Court within 30 days of the date of their citation.
- B. Burden of Proof. The party filing any such challenge shall bear the burden of proving, by a preponderance standard, that their citation constituted an abuse of discretion by the Tribe.
- C. Sovereign Immunity. In no case shall the Tribe be liable in a challenge under this Section for more than the amount of the penalty levied.

18.17 RECOGNITION OF JUDGMENTS THROUGH STATE COURTS

The Tribe may, at its discretion, apply to state courts for recognition of judgments issued by the Tribal Court pursuant to this Code.

18.18 EXECUTION OF JUDGMENTS

The Tribe may, at its discretion, seek in state court to execute a civil judgement issued by the Tribal Court pursuant to this Code, through means including but not limited to garnishment of wages or execution on personal property.