

CHAPTER 2

PENALTIES AND DISPOSITION

201 PENALTIES FOR VIOLATIONS OF THIS CODE

Every person found in violation of any of the provisions of this Code for which a penalty is not provided shall be assessed a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00).

202 DISPOSITIONS

A person may personally appear in Court to enter contest or no contest to the violation(s) on the date stated on the appearance ticket. A person may also enter a contest or no contest by mailing to the court the ticket and a signed statement indicating contest or no contest. Such must be sent: (a) by certified mail, return receipt requested or by first class mail; and (b) within forty-eight hours after receiving the appearance ticket. Upon receipt of a contest, the court shall advise the violator of the trial date by first class mail. All trials shall be to the court in accordance with the Oneida Indian Nation Rules of Civil Procedure.

If the person enters no contest, the Court shall assess the fine within the amount authorized by law and notify the person of the amount of the fine. The fine shall be paid within five (5) days of receipt of the notice.

203 DEFAULT JUDGMENT

In the event a person charged with a violation does not appear in person or by mail, the court may, in addition to any other action authorized by law, enter a plea of no contest on behalf of the defendant and render a default judgment of a fine determined by the court within the amount authorized by law. Any judgment entered pursuant to default shall be civil in nature. However, at least thirty days after the expiration of the original date prescribed for entering a plea and before a plea of no contest and a default judgment may be rendered, the clerk of the court, shall notify the defendant by certified mail: (a) of the violation charged; (b) of the impending plea of no contest and default judgment; (c) that a default or plea of guilty may be avoided by entering a contest or making an appearance within thirty days of the sending of such notice. Pleas entered within that period shall be in a manner prescribed in the notice.

204 APPEALS

Appeals shall be to the Appellate Court of the Oneida Indian Nation in accordance with the Rules of Appellate Procedure.