

RESOLUTION OF THE PYRAMID LAKE

PAIUTE TRIBE OF THE PYRAMID LAKE RESERVATION

NIXON, NEVADA

WHEREAS, the Pyramid Lake Paiute Tribe of the Pyramid Lake Indian Reservation, Nevada, organized under the Indian Reorganization Act of June 18, 1934 is authorized pursuant to the terms of its Constitution and By-Laws to safeguard the peace and safety of residents of the Reservation and to provide for the removal or exclusion from the Reservation of non-members whose presence may be injurious to the members of the Tribe; and

WHEREAS, the Pyramid Lake Paiute Tribal Council has deemed it to be in the best interest of the Tribe to regulate the entry onto the Reservation of tow trucks and other vehicles used for automobile and truck towing and related road service and to that end has established a towing service permit which must be purchased as a condition precedent to entry on the Reservation to perform vehicle towing or related road service; and

WHEREAS, it has come to the attention of the Pyramid Lake Paiute Tribal Council that various towing services are routinely coming on the Pyramid Lake Reservation to conduct vehicle towing without having previously purchased a permit.

NOW, THEREFORE, BE IT RESOLVED that the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, hereby declares that no towing service shall enter the Pyramid Lake Paiute Reservation for the purposes of vehicle towing or related road service without a permit issued by the Tribe and that conducting vehicle towing or related road service on the Reservation without such a permit is deemed to be a trespass on the Reservation pursuant to NRS 207.200.

BE IT FURTHER RESOLVED that the Pyramid Lake Paiute Tribal Council hereby requests that the Bureau of Indian Affairs and the Washoe County Sheriff's Department take appropriate action to apprehend towing services operating on the Pyramid Lake Reservation without the proper permit.

CERTIFICATION

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of 10 members of whom 8 constituting a quorum were present at a meeting duly held on Sept. 2, 1983, was adopted by the affirmative vote of 7 for and 0 against, pursuant to authority contained in the Constitution and By-Laws of the Pyramid Lake Paiute Tribe.

Debra Davy
Secretary, Pyramid Lake Paiute
Tribal Council

EISENHOWER, CARLSON, NEWLANDS, REHA, HENRIOT & QUINN

1201 PACIFIC AVE.

FIRST INTERSTATE PLAZA—SUITE 1200

TACOMA, WASHINGTON 98402

(206) 572-4500

JOHN J. REHA, JR.
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OF COUNSELREUBEN C. CARLSON
OLIVER MALM
RETIREDEDGAR N. EISENHOWER (1971)
CHARLES D. HUNTER, JR. (1965)
GUY T. ELLIOTT (1978)C. JOHN NEWLANDS
JAMES F. HENRIOT
H. EUGENE QUINN
RONALD A. ROBERTS
S. ALAN WEAVER
RICHARD D. TURNER
RICHARD A. JESSUP
MICHAEL R. THORPJAMES M. HUSHAGEN
KATHRYN J. NELSON
DONALD L. ANDERSON
ROBERT G. CASEY
NANCY J. NORTON

July 9, 1985

RECEIVEDcc: Margaret (cont)
JUL 15 1985 *Risalla (L/O)***PYRAMID LAKE TRIBE**

Mr. Douglas E. Walther
Deputy Attorney General
State of Nevada
Office of the Attorney General
Heroes Memorial Building
Capitol Complex
Carson City, Nevada 89710

Dear Mr. Walther:

On March 8, 1985, the Pyramid Lake Paiute Tribal Council enacted Ordinance No. XXII-E. This ordinance amends Ordinance XXII, Law and Order Code, by adding Sections 3.11.310 through 3.11.380 entitled "Wrecking and Towing Operations." Pursuant to the ordinance, only those persons, firms or corporations with Pyramid Lake tribal permits may conduct towing services on the reservation. Any vehicle towing or related road service conducted on the Pyramid Lake Indian Reservation which is not in compliance with this ordinance will be deemed a trespass pursuant to NRS §207.200.

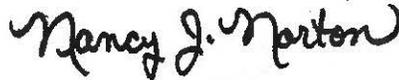
This ordinance has been approved by the Superintendent of Indian Affairs at Carson City and concurred with by the Regional Office of the Bureau of Indian Affairs in Phoenix, Arizona.

The ordinance provides that the tribal secretary shall notify the Nevada Highway Patrol, the Police and Sheriff's departments of adjacent counties and the Bureau of Indian Affairs' police officers of those towing companies eligible to provide towing services on the Pyramid Lake Reservation. The ordinance also includes provisions for those occasions when an emergency should arise or police officers are not able, after reasonable attempt, to contact a towing operator who has obtained a permit issued by the Pyramid Lake Tribe. See p. 5 of the ordinance. The exceptions on p. 5 will protect the

Mr. Douglas E. Walther
July 9, 1985
Page Two

State's interest in maintaining its highway easement through the reservation. If you should have any questions concerning the ordinance, please contact me or Michael Thorp at (206) 572-4500.

Very truly yours,



Nancy J. Norton

NJN:sjb/0832e
Enclosure

cc: Wilfred Shaw, Tribal Chairman
Michael R. Thorp



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
PHOENIX AREA OFFICE

P.O. Box 7007
Phoenix, Arizona 85011

NEVADA AGENCY
PHOENIX CITY
85011

JUN 6 1 46 PM '85

RECEIVED
JUN 04 1985

IN REPLY REFER TO:
Tribal Operations
(602) 241-2314
FTS 261-2314

RECEIVED

JUN 10 1985

Through: Superintendent, Western Nevada Agency *WNS*

Mr. Wilfred W. Shaw

Chairman, Pyramid Lake Paiute Tribal Council

PYRAMID LAKE TRIBE

cc: M. Thoypa
Wilfred
Margaret

Dear Mr. Shaw:

On March 8, 1985, the Pyramid Lake Paiute Tribal Council enacted Ordinance No. XXII-E. Subject ordinance amends Ordinance No. XXII, Law and Order Code, by adding sections 3.11.310 through 3.11.380 entitled "Wrecking and Towing Operations."

We see no reason, legally and technically, to rescind said ordinance. Therefore, I hereby concur with the Superintendent's March 13, 1985 approval, and Ordinance No. XXII-E remains in full force and effect as of the date of approval.

Sincerely,

Acting Area Director

Enclosure



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
PHOENIX AREA OFFICE

P.O. Box 7007
Phoenix, Arizona 85011

NEVADA AGENCY
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Mr. Wilfred W. Shaw

Chairman, Pyramid Lake Paiute Tribal Council

PYRAMID LAKE TRIBE

cc: M. Choise
Wilfred
Margaret

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Sincerely,

Acting Area Director

Enclosure

WESTERN
NEVADA AGENCY
CARSON CITY
NEVADA 89701

Ordinance No. XXII-~~2~~ ⁵
RESOLUTION MAR 12 PL 12-84 '85

AN ORDINANCE

Amending Ordinance No. XXII of the Pyramid Lake
Paiute Tribe.

Ordinance No. XXII, the Law and Order Code of the
Pyramid Lake Paiute Tribe is hereby amended by inserting the
following:

WRECKING AND TOWING OPERATIONS

3.11.310 Policy. The Pyramid Lake Paiute Tribe is
authorized pursuant to the terms of its Constitution and
By-Laws to safeguard the peace and safety of residents of the
reservation, to levy license fees upon non-members doing bus-
iness within the reservation and to provide for the removal or
exclusion from the reservation of non-members whose presence
may be injurious to the members of the Tribe. The Pyramid
Lake Paiute Tribal Council deems it to be in the best interest
of the Tribe to regulate the entry onto the reservation of tow
trucks and other vehicles used for automobile and truck towing
and related road services and to that end hereby establishes
the following rules and regulations which must be followed as
a condition precedent to entry on the Pyramid Lake Reservation
to perform vehicle towing or related road services.

3.11.320 Permit Required. It shall be unlawful for
any person, firm or corporation engaged in the business of
motor vehicle wrecker or towing operator as herein defined to

tow or otherwise remove motor vehicles on the Pyramid Lake Indian Reservation without first obtaining a permit pursuant to the provisions of this ordinance. Any vehicle towing or related road service conducted on the Pyramid Lake Indian Reservation and which is not in compliance with this ordinance is deemed to be a trespass on the reservation pursuant to NRS §207.200.

3.11.330 Definitions. For the purpose of sections 3.11.310-3.11.380, a wrecker or towing operator shall be deemed to be any person, firm or corporation engaged in the business of offering towing service by the use of a wrecker so designed for that purpose, or by any automobile so adapted to that purpose; said service being the towing or otherwise removing of motor vehicles from the scene of an accident, disability or impounding, pursuant to a request from any person including law enforcement officers of the State of Nevada, any county or city, the federal government or the Pyramid Lake Tribe.

3.11.340 Permit Fee. The Tribal Council shall determine a fee to be charged for the issuance of a wrecking and towing permit. The fee shall be an annual charge. The Tribal Council shall have the authority to change the amount of the fee whenever, in its judgment, the interests of the Tribe require such revision. With respect to existing permits, fee revisions shall be effective only upon renewal of the permit.

3.11.350 Application - Information Required. Any person, firm or corporation desiring to obtain a wrecking and towing permit in order to perform towing services on the Pyramid Lake Reservation shall file with the Pyramid Lake Tribe an application setting out the following:

(a) Name and address of person, firm or corporation desiring the permit;

(b) The location, description and hourly availability of wrecker or wreckers owned or operated by the towing operator;

(c) A certification from the State of Nevada, a county, city or town that the applicant has the minimum equipment and housing facilities required by the certifying entity.

(d) A certification that the applicant carries a legal liability insurance policy covering fire, theft, explosion and collision of towed vehicles and a legal liability policy covering the operation of the applicant's business equipment or vehicles for any bodily injury or property damage.

3.11.360 Grant of Permit. Applications shall be submitted to the Pyramid Lake Paiute Tribal Council. The Tribal Council shall determine whether or not to grant the permit. Decisions of the Tribal Council with regard to granting of the permit shall be final and not subject to appeal. Upon a decision by the Tribal Council to grant the permit and

payment by the applicant of the permit fee, a permit shall be issued.

3.11.370 Grounds for Revocation. The Tribal Council shall have the power to revoke said permit on any of the following grounds:

(a) If said permit was procured by fraudulent conduct or false statement of material fact, or if a fact concerning the applicant was not disclosed at the time of his making application when such fact would have constituted just cause for refusal to issue said license.

(b) If the permittee violates any of the provisions of this ordinance, other ordinance of the Tribe or any state or federal law.

(c) If the permittee fails to keep in full force and effect the policies of insurance herein above required.

Such revocation shall terminate all authority and permission heretofore granted by said permit to the permittee.

3.11.380. Removal of Vehicles by Police Officers.

From time to time the Tribal Secretary shall notify the Nevada Highway Patrol, the police and Sheriff's departments of adjacent counties and the Bureau of Indian Affairs police officers of those towing companies eligible to provide towing services on the Pyramid Lake Reservation. Except in the following circumstances, towing companies called to the Pyramid Lake

Reservation by police officers must have a permit issued by the Pyramid Lake Paiute Tribe:

(a) Whenever a police officer finds a vehicle which constitutes an obstruction to traffic on a state highway or county road and it is not reasonable to contact or wait for a towing operator who has obtained a permit from the Pyramid Lake Tribe, such officer may provide for the removal of such vehicle by contacting any towing operator.

(b) Whenever a police officer finds a vehicle on a state highway or county road which requires the assistance of a towing operator because of an emergency condition and it is not reasonable to contact or wait for a towing operator who has obtained a permit from the Pyramid Lake Tribe, such officer may provide for said towing services by contacting any towing operator.

(c) Whenever a police officer has authority to remove a vehicle pursuant to NRS §484.397(3) and has made a reasonable attempt to contact a towing operator permitted by the Pyramid Lake Tribe and either such towing operator is not available or cannot come to the scene within a reasonable period of time, such officer may provide for the removal of such vehicle by contacting any towing operator.

Resolution No. PL-98-83 of the Pyramid Lake Tribe is

hereby repealed on the effective date of this ordinance.

This ordinance shall become effective the _____ day
of _____, 1985.

CERTIFICATION

It is hereby certified that the foregoing Ordinance of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members whom 8 constituting a quorum were present, at a meeting duly held on the 8th day of March, 1985, was adopted by the affirmative vote of 8 for and 0 against pursuant to authority invested in it by Article VI, Section 1(h), (i) and (j) of the Constitution of the Tribe and Article V of the By-Laws of the Tribe.

Wilfred W. Shaw
Chairman, Pyramid Lake Paiute
Tribal Council

Della John
Secretary, Pyramid Lake Paiute
Tribal Council

06031

Approved:

Robert Hunter
Superintendent, Western Nevada Agency

Date: March 13, 1985