

St. Croix Chippewa Indians of Wisconsin

4264 Admin Road • Webster, WI 54893 • (715) 349-2195 • Fax (715) 349-5768

ST. CROIX TRIBAL COUNCIL RESOLUTION NO. 02.12.2026-01

ADOPTION OF THE “ST. CROIX CHIPPEWA INDIANS OF WISCONSIN TITLE 9, CHAPTER 4, CIVIL TRESPASS ORDINANCE”

WHEREAS, the St. Croix Chippewa Indians of Wisconsin (the “Tribe”) is federally recognized Indian Tribe duly organized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 5123, as amended, and established pursuant to the Revised Constitution and By-Laws adopted by the Tribe on July 6, 2023, and approved by the Secretary of the Interior on December 15, 2023; and

WHEREAS, pursuant to Article IV of the Revised Constitution, the governing body of the Tribe shall be the St. Croix Tribal Council (the “**Tribal Council**”); and

WHEREAS, Article V, Section 1(c) of the Revised Constitution grants the Tribal Council authority to veto the sale, disposition, lease, or encumbrance of tribal lands, interests in land, other tribal assets; and

WHEREAS, Article V, Section 1(d) of the Revised Constitution grants the Tribal Council authority to adopt ordinances for the use of tribal lands and to provide for the removal, exclusion, and expulsion of a member or nonmember from tribal territory within the jurisdiction of the St. Croix Chippewa Indians of Wisconsin; and

WHEREAS, Article V, Section 1(j) of the Revised Constitution grants the Tribal Council authority to adopt ordinances governing the conduct of all persons within the Tribe’s jurisdiction in accordance with applicable laws; and

WHEREAS, the Tribal Council declares and affirms that acts of civil trespass threaten and directly affect the political integrity, economic security, and the health and welfare of the Tribe; and

WHEREAS, the Tribal Council determined that the Tribe will benefit from approving and enacting the attached STCCIW Title 9, Chapter 4 Civil Trespass Ordinance (the “Civil Trespass Ordinance”) to protect the Tribe’s lands and property from unlawful use; and

WHEREAS, the proposed Civil Trespass Ordinance was posted for thirty (30) days on the Tribe’s website and at each Tribal Community Center for tribal member review and comment; and

WHEREAS, the Tribal Council determined it is in the best interests of the Tribe to approve and enact the attached Civil Trespass Ordinance;

NOW THEREFORE BE IT RESOLVED, the Tribal Council on behalf of the St. Croix Chippewa Indians of Wisconsin, hereby approves and enacts in its entirety the attached St. Croix Chippewa Indians of Wisconsin Title 9, Chapter 4 Civil Trespass Ordinance.

BE IT FURTHER RESOLVED, that STCCIW Title 9, Chapter 4 Civil Trespass Ordinance shall be effective immediately upon passage and certification of this Resolution, and shall be distributed to the Tribal Court, Legal Department, and St. Croix Chippewa Housing Authority.

BE IT FURTHER RESOLVED, that tribal members may request a copy of STCCIW Title 9, Chapter 4 Civil Trespass Ordinance from the St. Croix Tribal Court or Legal Department.

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Conrad St. John
Chairman
Big Sand Lake

Richard Benjamin
Vice-Chairman
Danbury

Leslie Billy
Secretary/Treasurer
Big Sand Lake

Thomas Fowler
Representative
Maple Plain

Lester Merrill
Representative
Round Lake

St. Croix Chippewa Indians of Wisconsin

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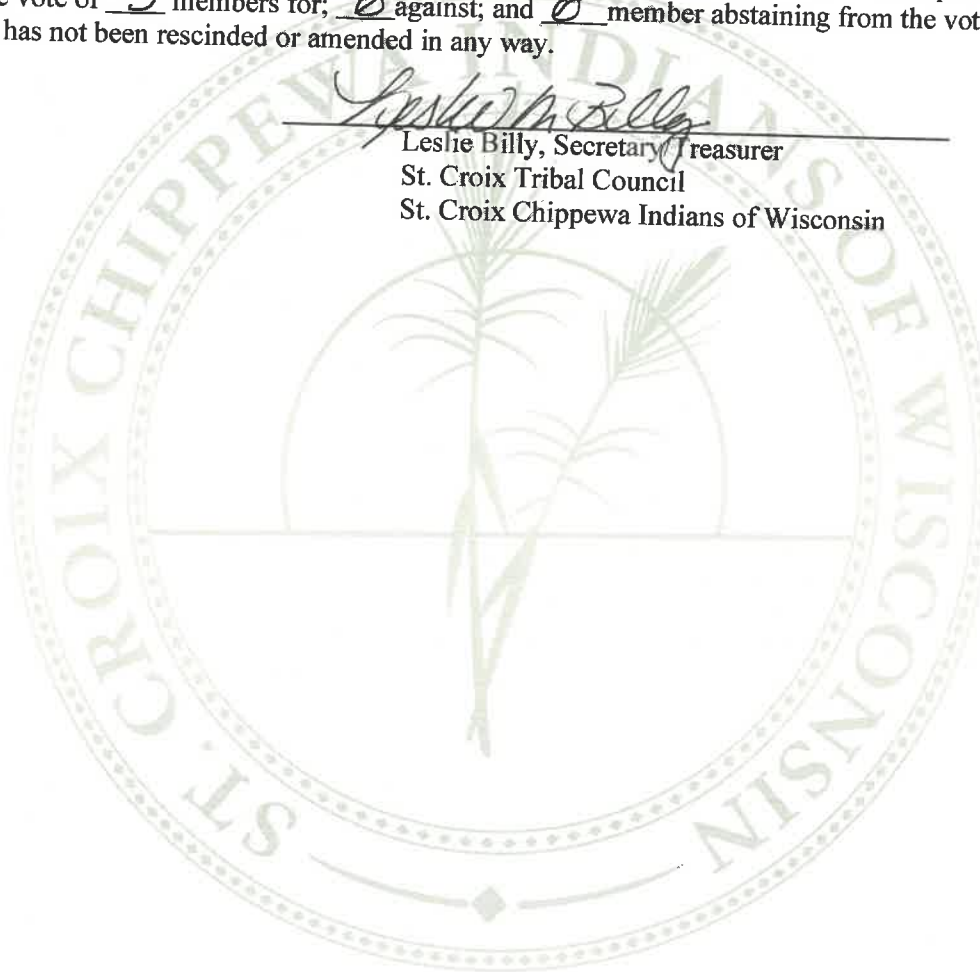
BE IT FINALLY RESOLVED, that the Tribal Council hereby orders that STCCIW Title 9, Chapter 4 Civil Trespass Ordinance posted on the Tribe's website for public viewing.

CERTIFICATION

I, the undersigned as Secretary/Treasurer of the St. Croix Tribal Council hereby certify that the Tribal Council is composed of five (5) members of whom 5 were present, constituting a quorum at a meeting duly called, convened and held this 12th day of Feb., 2026 and that the foregoing resolution was adopted at said meeting by an affirmative vote of 5 members for; 0 against; and 0 member abstaining from the vote, and that said resolution has not been rescinded or amended in any way.



Leslie Billy, Secretary/Treasurer
St. Croix Tribal Council
St. Croix Chippewa Indians of Wisconsin



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**ST. CROIX CHIPPEWA INDIANS OF WISCONSIN
TITLE 9
CHAPTER 4
CIVL TRESPASS ORDINANCE**

Resolution No. 02.12.2026.01

Legislative History:

Established on February 12, 2026 via Resolution No. 02.12.2026.01

CIVIL TRESPASS ORDINANCE

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ARTICLE I – GENERAL PROVISIONS

9 S.C.T.C. § 04.01(1) Title

This Ordinance shall be known as the St. Croix Chippewa Indians of Wisconsin Trespass to Tribal Property Ordinance (the “St. Croix Civil Trespass Ordinance”).

9 S.C.T.C. § 04.01(2) Authority

This Ordinance is enacted pursuant to the Constitution and Bylaws of the St. Croix Chippewa Indians of Wisconsin. Article IV of the Constitution and Bylaws provides that the St. Croix Council (the “Tribal Council”) is the governing body of the St. Croix Chippewa Indians of Wisconsin. Article V, Section (c) grants the Tribal Council the power to veto the sale, disposition, lease, or encumbrance of tribal lands, interests in land, or other tribal assets; Article V, Section (d) grants the Tribal Council the power to adopt ordinances for the use of tribal lands and to provide for the removal, exclusion, and expulsion of a member or nonmember from tribal territory within the jurisdiction of the Tribe; and Article V, Section (g) provides that the Tribal Council has the authority to establish a Tribal Court for purposes of enforcing tribal ordinances. This Ordinance is also enacted pursuant to Article V, Section (a), Section (b), and Section (j) of the St. Croix Chippewa Indians of Wisconsin Constitution and Bylaws.

9 S.C.T.C. § 04.01(3) Purpose

- (a) This Ordinance is intended to provide a means for the Tribe to protect its property, as well as the peace, property, and public safety of those living on the Tribal Lands, from conduct by any persons that threatens, damages, injures, or destroys the peace, health, safety, environment, or general welfare of the Tribe and all others subject to the Tribe’s jurisdiction.
- (b) The Tribal Council hereby declares that acts of civil trespass threaten and directly affect the political integrity, the economic security, and the health and welfare of the Tribe, as well as the peace, safety, and environment of Tribal Lands. The Tribe reserves consent to use its land, to impose civil penalties for trespass on the Tribal Lands, and to authorize eviction actions arising on Tribal Lands. The purpose of this chapter is to effectuate that policy.

9 S.C.T.C. § 04.01(4) Jurisdiction

- (a) The subject matter jurisdiction of the Tribe and the Tribal Court, for the purposes of this Ordinance, extends to:
 - i. All persons and property found on Tribal Lands; and
 - ii. Property owned by the Tribe or subject to the Tribe’s jurisdiction within the exterior boundaries of the Reservation, to the full extent permitted by the Tribe’s inherent authorities, the Constitution and Bylaws of the St. Croix Chippewa Indians of

Wisconsin, the laws and customary practices of the Tribe and people, and the laws and Treaties of the United States.

- (b) The personal jurisdiction of the Tribe and the Tribal Court, for the purposes of this Ordinance, extends to anyone alleged to be trespassing on Tribal Lands.
- (c) The regulatory jurisdiction of the Tribe and the Tribal Court, for the purpose of this Ordinance, extends to all civil trespass and/or eviction actions under the Tribe's inherent sovereign authority to exclude.
- (d) The adjudicatory jurisdiction of the Tribe and the Tribal Court, for the purpose of this Ordinance, extends to all civil trespass and/or eviction actions under the Tribe's regulatory jurisdiction, its core sovereign right to exclude and self-govern and the United States express policy of promoting tribal sovereignty.

9 S.C.T.C. § 04.01(5) Construction

- (a) The provisions of this Tribal law are to be liberally construed to effectuate the intent, findings, and purposes of the Tribal Council set forth in 9 S.C.T.C. § 04.01(3) and (4) of this law, but not to conflict with applicable federal law and regulations.
- (b) Nothing contained in this law is to be construed to diminish, limit, or adversely affect any right or remedy otherwise held or available to the Tribe or its members under other applicable law.

9 S.C.T.C. § 04.01(6) Full Faith and Credit

An order of removal or forfeiture issued by the Tribal Court will be enforceable throughout the State of Wisconsin under Wis. Stat. § 806.245, et seq.

9 S.C.T.C. § 04.01(7) Establishment

The Tribe hereby establishes the civil violation of trespass to be prosecuted as a civil violation in accordance with the Tribe's inherent power to exclude, and under this Ordinance. The Tribe declares that persons in violation of this ordinance threaten the peace, health, safety, environment, political and cultural integrity, and the economic security of the St. Croix Chippewa Indians of Wisconsin.

9 S.C.T.C. § 04.01(8) Effective Date

This Ordinance shall be effective upon the accompanying resolution adopted by the St. Croix Chippewa Indians of Wisconsin Tribal Council.

9 S.C.T.C. § 04.01(9) Severability and Non-Liability

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

The Tribe further asserts immunity on its part and that of its employees and / or agents from any action or damages that may occur as a result of enforcement of this Ordinance.

ARTICLE II – DEFINITIONS

9 S.C.T.C. § 04.02(1) Definitions

For purpose of this Ordinance, except where otherwise specifically provided, or where the context otherwise requires, the following definitions shall apply:

- (a) “*Citing Official*” means any person or persons designated and empowered by the Tribal Council to enforce the provisions of this chapter, including Tribal Police, Tribal Department of Natural Resources, Tribal Legal Department, and any federal official who has responsibility for enforcing civil and criminal laws on St. Croix Tribal Lands.
- (b) “*Days*” means business days excluding weekends, Tribal holidays, and Tribal office closure days.
- (c) “*Easement*” means the grant of a nonpossessory property interest that provides the easement holder permission to use another person's land.
- (d) “*Eviction*” means the dispossession by process of law; the act of depriving a person of access or possession of property.
- (e) “*Land Management*” means the office of the Tribe designated as the keeper of land ownership information for all lands subject to the jurisdiction of the Tribe.
- (f) “*Lease*” means a written agreement for the use of land, including Trust Land or other Real Property, under specified conditions and for a certain period of time.
- (g) “*Leasehold Estate*” means an interest in Real Property established under a Lease between an owner of land or land interest as Lessor, and a second party as Tenant.
- (h) “*Lessee*” means a person who takes temporary possession of a lessor’s property interest through a lease. If the property is Real Property, the lessee is a Tenant.
- (i) “*Lessor*” means the owner of land or land interest, including the Tribe. The Tribe shall be the beneficial or equitable owner of Tribal Lands underlying a Leasehold estate on which a Lease has been granted. The Lessor shall include the successor(s) or assign(s) of such Lessor.

- (j) “*Person*” means any individual person or corporation or corporate like entity.
- (k) “*Power to exclude*” means the inherent sovereign right of the Tribe to condition the presence of any person on land and property over which that Tribe has jurisdiction, and the right to physically exclude any person from that jurisdictional territory entirely for any cause that the Tribe deems necessary to protect the welfare of the Tribe, its members, and its resources.
- (l) “*Real Property*” means land and whatever is erected or growing upon or affixed to the land, including a house, except that real property shall not include items of cultural significance as defined by Tribal and federal law.
- (m) “*Right-of-way*” means a legal right to go over or across tribal land or tribal airspace or subsurface/ subterranean tribal land, for a specific purpose, including but not limited to building and operating a line or road.
- (n) “*Subsurface*” or “*Subterranean*” means the property, resources, space, and materials beneath the surface of Tribal Land.
- (o) “*Subsurface rights*” or “*Subterranean rights*” means the property interests of ownership and control over the property, resources, space, and materials beneath the surface of Tribal Land.
- (p) “*Tenant*” means any person who occupies land or other Real Property, including Tribal Lands, as lessee, under a Leasehold Estate with the Lessor.
- (q) “*Trespass*” or “*Civil Trespass*” means the act by which any person physically invades another’s possessory interest in Real Property by entering or otherwise occupying lands or structures on Tribal Lands without necessary consent, permission, or authorization and is therefore subject to the penalties and enforcement actions set forth in this chapter. A physical invasion of another’s Real Property occurs when a person:
 - i. Enters upon the land or structure of another;
 - ii. Causes another person or object(s) to enter the land or structure;
 - iii. Fails to remove an object from the land or structure when under a legal duty to remove; or
 - iv. Wrongfully remains on the land or in a structure, despite initial legal entry.
- (r) “*Tribal Airspace*” means the airspace over tribal lands that the Tribe can reasonably assume is necessary to protect the economic security or health and welfare of the Tribe; the airspace within the immediate reaches of the enveloping atmosphere above Tribal Lands.
- (s) “*Tribal Council*” means the elected governing body of the St. Croix Chippewa Indians of Wisconsin in accordance with the Constitution and By-Laws of the Tribe.

- (t) *“Tribal Court”* means the St. Croix Chippewa Indians of Wisconsin Tribal Court established pursuant to Tribal Council Resolution No. 84.03.19.01, as amended, and having jurisdiction over this Ordinance.
- (u) *“Tribal Lands”* means:
- i. The St. Croix Chippewa Reservation Communities of Sand Lake, Danbury, Round Lake, Maple Plain, Gaslyn, and all lands located within the boundaries of each Reservation Community;
 - ii. All other lands held in trust by the United States for the benefit of the Tribe or any individual who owns an interest in an allotment located within the exterior boundaries of one of the St. Croix Chippewa Reservation Communities; and
 - iii. Any fee lands owned by the Tribe or any of its agencies or a member of the St. Croix Chippewa Indians.
- (v) *“Tribal Police”* means the St. Croix Chippewa Tribal Police Department and officers of any other jurisdiction duly deputized to serve the St. Croix Chippewa Indians of Wisconsin.
- (w) *“Tribal Property”* means all tribal lands including surface and subterranean, lakes, rivers, bodies of water and waterways, boat landings, tribal airspace, and buildings to which the tribe holds a legal right.
- (x) *“Tribe”* means the St. Croix Chippewa Indians of Wisconsin.
- (y) *“Trust Land”* means land within the jurisdiction of the Tribe, title to which is held by the United States for the benefit of the Tribe or an individual member of the Tribe.
- (z) *“Unlawful Detainer”* means the unjustifiable retention of the possession of Real Property by one whose original entry was lawful, as when a Tenant holds over after lease termination despite the landlord’s demand for possession.
- (aa) *“Unlawful Detainer Action”* means a suit brought before the Tribal Court or a federal court under this Ordinance to terminate a Tenant's or Lessee's interest in a dwelling and/or lease, including an interest in Tribal Land, prior to eviction from the property.
- (bb) *“Writ of Restitution”* is an order of the Tribal Court or a federal court under this Ordinance:
- i. Restoring an owner and/or Lessor to possession of land and/or Real Property subject to the Lease.
 - ii. Evicting a Tenant or other occupant from such property.

ARTICLE III – CIVIL VIOLATION OF TRESPASS

9 S.C.T.C. § 04.03(1) Actions

All actions under this ordinance shall be civil in nature and governed by applicable rules of procedure under the St. Croix Tribal Court Code and Code of Civil Procedure. All actions of trespass shall be heard before the St. Croix Tribal Court.

9 S.C.T.C. § 04.03(2) Trespass Violation

A person, tribal member or non-tribal member, commits the civil violation of trespass if the person enters or otherwise occupies tribal property or private property within the boundaries of the St. Croix Indian reservation, without consent or permission of the Tribe or property owner, and commits any of the following acts, unless otherwise authorized under the law:

- (a) Refuses to leave property to which the person has no reasonable claim or right of possession when requested to leave;
- (b) Enters upon such property with knowledge, actual or constructive, that permission to enter such property does not exist, or permission to enter has been expressly denied or revoked;
- (c) Violates any restraining order, including a domestic restraining order issued or recognized by the St. Croix Tribal Court;
- (d) Opens, damages, renders inoperable, possess for a period of time that disables the rightful property owner to exercise control, or in any other way destroys such property;
- (e) Destroys or injures land, waters, livestock, buildings, equipment, or any other such property;
- (f) Unlawfully parks, drives, or otherwise enters tribal property or private property of another;
- (g) Dumps, deposits, places, throws, burns, emits, or leaves rubbish, debris, substances, or other objects upon tribal property or private property of another without permission;
- (h) Operates a right-of-way across Tribal lands without a valid agreement with the Tribe;
- (i) Cutting down, destroying, injuring, carrying away, or attempting to carry away any wood, timber, plant, vegetation, or crop of any landowner from such land;
- (j) Discharging a firearm, releasing an arrow, or otherwise using any weapon on such land against applicable tribal or state law;

- (k) Digging, taking, or carrying away, or attempting to dig, take, or carry away earth, soil, stone, minerals, attachments, water, or any other natural resource including objects of historical or archaeological significance from such land;
- (l) Placing upon another's property any sign, notice, advertisement, printed material, or other writing or drawing; or
- (m) Using or possessing leased, assigned, or subleased property beyond the possessory rights granted by such lease, assignment, or sublease.

9 S.C.T.C. § 04.03(3) Separate Violations

Each day that a person Trespasses constitutes a separate violation.

ARTICLE IV – ENFORCEMENT, REMEDIES, AND PENALTIES

9 S.C.T.C. § 04.04(1) Enforcement

- (a) The authority to remove offending persons from Tribal building premises shall be vested with the Tribal Police, tribal building management, security personnel, and other personnel authorized by the Tribe for such purpose. Removal personnel shall utilize only such minimum physical contact as is necessary to affect the removal. However, any person observed or reasonably suspected of squatting, unlawfully hunting, fishing, hiking, trapping, camping, cutting or collecting wood, peddling or doing any unauthorized official business on any land within the Reservation, or otherwise engaging in any activity or conduct prohibited by the provisions of this Ordinance may be forcibly removed and ejected from the Reservation by a law enforcement official.
- (b) The St. Croix Tribal Police and St. Croix Tribal Game Wardens shall be responsible for issuing citations to persons violating the provisions of this ordinance.
- (c) The Tribe shall have authority to file a complaint for trespass against any person in violation of this Ordinance.

9 S.C.T.C. § 04.04(2) Trespass Report

Proceedings under this Ordinance shall be governed by the Tribal Court Code and Code of Civil Procedure. Any person who has a possessory interest in land subject to the provisions of this Ordinance, any member of the public, or any employee of the Tribe may submit a report of trespass to the St. Croix Legal Department/Tribal Prosecutor and/or St. Croix Tribal Police. Although a written statement signed by the reporter is preferred, the report need not be in writing but may be by personal communication. All non-written reports will be documented in written form by the entity receiving the report. The reporter need only state the location of the alleged trespass, time of the trespass, the nature of the trespass, and the persons who have committed the trespass, if known.

9 S.C.T.C. § 04.04(3) Trespass Investigation

As soon as reasonably possible, but no later than ten (10) days from the date of the receipt of the report of trespass, the St. Croix Legal Department/Tribal Prosecutor will conduct an investigation of the alleged trespass. The St. Croix Legal Department/Tribal Prosecutor employee will assemble a written report regarding the status of the land, including maps, photographic or video documentation, witness statements, and interviews as necessary. The St. Croix legal Department/Tribal Prosecutor may delegate the investigation to the Citing Official. Each day a violation exists may be a separate act of civil trespass and subject to a separate fine.

- (a) If the investigator determines that the report is unsubstantiated, a written report will be prepared with a notation that the report is unsubstantiated. The report will be filed immediately with the Tribal Council.
- (b) If the investigator determines that a trespass is occurring or has occurred, the report will be filed immediately with the Tribal Council.

9 S.C.T.C. § 04.04(4) Trespass Notice

Notice shall be given to alleged trespassers as follows:

- (a) If the person(s) alleged to be responsible for violation(s) of this ordinance is present on the land, the Citing Official will verbally notify the trespasser that he or she is trespassing on the land and that he or she must vacate the land immediately or face a removal action in Tribal Court. The Citing Official will make a written record of verbal notification and post a notice of trespass on a conspicuous place on the property.
- (b) If the alleged trespasser is not present or is unknown, the Citing Official will post a notice of trespass on a conspicuous place on the property. The notice need not be in any particular form and need only state the date of the investigation, the name of the alleged trespasser, if known, and that he or she must vacate the land or property immediately or face a removal action in Tribal Court.

9 S.C.T.C. § 04.04(5) Trespass Citation

Within ten (10) days of the notice of trespass, the St. Croix Tribal Police or Citing Official will issue a citation that must include the following:

- (a) The name of the alleged trespasser, if known; if unknown, the citation may designate “all unauthorized occupants;”
- (b) The date and time of the investigation;
- (c) An identifier of the land upon which the trespass occurred and the name of the legal owner/occupier of the land;

- (d) A description of the act(s) of trespass;
- (e) The fine for the offense; and
- (f) That a court appearance is mandatory and the date and time of the hearing, which will be no later than ten (10) days after the date of the citation.

9 S.C.T.C. § 04.04(6) Service of Citation

Tribal Police shall immediately serve the citation in any of the following ways:

- (a) By personal delivery to the person(s) responsible for the violation;
- (b) By mailing the citation via certified mail to the responsible person(s) at his or her last known address; and/or
- (c) By posting the citation in one or more conspicuous place(s) on the property upon which the trespass occurred.

9 S.C.T.C. § 04.04(7) Writ of Restitution

At the time the Tribal Court issues a written order for restitution of the premises, the Tribal Court shall order that a writ of restitution be issued. The writ shall be delivered to the Tribal Police or sheriff for execution. If judgment is against a non-Tribal member on the Tribe's property that is not trust land, the writ shall be issued to the county sheriff in accordance with Wis. Stat. 799.45. No writ shall be executed by the sheriff more than 30 days after its issuance.

9 S.C.T.C. § 04.04(8) Stay of Writ of Restitution

At the time of the decision order, upon application of the defendant with notice to the plaintiff, the Tribal Court may, in cases where it determines hardship to exist, stay the issuance of the writ by a period not to exceed thirty (30) days from the date of the decision order.

- (a) Any such stay shall be conditioned upon the defendant paying all rent, including fees normally associated with the rental unit, such as the charges associated with utility usage, or other charges due including court, moving, and storage costs upon such terms and at such times as the Tribal Court directs.
- (b) The Tribal Court may further require the defendant, as a condition of such stay, to give a bond in such amount and with such sureties as the Tribal Court directs, conditioned upon the defendant's faithful performance of the conditions of the stay. Upon the failure of the defendant to perform any of the conditions of the stay, the plaintiff may file an affidavit executed by the plaintiff or his or her attorney, stating the facts of such default, and a writ of restitution may be ordered.

9 S.C.T.C. § 04.04(9) Writ of Restitution Form and Content

The writ of restitution shall be in the name of the Tribal Court, sealed with its seal, signed by the presiding judge, directed to the Tribal Police. The writ shall be in substantially the following form:

VENUE AND CAPTION

THE ST. CROIX CHIPPEWA TRIBAL COURT

To the St. Croix Tribal Police:

The plaintiff, _____, of _____, recovered a judgment against the defendant, _____, of _____, in a trespass and/or eviction action in the St. Croix Chippewa Tribal Court on the _____ day of _____, 20____, to have restitution of the following described premises:

_____ (description as in complaint), located at the following address, in _____ County, Wisconsin.

YOU ARE HEREBY COMMANDED to immediately remove the defendant, _____, along with all other occupants, from the said premises and to restore the plaintiff, _____, to the possession thereof. You are further commanded to remove from said premises all personal property not the property of the plaintiff, and to store and dispose of the same according to law, and to make due return of this writ within 10 calendar days.

IT IS SO ORDERED.

Dated this _____ day of _____, _____.

Tribal Court Judge

9 S.C.T.C. § 04.04(10) Execution of Writ of Restitution

The following applies to execution of Writ of Restitution:

- (a) When Executed. Upon delivery of a writ of restitution to Tribal Police, and after payment to the Tribal Police of the required fee (if there is one), then the Tribal Police shall execute the writ of restitution. The Tribal Court may require that prior to the execution of any writ of restitution the plaintiff deposit a reasonable sum representing the probable cost of removing and storing the defendant's personal property chargeable to the plaintiff unless the defendant agrees to move herself out.

(b) How Executed by Tribal Police. In executing the writ of restitution, the Tribal Police shall:

- i. Remove from the premises the defendant/named person in the writ, and all other persons found upon the premises, using such reasonable force as is necessary.
- ii. Remove from the premises described in the writ all personal property owned by defendant, using such reasonable force as may be necessary.
- iii. Exercise ordinary care in the removal of all persons and property from the premises and in the handling and storage of all property removed there from.

(c) Manner of Removal and Disposition of Removed Personal Property.

- i. In accomplishing the removal of personal property from the premises described in the writ, the sheriff is authorized to engage the services of a mover or trucker.
- ii. Except as provided in paragraph (3), below, the personal property removed from such premises shall be taken to some place of safekeeping as determined by the Tribal Police.
- iii. Within three (3) days of the removal of the personal property, the Tribal Police shall mail a notice under paragraph d, below, to the defendant as the place where their personal property is stored and shall deliver to the defendant any receipt or other document required to obtain possession of the personal property. Warehouse or other similar receipts issued with respect to personal property stored by the Tribal Police under this Section shall be taken in the name of the defendant. All expenses incurred for storage and other like charges after delivery by the Tribal Police to a place of safekeeping shall be the responsibility of the defendant, and any person accepting the personal property from the Tribal Police for storage under this paragraph shall have all of the rights and remedies accorded by law against the defendant personally and against the personal property stored for the collection of such charges (including the lien of a warehouseman ordinarily prescribed under Wis. Stat. § 407.209). Risk of damages to or loss of such personal property shall be borne by the defendant after delivery by the Tribal Police to the place of safekeeping.
- iv. When, in the exercise of ordinary care, the Tribal Police determines that property removed from premises described in the writ is without monetary value, he or she may deliver or cause the same to be delivered to some appropriate place established for the collection, storage and disposal of refuse. In such case he shall notify the defendant as specified in this Section of the place to which the personal property has been delivered within three (3) days of the removal of the personal property.
- v. All of the rights and duties of the Tribal Police under this Section may be exercised by or delegated to any of the deputies of the Tribal Police.

(d) Manner of Giving Notice to Defendant. All notices required by paragraph c, above, given to the defendant by the Tribal Police shall be in writing and shall be personally served upon the defendant or mailed to the defendant at the last known address, even if such address be the premises which are the subject of the eviction action.

- (e) Return of Writ; Taxation of Additional Costs. Within ten (10) days of the receipt of the writ, the Tribal Police shall execute the writ and perform all of the duties required by this Section and return the same to the court with the Tribal Police's statement of the expenses and charges incurred in the execution of the writ and paid by plaintiff.

9 S.C.T.C. § 04.04(11) Remedies for Civil Trespass

Any person who violates any provision of this Ordinance may be subject to any remedy listed herein, or determined just and equitable by the Tribal Court.

(a) Compensatory Damages.

- i. Fair rental value of the property during the period of unauthorized use.
- ii. Restitution for profits gained by the trespasser from unlawful use.
- iii. Costs of restoration of the property to its prior condition.
- iv. Loss of use damages, including consequential damages if the trespass deprived the Tribe of beneficial use.
- v. Diminution of property value.
- vi. In subsurface/subterranean trespass, the full value removed.

(b) Incidental and Consequential Damages.

- i. Compensation for the inability of the Tribe to use or profit from the property during trespass.
- ii. Costs that naturally flow from the trespass, such as lost business opportunities, increased costs, or disruption of tribal cultural and/or environmental resources.

(c) Punitive Damages.

- i. Available if trespass is willful, malicious, or in reckless disregard of Tribal property interests or rights.

(d) Injunctive Relief.

- i. Temporary Injunction.
- ii. Permanent Injunction.

(e) Ejectment/ Removal.

- i. The Tribal Court may order removal of trespassing structures, equipment, or persons.
- ii. The Tribal Court may order restoration if ejectment or removal causes damage to Tribal property or Tribal Land.

(f) Accounting/ Disgorgement of Profits.

- i. The Tribal Court may order the trespasser to pay over profits earned from the unlawful trespass.

(g) Declaratory Relief.

- i. The Tribal Court may enter a judicial declaration of ownership or rights to prevent future disputes.

(h) Writ of Restitution.

- i. At the time the Tribal Court issues a written order for restitution of the premises, the Tribal Court shall order that a writ of restitution be issued. A writ of restitution is an order restoring an owner/lessor to possession of the land or property and/or evicting a tenant or other occupant.

9 S.C.T.C. § 04.04(12) Civil Forfeiture

In addition to the remedies listed above, trespass in accordance with this Ordinance may result in the issuance of a monetary forfeiture up to \$5,000.00 for every separate act of trespass as defined by this Ordinance, and service of citation shall be served. Any Personal Property used, or which could reasonably have been used to commit an act of civil trespass and any object, including but not limited to, personal property, furniture, vehicles, or tools found on the property, wild game and non-game animals, any vegetation or crop, green or dry wood or timber, or any rock or mineral may be subject to forfeiture. All forfeiture actions will be considered in rem, against the property only, and not against the person.

9 S.C.T.C. § 04.04(13) Forfeiture Procedures

Upon a finding that civil trespass has occurred, the Tribal Court may order forfeiture as set forth in this section:

- (a) The Tribe may request forfeiture, and the Tribal Court may issue a writ of attachment or other appropriate writ in aid of, or necessary to, the action.
- (b) Property subject to forfeiture and not otherwise released to an owner or claimant will be held for a period of 60 days following a finding of civil trespass, during which period notice by personal service, regular, certified, or registered mail, publication, or otherwise, will be given to all parties who, after reasonable inquiry, have been determined to have an interest in property and pending forfeiture.
- (c) During the 60-day period that the property is held, any party claiming an interest in the property may file with the Tribal Court a claim for the recovery of the property. The Tribal Court, after a hearing for which the Tribe and all known interested parties have been given notice, will order the property restored or transferred to the claimant if such claimant proves by a preponderance of the evidence that:

- i. The claimant is a lawful owner of, has a valid, recorded security interest in, or has an ownership interest by operation of law in the property, or the possession, use, or other act of the claimant is or was lawful; and
 - ii. The possession, use, or other act upon which forfeiture is sought was without the knowledge and consent of the claimant; and
 - iii. The property will not be used to commit future acts of civil trespass on the Reservation.
- (d) After 60 days if no claimant provides the proof required in subsection (iii) of this section, the Tribal Court will declare the property forfeited to the Tribe. If the property forfeited is money, currency, or other legal tender, the Tribal Court will order it released to the Tribe's Finance Department for deposit in the Tribe's general fund. Otherwise, the Tribal Court will order the property:
- i. Destroyed by the Tribal Police; or
 - ii. Sold at public auction with any expenses of keeping and selling such property, and the amount of all valid liens established by a claim filed with the Tribal Court by a lienholder or other secured party, paid out of the proceeds of the sale, with any balance credited to the Tribe's general fund; or
 - iii. Returned to the owner, lienholder, or other secured party upon payment of expenses if the property is worthless, encumbered with liens more than its value, or otherwise a burdensome asset; or
 - iv. Retained for the Tribe's official use with expenses for keeping and transferring such property to be paid by the Tribe.

9 S.C.T.C. § 04.04(14) Enforcement of Civil Penalties

- (a) Any civil penalty imposed will be judgment against the respondent subject to enforcement, satisfaction, or execution by the Tribal Court, and is an obligation of the respondent to the Tribe or Landowner. A civil penalty imposed will be deemed a lien upon any personal or other property of the respondent located within the exterior boundaries of the Reservation.
- (b) The Tribe may bring suit or file an action for enforcement of a foreign judgment based on the Tribal Court judgment in any other court where the respondent or any property belonging to the respondent may be located outside the exterior boundaries of the Reservation as provided by the law of such other jurisdiction.

9 S.C.T.C. § 04.04(15) Authorization to Remove

Upon entry of a removal order by the Tribal Court, the Tribal Police are authorized to take reasonable action necessary to remove the trespasser or trespassing object from the land. Any person observed or reasonably suspected of squatting, unlawfully hunting, fishing, hiking, trapping, camping, cutting or collecting wood, peddling or doing any unauthorized official business on any land within the Reservation, or otherwise engaging in any activity or conduct

prohibited by the provisions of this Ordinance may be forcibly removed and ejected from the Reservation by a law enforcement official.

9 S.C.T.C. § 04.04(16) Exclusion Authorized

The Tribe expressly retains authority to exclude from the Reservation any person who has been found by the Tribal Court to have committed an act of civil trespass. This provision applies to tribal members and descendants as well as non-Tribal members and non-Indians. All policies and procedures required for orders of exclusion, including appropriate notice, will apply.