SENeca NaTion
VEhicle ANd TRAFFIC LAW

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Article I - General Provisions.

Section 1. Purpose. To protect the interests of the Seneca People, this Law is enacted to regulate the operation of motor vehicles and all-terrain vehicles on the lands of the Seneca Nation.

Section 2. Findings. The Nation Council finds that:

(a) The Seneca Nation ("Nation") is a sovereign, federally-recognized Indian nation organized under a Constitution adopted in 1848 ("Constitution"), as amended;

(b) The Nation has from time immemorial occupied certain lands within the area today known as New York, including its current territories at Cattaraugus, Allegany, Niagara Falls, Buffalo Creek and Oil Spring ("Territory"); and

(c) By the Treaty of November 11, 1794 at Canandaigua, the United States solemnly acknowledged the Nation’s ownership of its Territory and promised it would “never claim the same, nor disturb the Seneca nation, nor any of the Six Nations, or of their Indian friends residing thereon and united with them, in the free use and enjoyment thereof;”

(d) The Nation’s sovereignty extends to the entire Territory, including portions to which rights of way have been claimed;

(e) The Nation has not consented, does not consent, and will never consent to the presence of non-members in the Territory except by the Nation’s consent and subject to such terms and conditions as the Nation may impose;

(f) Negligent, reckless and impaired motorists traveling Nation Roads through the Territory severely harm the health, safety and welfare of the Nation and its members;

(g) New York and/or County law enforcement agencies have proven incapable of protecting the Nation from reckless and impaired motorists;

(h) The enactment of this law, pursuant to the Nation’s exercise of its sovereign authority, is necessary for the protection of the Nation’s Territory and members.

Section 3. Definitions.

For purposes of this Law –

(a) “ATV” shall mean (i) any type of self-propelled vehicle that (ii) is manufactured primarily for off-road use, and (iii) does not exceed sixty (60) inches in width or one thousand (1000) pounds of dry weight.

(b) “Clerk” shall mean the Clerk of the Nation.

(c) “Court” shall mean the Peacemakers Courts of the Nation..
(d) “Defendant” shall mean a person charged for violation of this Law.

(e) “Nation Road” shall mean any road located on Nation Lands.

(f) “Law Enforcement Officer” shall mean the Nation Marshals and the Nation Conservation Officers of the Nation.

(g) “Member” shall mean an enrolled member of the Seneca Nation.

(h) “Motor Vehicle” shall mean any vehicle operated or driven upon a public Nation Road which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (b) electric personal assistive mobility devices, (c) vehicles which run only upon rails or tracks, (c) snowmobiles, and (d) ATVs. For the purposes of this chapter, the term motor vehicle shall exclude fire and Law Enforcement vehicles other than ambulances. For the purposes of the registration and licensing provisions of this chapter, the term motor vehicles shall exclude farm type tractors, riding mowers, and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

(i) “Nation” shall mean the Seneca Nation.

(j) “Nation Lands” shall mean any territory which may now or in the future be owned by the Nation, i.e., the Allegany, Cattaraugus, Oil Spring, Buffalo Creek, and Niagara Falls Territories and any additions to such lands that may be made from time to time. Private and Public Lands together shall constitute Nation Lands.

(k) “Non-Indian” shall mean an individual who is not a Member or a Non-member.

(l) “Non-member” shall mean an individual who is not a Member but is (1) a member of an Indian nation or tribe or (2) is a child of a Member.

(m) “Person” shall mean a Member, a Non-member or a Non-Indian.

(n) “Private Lands” shall mean Nation Lands which are (1) allotted to Members pursuant to Nation law or (2) leased to Non-Indians or Non-members pursuant to Nation law.

(o) “Public Lands” or “Common Lands” shall mean Nation Lands which are not allotted to Members pursuant to Nation law or leased to Non-Indians or Non-members pursuant to Nation law.

Section 4. Enforcement. Only Law Enforcement Officers, as designated by the Nation Council are authorized to enforce the provisions of this Law.
Section 5. Consent to Jurisdiction. Entry into the Territory by Non-Indians or Non-members is conditioned on their consent to comply with this law. Use of the Nation’s roads shall be deemed consent.  

Section 6. Severability. If any provision of this Law or its application to any Person or circumstances is held invalid, the remainder of the provisions of this Law or the application of the provision to other Persons or circumstances, shall not be affected.

Section 7. Repeal -- Effective Date--Amendments. This Law shall take effect upon adoption of the Seneca Nation Marshal Department Policy and Procedure Manual. Upon the effective dates of this Law, any and all prior law of the Nation of similar subject matter shall be repealed, provided that offenses occurring prior to the effective date of this Law shall be adjudicated in accordance with the law in effect at the time of the offense. Amendments to the Seneca Nation Marshal Department Policy and Procedure Manual shall be made by General Order issued by the Chief Marshals and approved by the Nation President. Amendments to this Law shall be effective upon adoption by the Nation Council.

Article II -- Load Limits

Section 1. Load limits. All Nation Roads except Route 5, Route 20, Route 17 and I-90 within Nation Lands shall have a load limit of eighteen (18) tons unless otherwise posted;

Section 2. Permits. All vehicles registered to carry more than eighteen (18) tons shall be required to have a permit regardless of the actual weight at the time of transport across Nation Lands. Such permit may be obtained from the Nation Clerk’s Office and shall include the following information:

- (a) Name and address of the permit holder;
- (b) Year, make, model of the vehicle(s);
- (c) Type of load;
- (d) Proof of insurance;

Section 3. Exceptions. The following vehicles shall be exempt from the posted load restriction:

- (a) Any emergency vehicle;
- (b) All busses, whether school or coach;
- (c) Vehicles owned, registered and operated by an enrolled member or by a business owned by an enrolled member;

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2 Article II is based on Resolution 11-14-09-33.
(d) Vehicles in the process of making deliveries to Nation members, their businesses, or the Nation itself;

(e) Vehicles owned and operated by a local non-Nation government which are in the process of conducting maintenance, repair, or snow removal operations on Nation Roads.

Article III – Motor Vehicle Offenses

The following acts engaged in by an operator of a motorized vehicle shall constitute a violation of this Law:

Section 1. Failure to obey posted load limits. It shall be a violation of this Law for any person to operate a motor vehicle in any manner not compliant with Article II of this Law. Where there is reasonable cause to believe that any person is in violation of posted load limits, a Law Enforcement Officer may issue citations to that person. Violation of this Section shall be punishable by a fine not to exceed five thousand dollars ($5,000) for each violation. In addition, where the Court determines that a person has violated the load posting provisions of this Law two or more times in any given calendar year, the Nation’s licensing division may suspend any and all permits of that person for a period not to exceed ninety (90) days.

Section 2. Failure to obey a traffic control device. It shall be a violation of this Law for an operator of a motor vehicle to fail to operate a vehicle in accordance with a traffic control device, a posted traffic control sign, within designated and discernable highway markings, or any other traffic control mechanism. Violation of this Section shall be punishable by a fine of not less than twenty-five dollars ($25) and not more than two hundred and fifty dollars ($250).

Section 3. Failure to use or wear seatbelt or approved child restraint device. It shall be a violation of this Law for an operator of a motor vehicle that, upon its initial sale after manufacture was sold equipped with a seatbelt or other restraint device, to operate the vehicle without himself or herself and all passengers in the vehicle being secured by appropriate seatbelts, or shoulder harnesses. It shall be a violation of this Law for any person to operate a motor vehicle without approved child safety seat for children under four (4) years of age and appropriate child restraint system until their 8th birthday. Violation of this Section shall be punishable by a fine of not less than twenty-five dollars ($25) and not more than two hundred and fifty dollars ($250).

Section 4. Failure to properly equip a motor vehicle. It shall be a violation of this Law for an operator of a motor vehicle to operate a vehicle that is not properly equipped, so that the operation of the improperly equipped vehicle poses any risk to the health, safety, and welfare of the Nation’s members, or to members of the general public operating vehicles within Nation Lands. Violation of this Section shall be punishable by a fine of not less than twenty-five dollars ($25) and not more than one hundred dollars ($100).

Section 5. Driving without a License. No person shall operate a Motor Vehicle without a valid license to do so from a sovereign (missing word) recognized by the Nation; a violation of this Section shall be punishable by a fine of not less than seventy-five dollars ($75) and not more than three hundred dollars ($300) except that the Court may reduce the fine if the offense was failure to renew a license that was valid within the previous sixty (60) days.
**Section 6. Driving Uninsured.** No person subject to the law of New York or another state shall operate a Motor Vehicle without the insurance required by the law of such jurisdiction. A violation of this Section shall be punishable by a fine of not less than one hundred fifty dollars ($150) or more than one thousand five hundred dollars ($1,500).

**Section 7. Negligent Operation of Motor Vehicle.** No person shall operate a Motor Vehicle in a negligent manner. A violation of this Section shall be punishable by a fine of not less than fifty dollars ($50) and not more than one hundred fifty dollars ($150), provided that a second offense within eighteen (18) months of the first offense may be punishable by a fine up to three hundred dollars ($300) and a third offense within eighteen (18) months of the first two offenses may be punishable by a fine of not more than four hundred fifty dollars ($450).

**Section 8. Reckless Driving.** No operator of a motor vehicle shall engage in Reckless Driving. Reckless driving means driving or using any motor vehicle or ATV in a manner which unreasonably interferes with the free and proper use of the public Nation Roads or unreasonably endangers users of the public Nation Road and under such circumstances as to show a reckless disregard of the consequences. Reckless is defined as consciously disregarding a substantial and unjustifiable risk of a particular result to such a degree as it reflects a disregard of that risk and a gross deviation from a reasonable person’s standard of conduct, and not merely negligent or careless. A violation of this section shall be punishable by a fine of not less than three hundred dollars ($300) nor more than five hundred dollars ($500).

**Section 9. Aggravated Reckless Driving.** No operator of a motor vehicle shall engage in Aggravated Reckless Driving. Aggravated Reckless Driving involves Reckless driving, with aggravating circumstances such as driving while ability impaired by drugs and/or alcohol. A violation of this section shall be punishable by a fine of not less than one thousand dollars ($1,000) nor more than two thousand five hundred dollars ($2,500).

**Section 10. Driving while ability impaired.**

(a) No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the consumption of alcohol. A violation of this subsection shall be punishable by a fine of not less than three hundred dollars ($300) nor more than five hundred dollars ($500).

(b) Driving while intoxicated; per se. No person shall operate a motor vehicle while such person has .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva. A violation of this subsection shall be punishable by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(c) Aggravated driving while intoxicated; per se. No person shall operate a motor vehicle while such person has .18 of one per centum or more by weight of alcohol in such person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva. A violation of this subsection shall be punishable by a fine of not less than one thousand dollars ($1,000) nor more than two thousand five hundred dollars ($2,500).
(d) Driving while intoxicated. No person shall operate a motor vehicle while in an intoxicated condition. A violation of this subsection shall be punishable by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(e) Driving while ability impaired by drugs. No person shall operate a motor vehicle while the person's ability to operate such a motor vehicle is impaired by the use of a drug. A violation of this subsection shall be punishable by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

(f) Driving while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs. No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the combined influence of drugs or of alcohol and any drug or drugs. A violation of this subsection shall be punishable by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000).

Section 11. Leaving the scene of an accident.

(a) Property. Any person operating a motor vehicle who, knowing or having cause to know that damage has been caused to the real property or to the personal property, not including animals, of another, due to an incident involving the motor vehicle operated by such person shall, before leaving the place where the damage occurred, stop, exhibit his or her license and insurance identification card for such vehicle and give his or her name, residence, including street and number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy, and license number to the party sustaining the damage, or in case the person sustaining the damage is not present at the place where the damage occurred then he or she shall report the same as soon as physically able to a Law Enforcement Officer, the Court or the Clerk.

(b) Personal injury. Any person operating a motor vehicle who, knowing or having cause to know that personal injury has been caused to another person, due to an incident involving the motor vehicle operated by such person shall, before leaving the place where the said personal injury occurred, stop, exhibit his or her license and insurance identification card for such vehicle and give his or her name, residence, including street and street number, insurance carrier and insurance identification information including but not limited to the number and effective dates of said individual's insurance policy and license number, to the injured party, if practical, and also to a Law Enforcement Officer, or in the event that no Law Enforcement Officer is in the vicinity of the place of said injury, then, he or she shall report said incident as soon as physically able to a Law Enforcement Officer, the Court or the Clerk.

(c) A violation of the provisions of this Section resulting solely from the failure of an operator to exhibit his or her license and insurance identification card for the vehicle or exchange the information required in such paragraph shall be punishable by a fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) in addition to any other penalties provided by law. Any violation of the provisions of this Section, other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information required in such paragraph, shall be punishable by a fine of
not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000) in addition to any other penalties provided by law.

(d) Any violation of the provisions of this Section other than for the mere failure of an operator to exhibit his or her license and insurance identification card for such vehicle or exchange the information where the personal injury involved (i) results in serious physical injury shall be punishable by a fine of not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000) in addition to any other penalties provided by law, or (ii) results in death shall be punishable by a fine of not less than two thousand dollars ($2,000) nor more than five thousand dollars ($5,000) in addition to any other penalties provided by law.

Section 12. Interfering With Law Enforcement. No person shall operate a Motor Vehicle to in any way impede the enforcement of this Law or in a manner that otherwise violates any provision of this Law. A violation of this Section shall be punishable by a fine of not less than fifty dollars ($50) and not more than one hundred fifty dollars ($150), provided that a second offense within eighteen (18) months of the first offense may be punishable by fine up to three hundred dollars ($300) and a third offense within eighteen (18) months of the first two offenses may be punishable by a fine of not more than four hundred fifty dollars ($450).

Section 13. Driving After Revocation. No person shall operate a Motor Vehicle after they have been issued a notice of revocation of the right to operate a motor vehicle on Nation Lands. A violation of this Section shall be punishable by a fine of not less than fifty dollars ($50) and not more than one hundred fifty dollars ($150), provided that a second offense within eighteen (18) months of the first offense may be punishable by fine up to three hundred dollars ($300) and a third offense within eighteen (18) months of the first two offenses may be punishable by a fine of not more than four hundred fifty dollars ($450) and may result, for non-Members or non-Indians, in a charge pursuant to the Seneca Nation Trespass Law.

Section 14. Authority to Detain. In the event that a motorist violates Sections 8, 9, 10 or 11 of this Article III or engages in conduct that would otherwise constitute a crime under New York law, Law Enforcement Officers are authorized to detain the operator of the vehicle and seize the vehicle until a member of a police agency capable of exerting criminal jurisdiction over the operator of the motor vehicle arrives to take custody of the individual.

Section 15. Exempt Vehicles. The use of riding mowers, tractors, or other like vehicles as a motor vehicle on Nation Roads in compliance with this Law shall be permitted, notwithstanding the contrary rule of any other jurisdiction.

Section 16. Negligence in use or operation of vehicle attributable to owner. Every owner of a motor vehicle used or operated on Nation Territory shall be liable and responsible for death or injuries to person or property resulting from negligence in the use or operation of such vehicle, in the business of such owner or otherwise, by any person using or operating the same with the permission, express or implied, of such owner. Whenever any vehicles as hereinafter defined shall be used in combination with one another, by attachment or tow, the person using or operating any one vehicle shall, for the purposes of this Section, be deemed to be using or operating each vehicle in the combination, and the owners thereof shall be jointly and severally liable hereunder.
Article IV– Enforcement Procedures for Motor Vehicle Violations

Section 1. Procedure after traffic stop. Upon stopping an operator of a motor vehicle for violating this Law, a Law Enforcement Officer shall

(a) advise the motorist of the reason for the stop;

(b) issue a civil complaint that describes the provision(s) of this Law violated, the date of the offense, the location of the offense, and an exact time and date in which the person may appear in Court.

Section 2. Impoundment of Motor Vehicles.

(a) A Law Enforcement Officer is authorized to impound the Motor Vehicle of any person if (i) the motorist has been charged with a violation of Sections 8, 9, 10, 11 or 12 of Article III or (ii) the Law Enforcement Officer reasonably believes that the motorist operating such Motor Vehicle will not appear in Court. The Nation shall store impounded Motor Vehicles subject to further order of the Court.

(b) Notice of the impoundment and a date for the Court to determine the disposition of the Motor Vehicle shall be served upon the Defendant simultaneously with the civil complaint.

(c) The Defendant or owner of an impounded Motor Vehicle may redeem the Motor Vehicle at any time by paying the maximum possible fine that could be incurred for said violation pursuant to Nation Fiscal Policy, which the Nation shall hold pending final judgment.

(d) Upon final judgment

(1) the Nation shall retain all or such part of the monies that may be necessary to satisfy the judgment as entered, and thereafter remitting any excess to the defendant.

(2) The Court shall order that an impounded Motor Vehicle be returned to the Defendant once the judgment entered is satisfied.

Section 3. Hearing

(a) Sole Jurisdiction. The Nation’s Courts shall be the sole arbiters of all civil complaints filed under this Law.

(b) Order of Evidence. The complainant (who may be the Marshal who issued the charge, or an attorney designated by the Nation), after being administered an oath by the Court, shall describe to the Court the violation of this Law engaged in by the Defendant. The Defendant shall then be given the opportunity to rebut the conduct alleged to have been engaged in as described in the civil complaint and the presentation made by the complainant.
Burden of proof. The Defendant has the burden of rebutting, by a preponderance of evidence, the allegations made in the civil complaint and the presentation of the complainant.

(d) Evidentiary issues. The Court is free to accept or deny the presentation of any material or testimony to be presented to the Court.

**Section 4. Decision.** After reviewing all of the evidence, the Court shall render its decision to the complainant and the Defendant either orally or in writing. The Court may

(a) find the Defendant guilty and assess a monetary judgment, as provided for in this Law,

(b) find the Defendant not guilty.

(c) dismiss the complaint on stated jurisdictional or procedural grounds, subject to appeal by the complainant;

(e) in appropriate circumstances, order counseling, rehabilitation, treatment or community service; if such alternative disposition is ordered, then any fine imposed shall be suspended; upon receipt of satisfactory written evidence of successful completion of any alternative sentence, the Court shall order that the judgment be satisfied.

**Section 5. Judgment.** The Court shall issue a written judgment consistent with its decision and provide a copy of the judgment to the complainant and the Defendant. If the judgment is against the Defendant and requires the payment of money, the Court shall advise the Defendant of the means by which the judgment may be satisfied.

**Section 6. Satisfaction of judgment.** An operator upon whom a determination of judgment has been issued, which requires the payment of a monetary amount, shall cause to be paid the amount of judgment pursuant to Nation Fiscal Policy. Upon the receipt of proof of payment, the Court shall cause to be delivered to the operator a receipt that acknowledges the amount received and indicating any balance is due and owing. Upon the full payment of judgment, the Court shall cause to be attached to the receipt a Satisfaction of Judgment Statement.

**Section 7. No Contest Plea.** A Defendant may plead no contest, waive a court hearing and consent to the Court to set the amount of judgment to be paid by the Defendant and may do so in writing.

**Section 8. Failure to satisfy judgment.** Should an operator of a motor vehicle fail to satisfy a judgment lawfully issued by the Court, the Court may, by written notice, notify the Defendant that the Defendant is not permitted to operate a motor vehicle within Nation Lands, and that the Nation is pursuing their claim against the operator by all lawful means available.

**Section 9. Appeal.** A Defendant shall have the right to appeal an adverse decision pursuant to the Nation’s Rules of Appellate Civil Procedure.
Article V - All Terrain Vehicles

Section 1. Operation of ATV. No Person shall operate an ATV on Nation Lands unless in accordance with the provisions of this Law.

Section 2. Location of Operation. No Person shall operate an ATV:

(a) On Public Lands unless such lands are designated and posted for ATV use; or

(b) On Private Lands unless permission is obtained from the landowner.

Section 3. Conditions of Operation.

(a) No Person shall operate an ATV:

(1) In a careless, reckless, negligent, destructive or damaging manner;

(2) In an impaired condition;

(3) Unless wearing an approved safety helmet;

(4) After dark unless such ATV is equipped with a sufficient headlight and taillight;

(5) On Nation Roads in excess of thirty-five miles per hour (35 m.p.h.).

(b) No Person fifteen (15) years of age or younger (a “minor”) shall operate an ATV on Nation Lands, except that such Person may operate an ATV:

(1) On Private Lands owned by his or her parent or guardian; or

(2) On Public or Private Lands when under the supervision of a Person eighteen (18) years or older or a Person sixteen (16) years or older who holds an ATV safety course certificate.

(3) Parents (or legal guardians) are responsible for persons fifteen years of age or younger, and may be issued a civil complaint for failure to monitor the utilization of an ATV by a minor.

(c) No person may operate an ATV with a blood alcohol concentration of 0.08% or more.

Section 4. Violations -- Remedies.

(a) Law Enforcement officers may, but are not required to, issue a written warning to any Person found to be a first-time violator of this Law. Such written warning shall be issued to
the Person and filed with the records of the Court, which may be admitted into evidence in any subsequent action involving the same Person.

(b) Law Enforcement officers may issue a civil complaint that describes the provision(s) of this Law violated, the date of the offense, the location of the offense, and an exact time and date in which the person may appear in Court.

(c) Any Person found by the Court to have violated the provisions of this Law shall be sentenced as follows:

(1) First offense -- fine of fifty dollars ($50) or community service commensurate with the severity of the offense, or both;

(2) Second offense -- fine of two hundred fifty dollars ($250) or community service commensurate with the severity of the offense, or both;

(3) Third offense -- fine of five hundred dollars ($500) or community service commensurate with the severity of the offense, or both;

(4) Fourth offense -- permanent confiscation of ATV.

(d) Any Person found to have violated the provisions of this Law shall pay, in addition to any fines otherwise due, Court costs and restitution for damage to property.

(e) Law Enforcement Officers are hereby authorized to impound the ATV of any Person if reasonable belief exists that said Person will not appear in Court. The procedures described in Article IV, Section 2 of this law shall apply to such impoundment.