

Chapter 9.18 ILLEGAL DUMPING

Sections:

- 9.18.010 Purpose.**
- 9.18.020 Definitions.**
- 9.18.030 Effect of Chapter.**
- 9.18.040 Application.**
- 9.18.050 Enforcement.**
- 9.18.060 Citations.**
- 9.18.070 Penalties.**

9.18.010 Purpose.

The purpose of this chapter is to prohibit the open disposal, dumping, depositing, or burying (other than small, residential compost piles of nonhazardous, organic materials produced on the premises and being tended for use as fertilizer) of any waste materials whatsoever on any lands or in any waters of the Squaxin Island Tribe, to stop the resultant pollution of the soils, streams, ground water, and the Salish Sea, and to protect the natural environment and fishery resources.

9.18.020 Definitions.

As used in this ordinance, the following words or phrases shall have the following definitions:

“Dumping” means the open disposal, depositing, burying, or nonpermitted burning of any waste materials, other than at-home organic compost piles.

“Indian country,” consistent with the meaning given in 18 U.S.C. 1151, means:

- A. All land within the limits of the Squaxin Island Indian Reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights of way running through the reservation; and
- B. All Indian allotments or other lands held in trust for a Squaxin Island Tribal member or the Tribe, the Indian titles to which have not been extinguished, including rights of way running through the same.

“Illegal Dumping” means dumping in any manner not specifically approved by the Squaxin Island Tribal Council or other authority with jurisdiction.

“Privately owned property” includes property owned in fee, property leased from the Tribe, and individual allotments. The fee owner, lessee, or allottee, respectively, shall be considered the owner of such property.

“Tribal Council” or “Council” means the duly elected seven-member governing body of the Squaxin Island Tribe.

“Tribal Court” or “Court” means the Squaxin Island Tribal Court.

“Waste materials” means all putrescible and non-putrescible solid and semi solid wastes including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned or nonfunctional vehicles or parts thereof, glass, metals, plastics, papers, asbestos, cardboard, batteries, chemicals, tires, used vehicles or appliances, and furniture.

9.18.030 Effect of chapter.

Illegal dumping is a misdemeanor crime punishable as provided under this Chapter.

9.18.040 Application.

All persons over the age of 18 years shall be treated as adults in the prosecution of a violation of this chapter. The parents or guardians of minors under the age of 18 years shall be held accountable for any illegal dumping committed by any minors for whom they are legally responsible. Owners of privately-owned property who allow others to engage in illegal dumping on such property may be charged with illegal dumping as if they had done so directly.

9.18.050 Enforcement.

- A. Prosecution. Any person(s) who violate this chapter (or their legal guardians, in the case of a minor) are subject to prosecution before the Tribal Court.
- B. Citations. Law enforcement officers may issue citations to any person(s) suspected of having violated this chapter. The retrieval of two pieces of addressed mail or other name-labeled property from illegally dumped trash shall constitute sufficient prima facie evidence for the issuance of a citation. The retrieval of one piece of named evidence shall be grounds for the issuance of a warning citation. In instances where dumping has been witnessed and reported, even without the retrieval of prima facie evidence, a law enforcement officer is authorized to issue a citation to the violator. When this chapter is applied to unlawful accumulation of wastes upon privately-owned property, no prima facie evidence is required for assignment of culpability to the owner.
- C. Warnings. In the case where an officer finds it appropriate to issue a warning to a violator or suspected violator, the officer may require a receipt from an appropriate transfer station or dump for the proper disposal of the refuse within a specified time period. If the officer does not receive such receipt, the officer may issue a citation and proceed with the provisions in 9.18.070.

9.18.060 Citations.

Citations shall include the following information:

- A. The offense for which the person is being cited (illegal dumping, per this chapter);
- B. The specific location of the illegally dumped waste materials;

- C. The date(s) and time(s) of the suspected offense(s) (if witnessed); or
- D. The date discovered by the law enforcement officer (with prima facie evidence as detailed above);
- E. The date, time, and location where the cited person is to appear before the Tribal Court (in the case of a warning citation, the address where the suspected violator may respond to the officer who wrote the citation); and
- F. The name and legible signature of the officer issuing the citation.

9.18.070 Penalties.

Any person found guilty of illegal dumping after due process of law before the Tribal Court shall be subject to the following:

- A. First Violation. Up to \$500.00 in fines and/or 100 hours of community service, to be determined by the Tribal Court, plus the cost of cleanup for the materials illegally dumped. The assigned community service may involve the collection and removal of roadside trash, or trash which has accumulated in illegal dumps in Indian country.
- B. Second Violation. Up to \$1,000.00 in fines, plus the cost of the cleanup of the illegally dumped materials, and up to 200 hours of community service (as specified in subsection (a) of this section), to be determined by the Court.
- C. Third and Subsequent Violations. Up to \$1,500.00 in fines per each subsequent offense, plus the cost of the cleanup of the illegally dumped materials, and up to 300 hours of community service (as specified in subsection (a) of this section), to be determined by the Court.