

CODIFICATION ORDINANCE
KLAMATH TRIBAL CODE
Title 1 Chapter 2

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THE KLAMATH TRIBES

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2.01 Purpose and Authority. The purpose of this ordinance is to establish a system of codification for ordinances and other controlling documents of the Klamath Tribes. This codification system is designed to provide for a logically consistent ordering of ordinances and other governing documents, excluding the Klamath Tribes Constitution, of the Klamath Tribes. Included is a format and referencing system to ensure that there is one consistent, authoritative version of the Klamath Tribal Code. The authority for this ordinance is the Constitution of the Klamath Tribes.

2.02 Definitions. For the purposes of this ordinance, the following definitions shall apply:

(a) "Executive Committee" shall mean the Executive Committee of the Klamath Tribes.

(b) "Footer" shall mean standardized, formatted text that appears at the bottom of every page of a document.

(c) "Governing Documents" shall mean those documents, other than Tribal Ordinances, that have a binding legal effect on the Tribes, Tribal members, Committees or Departments of the Tribe, or Tribal Officials and Employees.

(d) "Header" shall mean standardized, formatted text that appears at the top of every page of a document.

(e) "Secretary" shall mean the Secretary of the Executive Committee of the Klamath Tribes.

(f) "Tribes" shall mean the Klamath Tribes.

2.03 Establishment of Tribal Codification System. There is hereby established a codification system for the organization of and reference to all Klamath Tribal Ordinances and other governing documents. This codification system and the persons responsible for its maintenance are set out in the sections below. All ordinances

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previously adopted by the Tribes shall, within a reasonable time from the adoption of this ordinance, be reformatted and renumbered to be consistent with the codification system set out herein, as well as, where practicable, other governing documents.

2.04 Organization of Klamath Tribal Code.

(a) Name of Code. The codification of ordinances and other governing documents pursuant to this Ordinance shall be referred to as the "Klamath Tribal Code."

(b) Organization by Subject Matter. The Klamath Tribal Code shall be organized in groups of ordinances and/or governing documents with similar subject matter. Each subject matter grouping shall be designated as a Title of the Klamath Tribal Code, and shall be identified by a whole number. For example, the second Title of the Klamath Tribal Code, covering Tribal Government, shall be designated Title 2. Each ordinance within such a Title shall be given a Chapter number. Chapter numbers shall run continuous throughout the code and not be repeated.

(c) Numbering of Ordinances and Governing Documents. Ordinances and other governing documents shall be identified by its Chapter number. For example, the first governing document in Title 2 of the Klamath Tribal Code (the Tribal Court Ordinance) shall be identified as Klamath Tribal Code Chapter 11.

(d) References and Citations. When referencing or citing a provision of the Klamath Tribal Code, such provision may be referenced or cited as follows: the letters "KTC" followed by the appropriate chapter and section number, and, where applicable, the letters and numbers of the referenced subsection in parentheses. For example, when citing to this section of this ordinance, the citation should read: KTC 2.04 (d). Whenever a reference is made to the Klamath Tribal Code, or to any portion of the Code, or to any ordinance or governing document of the Klamath Tribes, codified herein, the reference shall apply to all amendments, corrections and revisions now and hereafter made.

(e) Establishment of Subject Matter Titles, Chapters and Numbers.

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This ordinance hereby establishes the following subject matter Titles and Chapters, which shall include the ordinances and/or governing documents set out beneath it and identified by the following numbering system. Not all of the ordinances listed have been adopted by the Tribes. Those not adopted are listed as "reserved," meaning that the Chapter so assigned shall be reserved for the ordinance named, if such an ordinance is adopted by the Tribes.

Title 1: Tribal Government

Chapter

- 1 Election Ordinance
- 2 Codification Ordinance
- 3 Committee Ordinance
- 4 Enrollment Ordinance
- 5 (reserved)
- 6 (reserved)
- 7 (reserved)
- 8 (reserved)
- 9 (reserved)
- 10 (reserved)

Title 2: Tribal Court/Law and Order Code

Chapter

- 11 Tribal Court Ordinance (reserved)
- 12 Rules of Civil Procedure (reserved)
- 13 Rules of Criminal Procedure (reserved)
- 14 Rules of Evidence (reserved)
- 15 Juvenile Court Ordinance (reserved)
- 16 Supreme Court Ordinance (reserved)
- 17 (reserved)
- 18 (reserved)
- 19 (reserved)

Title 3: Natural Resources

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Chapter

- 20 Wildlife Management Plan
- 21 Wildlife Code
- 22 Klamath Indian Game Commission Bylaws
- 23 Annual Game Regulations
- 24 Firewood Gathering Ordinance
- 25 (reserved)
- 26 (reserved)
- 27 (reserved)
- 28 (reserved)

Title 4: Domestic Relations

Chapter

- 29 Child Welfare Ordinance
- 30 Family Law Ordinance (reserved)
- 31 Probate Ordinance (reserved)
- 32 (reserved)
- 33 (reserved)

Title 5: Finance and Revenue

Chapter

- 34 Budget Ordinance (reserved)
- 35 Taxation Ordinance (reserved)
- 36 Bond Ordinance (reserved)
- 37 (reserved)
- 38 (reserved)
- 39 (reserved)

Title 6: Employment

Chapter

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- 40 TERO Ordinance (reserved)
- 41 Employment Ordinance (reserved)
- 42 (reserved)
- 43 (reserved)
- 44 (reserved)

Title 7: Gaming

Chapter

- 45 Gaming Ordinance
- 46 Gaming Corporate Ordinance (reserved)
- 47 Gaming Regulatory Commission
- 48 Gaming Personnel Policies and Procedures
- 49 Gaming Regulations (reserved)
- 50 (reserved)
- 51 (reserved)
- 52 (reserved)

Title 8: Commercial and Economic Development

Chapter

- 53 Tribal Business Incorporation Ordinance
- 54 Economic Development Corporate Ordinance (reserved)
- 55 Indian Preference Ordinance (reserved)
- 56 (reserved)
- 57 (reserved)

Title 9: Health and Human Services

Chapter

- 58 Health charter (reserved)
- 59 (reserved)
- 60 (reserved)

Title 10: Tribal Culture and Heritage

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Chapter

- 61 (reserved)
- 62 (reserved)
- 63 (reserved)

Title 11: Housing, Zoning and Planning

Chapter

- 64 Housing Charter
- 65 Land Use Zoning Ordinance (reserved)
- 66 Land Use Planning Ordinance (reserved)
- 67 (reserved)
- 68 (reserved)
- 69 (reserved)

Title 12: Education

Chapter

- 70 (reserved)
- 71 (reserved)
- 72 (reserved)

(f) Authority to Expand Klamath Tribal Code. The Klamath Tribes's Executive Committee may establish such additional subject matter Titles and Chapters as the Tribes develops its governing laws, and may insert other ordinances and/or governing documents in the existing or additional subject matter Titles as needed. This ordinance shall not be construed as requiring the Tribes to enact any specific ordinance.

(g) Klamath Tribal Code Books. Copies of the Klamath Tribal Code shall be kept in volumes that organize the Code in the order set out above. The Klamath Tribes's Executive Committee may create as many copies of the Klamath Tribal Code Books and distribute them as it deems necessary. Updating of these Code Books as well as maintenance of the Master Volumes of the Klamath Tribal Code is

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described in Section 2.05 below.

2.05 Organization of Ordinances and Other Governing Documents

(a) Ordinance Numbering. Each ordinance or other governing document shall be assigned an identifying number within the system described above. As new ordinances or governing documents are added to Titles, they shall be assigned identifying chapter numbers that follow sequentially from the ordinances/governing documents already identified within that Title. For example, if Title 1 has three ordinances in it, designated KTC Chapter 1, KTC Chapter 2 and KTC Chapter 3, the next ordinance added to that Title shall be designated KTC Chapter 4, and so on. Once the reserved Chapter numbers in a Title have been used, each Title shall be assigned new Chapter numbers to include reserved Chapters.

(b) Section, Subsection, and Subpart Identification. Major sections in each ordinance shall be identified sequentially in alphabetical order by chapter number and section number such as 6.10. Subsections to these major sections shall be identified sequentially in alphabetical order with small letters, followed by arabic numerals in numerical order, capital letters in alphabetical order and sequentially by small Roman numerals. Each ordinance shall be formatted by indenting each successive subpart 2.5 spaces further from the left margin than the previous level. An example is as follows:

6.10 Major Section

(a) Subsection

- (1) Subpart
- (2) Subpart

(b) Subsection

- (1) Subpart
 - (A) Sub-subpart
 - (B) Sub-subpart
 - (i) Sub-Sub-Subpart

(c) Header Information. Every page of every ordinance or

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governing document shall have a header containing the following information: (1) the name of the ordinance/governing document centered at the top; (2) the words "Klamath Tribal Code" centered one space down; (3) the assigned Title and Chapter number for that ordinance/governing document centered one line down from "KTC"; followed by an underline that separates the header from the rest of the text.

(d) Footer Information: Every page of every ordinance or governing documents shall have a footer containing the following information: (1) The date the ordinance/governing document was adopted in the left margin; (2) the date of its most recent amendment, if applicable, in the right margin; (3) the page number centered on the following line. For example:

Date Adopted: 11/25/91

Most Recent Amendment: June 1, 1991.

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(e) Inconsistent Ordinances or Governing Documents. If there are two or more inconsistent copies of an ordinance or other governing document, the document with the more recent date of amendment shall supersede all other copies. All volumes of the Klamath Tribal Code (except for the Master Volumes) shall contain only the most recent version of the ordinances and governing documents that comprise the Klamath Tribal Code.

2.06 Recordkeeping; Executive Committee Secretary

(a) Executive Committee Secretary. The Executive Committee Secretary is hereby assigned primary responsibility for recordkeeping and updating the Klamath Tribal Code. The Secretary shall be responsible for obtaining an accurate and complete copy of any ordinance or other governing document adopted or amended by the Klamath Tribes, and for formatting that document in accordance with the requirements of this ordinance. The Secretary shall then cause copies of the new document to be sent to all persons who have copies of the Klamath Tribal Code, with instructions to insert the

Date Adopted: 11/25/91

Most Recent Amendment:

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document in a certain location in the Code book and, if appropriate, to discard previous versions of that document.

(b) Master Volumes of the Klamath Tribal Code. The Secretary shall maintain at least three Master Volumes of the Klamath Tribal Code: one copy designated for the Executive Committee, one for the Tribal Administration (General Manager) and one for the Tribal Court. The Master Volumes shall be maintained so as to keep a complete legislative record of each ordinance and governing document.

(1) Contents. The Master Volumes shall contain the following:

(A) the official version of each ordinance or governing document,

(B) a complete and orderly legislative history (when available) of each governing document in the Klamath Tribal Code which shall include,

(i) resolutions adopting, amending or repealing an ordinance or other governing document,

(ii) earlier adopted versions of an ordinance or governing document,

(iii) any correspondence or memorandum related to the adoption or amendment of an ordinance or governing document, and (iv) where available or practical, written transcripts of the proceedings in which adoption or amendment of that ordinance or governing document was considered and discussed.

(2) Organization. Ordinances and other governing documents in each Master Volume shall be arranged in the same numerical order as the other volumes of the Klamath Tribal Code.

(3) Validity. The absence of any or all of the above-required documents in the Master Volume for an ordinance or governing document shall have no effect on the validity and authority of the ordinance or governing document.

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(4) Certification. Each valid document of legislative history in the Master Volume shall be certified as such by the Secretary.

2.07 Legal Effect of Formatting

The use of the format and organization required by this ordinance shall, in and of itself, have no legal effect, and shall not be construed to influence in any way the force and effect of Klamath Tribal ordinances and governing documents.

2.08 Severability

If any section of this ordinance is found to be invalid by a court of competent jurisdiction, that section shall be severed from the ordinance, and the remainder of the ordinance shall remain in full force and effect.