



# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 13-92

of the

### SQUAXIN ISLAND TRIBAL COUNCIL

**WHEREAS**, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

**WHEREAS**, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

**WHEREAS**, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

**WHEREAS**, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and


**WHEREAS**, the Tribal Council has determined that acts of third parties that interfere with the property rights and/or welfare of the Tribe, Tribal members, residents and guests threaten the peace, health, safety, environment, politics integrity and economic security of the Tribe. It is the intent of the Tribal Council to make such acts a civil violation with the desire to protect such property rights; and

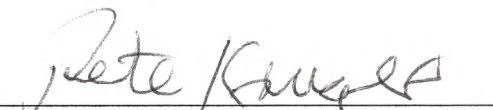
**WHEREAS**, the Tribal Council makes the following findings: This ordinance provides a means for the Tribe to protect its property and the property of those living in Indian Country from theft, vandalism and other harm and to protect the Tribe, its members, and other persons living in Indian Country from people whose presence in Indian Country is harmful to, or threatens harm to the peace, health, safety, environment, morals and general welfare of the Tribe and all residents of Indian Country.


**NOW THEREFORE BE IT RESOLVED**, that the Squaxin Island Tribal Council hereby adopts the Civil Trespass Code (copy attached hereto).

**CERTIFICATION**

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 12<sup>th</sup> day of December, 2013, at which time a quorum was present and was passed by a vote of 5 for and 0 against, with 0 abstentions.

  
\_\_\_\_\_  
David Lopeman, Chairman

Attested by:   
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Peter Kruger, Sr., Secretary

  
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Arnold Cooper, Vice Chairman

## **9.10 Civil Trespass**

### Sections:

9.10.010	Purpose.
9.10.020	Definitions.
9.10.030	Effective Date
9.10.040	Civil Violation of Trespass
9.10.050	Civil Trespass Defined
9.10.060	Acts Not Constituting Civil Violation of Trespass
9.10.070	Administration and Enforcement-Delegation
9.10.080	Civil Penalties.
9.10.090	Infraction Procedure
9.10.100	Jurisdiction

### **9.10.010 Purpose**

This ordinance provides a means for the Tribe to protect its property and the property of those living in Indian Country from theft, vandalism and other harm and to protect the Tribe, its members, and other persons living in Indian Country from people whose presence in Indian Country is harmful to, or threatens harm to the peace, health, safety, environment, morals and general welfare of the Tribe and all residents of Indian Country.

The Tribal Council has determined that acts of third parties that interfere with the property rights and/or welfare of the Tribe, Tribal members, residents and guests threaten the peace, health, safety, environment, politics integrity and economic security of the Tribe. It is the intent of the Tribal Council to make such acts a civil violation with the desire to protect such property rights.

### **9.10.020 Definitions**

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

**"Indian country"** consistent with the meaning given in 18 U.S.C. 1151 means:

1. 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; including all commercial properties of the Tribe.
2. 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.

**"Tribal Council"** means the Tribal Council of the Squaxin Island Tribe as defined pursuant to the Constitution and Bylaws of the Tribe.

**"Tribe"** or **"Tribal"** shall mean or refer to the Squaxin Island Tribe.

**"Tribal Court"** means the Squaxin Island Tribal Court, including its civil, criminal and employment divisions and the Squaxin Island Tribal appellate court.

**"Tribal Police"** or **"Squaxin Island Tribal Police"** shall mean the Squaxin Island Tribal Police, and officers of any other jurisdiction duly deputized to serve the Squaxin Island Tribal Police Department.

**"Landowner"** shall mean any person or entity who owns land in fee or whose land is held in trust by the United States and shall include the Squaxin Island Tribe, and any and all of its enterprises, commercial or otherwise.

**"Property"** shall mean any and all real and personal property, as well as governmental, commercial, or residential dwellings.

**"Law enforcement"** means the department of the Tribe charged with the enforcement of the laws of the Tribe.

**"Violation"** means an act which is proscribed by this Act which bears a civil penalty.

**9.10.030 Effective Date**

This ordinance shall apply to all trespasses as herein defined occurring on or after its date of adoption.

**9.10.040 Civil Violation of Trespass**

The Tribe hereby establishes the civil violation of Trespass to be prosecuted as a civil violation in accordance with Squaxin Island Tribal Code Chapter 9.10. The Tribal Council declares that persons committing the civil violation of trespass threaten the peace, health, safety, environment, political integrity and economic security of the Tribe.

**9.10.050 Civil Trespass Defined**

A person commits the civil violation of trespass if the person enters or otherwise occupies land of another within Indian Country and without consent or permission of the landowner, commits any of the following acts, unless otherwise authorized under applicable law:

- a) Refuses to leave land to which the person has no reasonable claim or right of possession when requested to do so;
- b) Enters upon such land with knowledge, actual or constructive, that permission by the landowner for such person to enter such land does not exist, or has been expressly denied or revoked;
- c) Violates any restraining order, including a domestic restraining order issued or recognized by the Squaxin Island Tribal Court;
- d) Opens, damages, renders inoperable, or destroys a fence, or gate on enclosed land of another;
- e) Destroys or injures land, waters, livestock, poultry, buildings, equipment, or any property or another;
- f) Unlawfully parks or drives any vehicle on the land of another;
- g) Cuts down, destroys, or injures any wood, timber, plant, vegetation, or crop standing on the land of another, or carries away any wood, timber, plant, vegetation or crop of another;
- h) Erects, puts up, fastens, prints, or paints upon another's property, notices, advertisements, signs or other writing designed to communicate to the general public;

- i) Dumps, deposits, places, throws, burns, emits or leaves rubbish, refuse, debris, substances, or other objects upon a highway, road, air, waters or any land; or
- j) Enters upon lands owned by or leased from the Tribe in violation of regulations governing access to such lands.

**9.10.060 Acts Not Constituting Civil Violation of Trespass**

Compliance with a properly issued Squaxin Island Tribal Court subpoena, summons or order to show cause shall not constitute civil trespass.

**9.10.070 Administration and enforcement.**

Delegation--Authority. Administration and enforcement of this chapter shall be the responsibility of the Director of the Squaxin island Tribal Police. In carrying out the responsibilities of this chapter the Director of Law Enforcement may at his/her discretion delegate all or part of his/her responsibilities to a competent Tribal entity, including but not limited to Island Enterprises Inc. Security Department and Squaxin Island Gaming Enterprise d/b/a Little Creek Casino Resort Security Department.

**9.10.080 Civil penalties.**

Commission of any act specified in Section 9.10.050 shall constitute a civil infraction. The civil penalty for any such infraction shall be: fifty dollars (\$50.00) for the first cited violation, seventy-five dollars (\$75.00) for the second cited violation committed within one year from date of the offense, and one hundred dollars (\$100.00) for the third and subsequent cited violation committed within one year, from date of offense. Each and every day or portion thereof in which an infraction is committed shall constitute a separate and distinct infraction.

**9.10.090 Infraction procedure.**

Infractions under this chapter shall, insofar as possible, be charged and processed pursuant to Tribal Court infraction rules as now or hereafter amended.

**9.10.100 Jurisdiction.**

The provisions of this code, in conformance with applicable federal laws, shall extend to all person entering or remaining in Indian Country.