



AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL

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ORDINANCE NO. 28-25

**AN ORDINANCE OF THE AGUA CALIENTE BAND OF
CAHUILLA INDIANS DELETING EXISTING CHAPTER
6.04 AND ADDING A NEW CHAPTER 6.04 TO THE AGUA
CALIENTE TRIBAL CODE**

WHEREAS, the Agua Caliente Band of Cahuilla Indians (the “**Tribe**”) is a federally recognized Indian tribe governing itself according to the Constitution and By-Laws of the Agua Caliente Band of Cahuilla Indians adopted by the Tribe on June 28, 1955 (the “**Constitution**”); and

WHEREAS, the Tribe, acting by and through its duly elected Tribal Council and pursuant to Articles II and IV (a) of the Constitution, exercises inherent sovereign authority and jurisdiction over the territory within the exterior boundaries of the Agua Caliente Indian Reservation (the “**Reservation**”) and over other lands which may be added to the Reservation; and

WHEREAS, pursuant to Article V (a), (b), (f), (g), (i), and (k) of the Constitution, the Tribal Council, among other things, is empowered to administer the affairs and manage the business of the Band; to regulate the uses and disposition of Tribal property; to set aside, reserve, and designate Tribal property for use as parks, schools, public buildings, Tribal monuments, churches, and hospitals; to promulgate and enforce assessments or permit fees upon non-members doing business and obtaining special privileges on the Reservation; to by ordinance exclude from Tribal land non-Indian persons not legally entitled to be thereon and who are deemed to be objectionable; and to enact ordinances and resolutions pertaining to Tribal affairs and to take all proper means to enforce the same; and

WHEREAS, the Tribal Council desires to add the chapter noted above to the Agua Caliente Tribal Code.

NOW, THEREFORE, the Tribal Council of the Agua Caliente Band of Cahuilla Indians does hereby ordain as follows:

SECTION 1. All the recitals set forth above are true and correct, and the Tribal Council so finds and determines.

SECTION 2. Existing chapter 6.04 of the Agua Caliente Tribal Code is hereby deleted in its entirety.



SECTION 3. New chapter 6.04 is hereby added to the Agua Caliente Tribal Code to read as follows:

**CHAPTER 6.04
INDIAN AND TAHQUITZ CANYONS**

6.04.010. Title.

This chapter shall be referred to as the “Indian and Tahquitz Canyons Ordinance.”

6.04.020. Declaration of policy.

The Indian and Tahquitz Canyons are established for the use and enjoyment of the public in the pursuit of recreation, whether active or passive. The Indian and Tahquitz Canyons are also established to preserve wildlife and cultural resources. It is the Tribe’s responsibility to preserve its history and its shared norms, values, traditions, and customs, and to promote the health, safety, peace, morals, comfort, and general welfare of the Reservation community in its use and enjoyment of the Indian and Tahquitz Canyons. The Tribal Council finds that to give effect to these policies and to ensure that all persons may enjoy the Indian and Tahquitz Canyons, it is necessary to regulate the use of the Indian and Tahquitz Canyons.

6.04.030. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acts of God means any cataclysmic events, which are caused solely by the effects of nature or natural causes, without interference by any person, consisting of insect infestations, floods, earthquakes, tornados, hurricanes, fires, lightening, and extraordinary amounts of rain. *Acts of God* shall not include rain, wind, floods, or other natural phenomenon of normal intensity for the locality.

Administrative citation has the meaning ascribed to the term “Citation” in section 1.10.030, as said section is amended, renumbered, or restated from time to time.

Alcoholic beverage means and includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits,



wine, or beer, and which contains one-half of one percent (.05%) or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Ceremonial fire means a fire specifically ignited and maintained for the purpose of religious, cultural, spiritual, or traditional ceremonies or observances of the Tribe or its members.

Controlled substance means any drug or substance prohibited by the Controlled Substances Act, 21 U.S.C. Section 801 et seq., as it may be amended, renumbered, or restated from time to time, provided that the term does not include any drug or substance for which an individual found to have possessed or consumed such drug or substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription, at the time of such possession. *Controlled substance* includes “cannabis” as that term is defined in California Health and Safety Code Section 11018 or any “cannabis product” as that term is defined in California Health and Safety Code Section 11018.1, as said statutory provisions are amended, renumbered or restated from time to time.

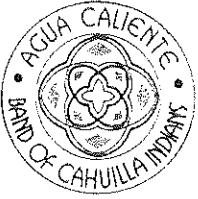
Dangerous condition means the occurrence of any condition that threatens the health or safety of persons within or adjacent to the Indian and Tahquitz Canyons and includes, but is not limited to, acts of God; any acts of civil or military authority; war; acts of terrorism; riots, civil unrest, or insurrection; sabotage; local, state, Tribal, or national emergencies or disasters; loss or malfunction of utility, computer (hardware or software), or communication service; any lack or failure of transportation facilities; any lack or failure of supply of raw materials; any strike or labor disturbance; epidemics; and pandemics.

Disorderly conduct means:

(1) To engage in riotous, threatening, aggressive, non-compliant, or indecent conduct, or using abusive, threatening, or profane language; or

(2) To engage in any activity or conduct that violates California Penal Code sections 404, 415, 416, 602, or 647, as said statutory provisions are amended, renumbered, or restated from time to time.

Domesticated animal means any animal kept for pleasure or for utility, which has adapted to life in association with and to the use



by human beings and shall not include animals which normally can be found in the wild state, unless specifically so designated by the Tribal Council.

E-bike or electric bicycle means a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, which provides propulsion.

Goods means any tangible personal property offered for sale, rental, exhibition, or distribution.

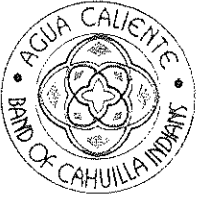
Indian and Tahquitz Canyons means all lands, waters, natural areas, greenways, waysides, corridors, scenic areas, monuments, historic or cultural areas, recreation areas, trails, walkways, rights-of-way, streets, facilities, structures, buildings, or personal property, which the Tribe owns, leases, or operates, and which the Tribe has designated for public recreational use and the preservation of wildlife and cultural resources within the boundaries of the lands set aside as the Indian and Tahquitz Canyons.

Nudity means the showing, exposing, displaying, or exhibiting, of any of the following:

- (1) The human male or female genitals, pubic hair, or buttocks with less than a fully opaque covering;
- (2) The female breast with less than a fully opaque covering below a point immediately above the top of the areola, except as necessary while breast feeding;
- (3) Any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum, anal region, or pubic hair region; or
- (4) Any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples or areola.

Off-highway motor vehicle has the meaning ascribed to it in California Vehicle Code section 38006, as such section may be amended, renumbered, or restated from time to time.

Park officer means any of the following, while acting in the scope of employment, agency, or duty:



(1) Any employee or agent of the Tribe whose duties include the enforcement of this chapter; and

(2) Any person designated as a peace officer pursuant to Tribal law, or Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the California Penal Code, who has authority to enforce Tribal laws on the Reservation.

Public place means any outdoor place within the Indian and Tahquitz Canyons which is open to the general public including, but not limited to, all lands, waters, natural areas, greenways, waysides, corridors, scenic areas, monuments, historic or cultural areas, recreation areas, trails, walkways, rights-of-way, or any other similar open space, including as well the interior areas of any building or enclosed place which is open to the general public, such as gift shops, visitor centers, meeting rooms, or dining facilities, even if limited to specific members (or restricted to adults or select patrons invited to attend), whether or not there is a payment of an admission charge required for entrance to such places.

Responsible person has the meaning ascribed to the term “Responsible person” in section 1.10.030, as said section is amended, renumbered, or restated from time to time.

Rock climbing means the act of ascending, traversing, or descending natural rock formations or artificial climbing structures using hands, feet, ropes, harnesses, anchors, or other specialized equipment. *Rock climbing* includes, but is not limited to, bouldering, sport climbing, traditional climbing, free climbing, and aid climbing.

Services include, but are not limited to, labor, professional services, transportation, leasing or renting any article, object, privilege, or service, giving of instructions or lessons, admission to exhibits, use of telephone or other utilities, or any act for which payment is customarily received.

Special event(s) means any event that is held in whole or in part within the Indian and Tahquitz Canyons that will (1) have a substantial visitor impact on the Tribe’s resources; and/or (2) result in a gathering of crowds over twenty (20) people in attendance on any one (1) day.

Vehicle means a device in, upon, or by which any person or property is or may be propelled, moved, or drawn upon a roadway or other ground surface. *Vehicle* includes, but is not limited to, any e-bike or electric bicycle.



Waters appurtenant to the Indian and Tahquitz Canyons means any surface water attached to the Indian and Tahquitz Canyons portion of the Reservation and includes, but is not limited to, the waters in any fountain, pond, pool, lake, spring, stream, or other body of water within the Indian and Tahquitz Canyons.

Wildlife has the meaning ascribed to the term “Wildlife” in section 5.24.050, as said section is amended, renumbered, or restated from time to time.

6.04.040. Jurisdiction of the Tribe.

Every person that enters the Indian and Tahquitz Canyons shall comply with this chapter and shall be subject to the civil jurisdiction of the Tribe as a condition of entry.

6.04.050. Entry fee.

It shall be unlawful for any person to enter the Indian and Tahquitz Canyons without paying the applicable entry fee unless authorized by the Tribal Council or entry is for the purpose of conducting Tribal operations or business. The Tribal Council shall by resolution establish a schedule of fees that Tribal staff may collect from a person for the person’s entry into the Indian and Tahquitz Canyons. Notwithstanding the foregoing, the Tribal Council may exempt any person who is a member of a federally recognized tribe from paying the applicable entry fee.

6.04.060. Hours.

(a) Except for unusual and unforeseen emergencies as directed by the Tribal Council or special events or ceremonial fires authorized by the Tribal Council in advance of said event or fire, Indian and Tahquitz Canyons shall be open to the public during designated days and hours. The opening and closing hours for the Indian and Tahquitz Canyons shall be posted therein for public information. The Tribal Council shall by resolution establish the days and hours that the Indian and Tahquitz Canyons are open to the public.

(b) It shall be unlawful for any person to enter or remain within the Indian and Tahquitz Canyons outside the designated days and hours set forth on a posted sign within the Indian and Tahquitz Canyons.



6.04.070. Travel and parking regulations.

- (a) It shall be unlawful for any person to travel by foot, vehicle, or horseback in any area within the Indian and Tahquitz Canyons not designated for travel for the particular use.
- (b) It shall be unlawful for any person to fail or refuse to comply with any lawful order or direction of any park officer authorized and instructed to direct traffic within the Indian and Tahquitz Canyons.
- (c) It shall be unlawful for any person to fail to comply with any traffic control device within the Indian and Tahquitz Canyons.
- (d) It shall be unlawful for any person to remove or relocate any barricade, barrier, or other device erected to control vehicle traffic within the Indian and Tahquitz Canyons.
- (e) It shall be unlawful for any person to drive a vehicle within or upon any area of the Indian and Tahquitz Canyons in excess of the posted speed limit. If no speed limit is posted, then no person shall drive a vehicle within or upon any area of the Indian and Tahquitz Canyons in excess of twenty (20) miles per hour (five (5) miles per hour in areas designated for parking).
- (f) It shall be unlawful for any person to park in any area of the Indian and Tahquitz Canyons not designated for parking. Any vehicle found parked in violation of this subsection may be towed away at the owner's or operator's expense.
- (g) It shall be unlawful for any person to park a vehicle in a designated handicapped parking space without displaying a handicapped placard or sticker. Any vehicle found parked in violation of this subsection may be towed away at the owner's or operator's expense.
- (h) It shall be unlawful for any person to use an off-highway motor vehicle within the Indian and Tahquitz Canyons unless authorized by the Tribal Council or for the purpose of conducting Tribal operations or business.
- (i) The Tribal Council shall by resolution (1) designate roads, trails, or areas for vehicle travel, walking or hiking, horseback riding, or other mode of conveyance; (2) designate areas where horseback riders may tie horses; (3) establish speed limits within certain areas of the Indian and Tahquitz Canyons; and (4) establish



areas, zones, or spaces in which a person may park authorized vehicles entering the Indian and Tahquitz Canyons.

6.04.080. Nudity.

(a) It shall be unlawful for any person to appear in a state of nudity knowingly or intentionally in any public place within the Indian and Tahquitz Canyons, except as provided in subsection (c). The conduct of public nudity is a violation of this section without regard to whether such person is paid any compensation by another person to so expose themselves.

(b) It shall be unlawful for any person to knowingly or intentionally cause or direct any person to expose themselves as prohibited in subsection (a) of this section.

(c) The prohibitions of subsection (a) of this section shall not apply to:

(1) Any child under the age of two years old; or

(2) Any act prohibited, or the prohibition of which is preempted, by any provision of federal law.

6.04.090. Disorderly conduct.

It shall be unlawful for any person to engage in disorderly conduct.

6.04.100. Smoking.

(a) It shall be unlawful for any person to smoke any substance or product, including, but not limited to, tobacco or cannabis, or a cigarette, electronic cigarette, cigar, or other tobacco or non-tobacco-related product, within the Indian and Tahquitz Canyons.

(b) The prohibitions of subsection (a) shall not apply to any Tribal Member who is engaged in smoking for cultural or ceremonial purposes, provided that such activity is conducted with the approval of the Tribal Council.

6.04.110. Alcohol use.

(a) It shall be unlawful for any person to consume, or to possess an open container holding, or to open a container holding, an alcoholic beverage within the Indian and Tahquitz Canyons.



(b) It shall be unlawful for any person to be found within the Indian and Tahquitz Canyons under the influence of any alcoholic beverage in a condition that they are unable to exercise care for their own safety or the safety of others, or by reason of being under the influence of an alcoholic beverage, interferes with or obstructs or prevents the free use of any public place within the Indian and Tahquitz Canyons.

6.04.120. Controlled substances.

(a) It shall be unlawful for any person to bring a controlled substance into the Indian and Tahquitz Canyons.

(b) It shall be unlawful for any person, while within the Indian and Tahquitz Canyons, to possess, sell, or deliver to another person a controlled substance.

(c) It shall be unlawful to use a controlled substance within the Indian and Tahquitz Canyons unless prescribed by a licensed medical professional for a legitimate medical purpose; provided, the use of cannabis or any cannabis product for any purpose is unlawful and prohibited.

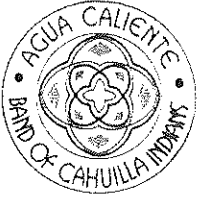
(d) It shall be unlawful for any person to be found within the Indian and Tahquitz Canyons under the influence of any controlled substance in a condition that they are unable to exercise care for their own safety or the safety of others, or by reason of being under the influence of a controlled substance, interferes with or obstructs or prevents the free use of any public place within the Indian and Tahquitz Canyons.

6.04.130. Vandalism, defacement, and gathering.

(a) It shall be unlawful for any person to:

(1) Willfully mark or write upon, paint, spray, scratch, or deface in any other manner, or damage or destroy any manmade or natural structure or object within the Indian and Tahquitz Canyons.

(2) Willfully pluck, pull up, cut, stack, destroy, damage, take, or remove any tree, shrub, bush, plant, flower, wood, turf, grass, soil, rock, sand, or gravel within the Indian and Tahquitz Canyons.



(3) Notwithstanding the foregoing, a Tribal Member shall be permitted to gather any tree, shrub, bush, plant, flower, wood, turf, grass, soil, rock, sand, gravel, or other natural resource within the Indian and Tahquitz Canyons if such gathering is for cultural, ceremonial, medicinal, or subsistence purposes, provided that such activities are conducted in accordance with applicable federal and Tribal laws. Nothing in this subsection shall be construed to diminish or impair any legally recognized rights of the Tribe, including any federally reserved right to hunt, fish, or gather.

6.04.140. Litter; garbage and refuse disposal.

It shall be unlawful for any person to throw or deposit any refuse or other materials within the Indian and Tahquitz Canyons except in designated receptacles; or to take garbage or refuse to the Indian and Tahquitz Canyons for disposal within the Indian and Tahquitz Canyons; or to deposit garbage or refuse generated outside the Indian and Tahquitz Canyons in a receptacle within the Indian and Tahquitz Canyons designated for the deposit of refuse by the public.

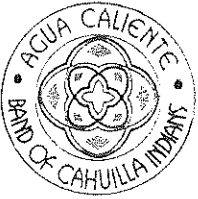
6.04.150. Pollution of waters.

It shall be unlawful for any person to throw, discharge, or otherwise place or cause to be placed in the waters appurtenant to the Indian and Tahquitz Canyons any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters, in violation of chapter 5.16, as said chapter is amended, renumbered, or restated from time to time.

6.04.160. Firearms and fireworks.

(a) Except for an authorized law enforcement officer, it shall be unlawful for any person (including anyone with a state-issued concealed carry permit) to bring, use, carry, or possess within the Indian and Tahquitz Canyons, other than at such places that the Tribal Council may designate, firearms of any description, or air rifles, bow-and-arrows, spring guns, slings, or any other forms of weapons potentially harmful to wildlife and dangerous to human safety. Notwithstanding the foregoing, a Tribal Member may engage in any activity or conduct prohibited by this subsection if such activity or conduct is carried out in accordance with chapter 5.24, as said chapter is amended, renumbered, or restated from time to time.

(b) It shall be unlawful for any person to bring into the Indian and Tahquitz Canyons, or have in his possession, set off, or



otherwise cause to explode, discharge, or burn within the Indian and Tahquitz Canyons, any firecracker, rocket, torpedo, or other form of firework or explosive.

6.04.170. Hunting or fishing.

(a) It shall be unlawful for any person to hunt, frighten, chase, set snare for, catch, injure, or destroy any animal or bird, or injure or mistreat any domestic or other animal within the Indian and Tahquitz Canyons.

(b) It shall be unlawful for any person to fish with hook and line, seine, trap, spear, or net, or by any other means in any pool, pond, lake, spring, stream, or water source of any kind within the Indian and Tahquitz Canyons.

(c) Notwithstanding subsection (a) and (b) of this section, an animal control officer, veterinarian, park officer, or federal, Tribal, or state wildlife official, who is acting pursuant to applicable law and within the scope of his authority, may capture, trap, hunt, hook and line, seine, spear, net, and remove any domestic or other animal within the Indian and Tahquitz Canyons.

(d) Notwithstanding subsections (a) and (b) of this section, a Tribal Member may engage in any activity or conduct prohibited by this section if such activity or conduct is carried out in accordance with chapter 5.24, as said chapter is amended, renumbered, or restated from time to time.

6.04.180. Domesticated animals.

(a) It shall be unlawful for any person to enter the Indian and Tahquitz Canyons with a domesticated animal. The prohibition of this subsection (a) includes domesticated animals that meet the definition of a "service animal" under 28 CFR 35.104, as said regulation is amended, renumbered, or restated from time to time.

(b) Notwithstanding subsection (a) of this section, a person may enter the Indian and Tahquitz Canyons with a horse subject to the restrictions of section 6.04.190, as said section is amended, renumbered, or restated from time to time.

(c) Notwithstanding subsection (a) of this section, domesticated animals may be allowed in the Indian and Tahquitz Canyons with the approval of the Tribal Council.



6.04.190. Horseback riding.

(a) It shall be unlawful for any person to ride a horse within the Indian and Tahquitz Canyons, except:

(1) On designated trails in areas specifically designated for such activity where the person has paid the applicable entry fee for the horse to enter the Indian and Tahquitz Canyon;

(2) During special events, as designated by the Tribal Council; or

(3) For authorized law enforcement purposes.

(b) Where permitted, horses shall be thoroughly trained and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree, or shrub beyond ten feet of a designated trail unless authorized by the Tribal Council.

6.04.200. Feeding wildlife.

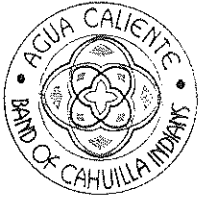
(a) It shall be unlawful for any person to intentionally feed, or leave food intended for, wildlife within the Indian and Tahquitz Canyons.

(b) Notwithstanding subsection (a) of this section, an animal control officer, veterinarian, park officer, or federal, Tribal, or state wildlife official, who is acting pursuant to a lawfully authorized program and within the scope of his authority, may feed, or leave food intended for, wildlife within Indian and Tahquitz Canyons to treat, manage, capture, trap, hunt, or remove wildlife.

(c) Notwithstanding subsection (a) of this section, a Tribal Member may set out feed for the purpose of baiting and attracting wildlife if the Tribal Member has obtained a hunting permit pursuant to section 5.24.100, as said section is amended, renumbered, or restated from time to time.

6.04.210. Temporary structures.

It shall be unlawful for any person to erect or use any tent or other temporary structure for the purpose of shelter or storage of property in the Indian and Tahquitz Canyons unless authorized by the Tribal Council in advance of said action. Notwithstanding the foregoing, a Tribal Member may erect or use any tent or temporary structure



on land within the Indian and Tahquitz Canyons that the Tribal Member beneficially owns if use of the tent or temporary structure is limited to a passive or active recreational use.

6.04.220. Commercial sale, rental, exhibition, or distribution of goods or services.

(a) It shall be unlawful for any person involved in an endeavor for profit to engage in the commercial sale, rental, exhibition, or distribution of goods or services within the Indian and Tahquitz Canyons unless he or she has received a contract, permit, or license therefor from the Tribe and/or has paid the applicable fee or assessment. For purposes of this section, the engagement in the commercial sale, rental, exhibition, or distribution of goods or services includes, but is not limited to, the distribution or posting of handbills, flyers, coupons, or public announcements or signs anywhere within the Indian and Tahquitz Canyons.

(b) It shall be unlawful for any person engaged in the commercial sale, rental, exhibition, or distribution of goods or services within the Indian and Tahquitz Canyons pursuant to this section to obstruct or impede park officers, pedestrians, or vehicles, harass park officers or visitors with physical contact or persistent demands, misrepresent the affiliation of those engaged in such activities, misrepresent whether the goods or services are available without cost or donation, or interfere, interrupt, or engage in conduct incompatible with the purpose of, any program, activity, function, and/or special event conducted, sponsored, licensed, or otherwise permitted by the Tribe.

6.04.230. Special events, ceremonial fires.

It shall be unlawful for any person to conduct, hold, or sponsor a special event or light a ceremonial fire within the Indian and Tahquitz Canyons unless authorized by the Tribal Council in advance of the special event or ceremonial fire. Ceremonial fires shall be conducted in designated areas and comply with all safety regulations. Ceremonial fires shall be controlled in size and duration to minimize risk to public safety and environmental impact.

6.04.240. Commercial filming and drones.

(a) It shall be unlawful for any person to use any portion of the Indian and Tahquitz Canyons, including the airspace above the Indian and Tahquitz Canyons, for the purpose of commercial



filming and/or operating a drone without first applying for and receiving approval of a film permit from the Tribe.

(b) Notwithstanding subsection (a) of this section, federal, state, or tribal law enforcement may operate a drone within the Indian and Tahquitz Canyons without first applying for and receiving approval of a film permit from the Tribe if such operation is pursuant to applicable law.

6.04.250. Park closures.

(a) Through the issuance of a closure order, the director of tribal lands or director of emergency services, or their designee, is authorized to:

(1) Close any area(s) within the Indian and Tahquitz Canyons where a dangerous condition exists, which could threaten the health or safety of persons within or adjacent to the Canyons;

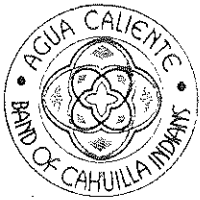
(2) Close the area(s) immediately surrounding any emergency field command post within the Indian and Tahquitz Canyons established for the purpose of controlling any dangerous condition;

(3) Close any area(s) containing, and/or adjacent to, cultural resources; and

(4) Close any area(s) within the Indian and Tahquitz Canyons for events limited to Tribal Members and their families.

(b) The director of tribal lands or director of emergency services may issue a closure order upon the consent of the Tribal Council during a non-emergency. During an emergency, the director of tribal lands or director of emergency services may issue a closure order without the consent of the Tribal Council provided the Tribal Council is subsequently notified of the order as soon as practicable. All closure orders shall identify the area(s) subject to closure and shall prohibit all unauthorized persons from entering the identified area(s) for the duration of the closure.

(c) It shall be unlawful for any person to willfully and knowingly enter or remain within an area of the Indian and Tahquitz Canyons identified in a closure order after receiving notice to evacuate or leave the area.



6.04.260. Rock climbing.

It shall be unlawful for any person, other than authorized personnel, to fail or refuse to comply with a public notice restricting or prohibiting rock climbing in the Indian and Tahquitz Canyons, or to engage in rock climbing where the person climbing puts himself or other persons into clear danger or where the person climbing is unable to get off the natural rock formation or artificial climbing structure without assistance of emergency services.

6.04.270. Park officer authority to detain and search.

In accordance with federal law, a park officer is hereby authorized to temporarily detain and to search any person that is within the Indian and Tahquitz Canyons for potential violations of state, federal, or Tribal law.

6.04.280. Violations.

Failure to comply with any provision of this chapter, or any rule or regulation adopted pursuant to this chapter, shall constitute a violation of this chapter. Each day a violation of this chapter remains in existence constitutes a separate and distinct offense and shall be subject to a separate administrative fine issued pursuant to chapter 1.10.

6.04.290. Enforcement – Administrative citations.

Whenever a park officer determines that a violation of this chapter has occurred, the park officer shall have the authority to issue an administrative citation to the responsible person in accordance with chapter 1.10. The Tribe's procedures on the imposition of administrative citations under chapter 1.10 shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter.

6.04.300. Enforcement – Exclusion.

Whenever a park officer determines that a violation of this chapter has occurred, the park officer shall have the authority to exclude the responsible person from the Indian and Tahquitz Canyons in accordance with Tribal law.



6.04.310. Enforcement – Seizure of private property.

Upon the Tribal Council's adoption of an ordinance establishing rules and regulations, a park officer shall have the authority to seize and confiscate any property, thing, or device in the Indian and Tahquitz Canyons used in violation of this chapter.

6.04.320. Enforcement – Additional Remedies.

The provisions of this chapter related to fines and penalties are in addition to all other legal remedies, criminal or civil, which the Tribe may pursue to address violations of this chapter.

6.04.330. Implementation of chapter.

Except as otherwise set forth in this chapter, the chief executive officer, or a designee thereof, is authorized to adopt procedural rules and regulations to carry out and enforce the provisions in this chapter.

SECTION 4. The Tribal Council hereby finds that the adoption of this Ordinance does not constitute a "Major Tribal Action" requiring the preparation of an environmental assessment or an environmental impact statement.

SECTION 5. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unlawful or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Tribal Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unlawful or unconstitutional.

SECTION 6. Nothing contained in this Ordinance is intended to, nor does in any way, limit, alter, restrict, or waive the Agua Caliente Band of Cahuilla Indians' sovereign immunity.

SECTION 7. The Tribal Council expressly reserves the right to alter, amend, or repeal this Ordinance if it determines that such action is in the best interest of the Tribe.

SECTION 8. This Ordinance shall become effective immediately upon its adoption.

SECTION 9. Upon the effective date of this Ordinance, all prior inconsistent resolutions, policies, ordinances, and/or procedures of the Tribe that pertain to the subject matter hereof are hereby repealed, superseded, and/or amended to comply with this Ordinance.



SECTION 10. Within fifteen (15) days after adoption, Tribal staff shall cause a summary of this Ordinance to be published one time in a newspaper of general circulation published and circulated on the Reservation.

BE IT ADOPTED AND ENACTED by the Tribal Council of the Agua Caliente Band of Cahuilla Indians, this 3rd day of June, 2025.

Reid D. Milanovich, Chairman

Anthony W. Purnel, Vice Chairman

Savana R. Saubel, Secretary-Treasurer

John R. Preckwinkle III, Member

Virginia Siva, Member

I, the undersigned, the Secretary-Treasurer of the Agua Caliente Band of Cahuilla Indians, hereby certify that the Tribal Council is composed of five members of whom 5, constituting a quorum, were present at a meeting whereof, duly called, noticed, convened and held on this 3rd day of June, 2025; that the foregoing Ordinance was duly adopted at such meeting by the affirmative vote of 3-1-0 and that said Ordinance has not been rescinded or amended in any way.

Savana R. Saubel, Secretary-Treasurer