



# SQUAXIN ISLAND TRIBE

RESOLUTION NO. 07-31  
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 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**, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; 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 with protecting and managing the lands and treaty resources and rights of the Tribe; and

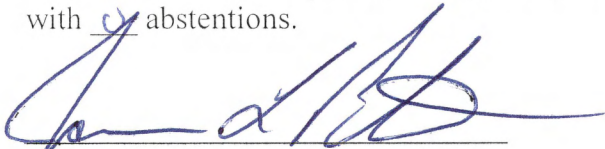
**WHEREAS**, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe;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

**WHEREAS**, the Squaxin Island Tribal Council finds that there is unintended inconsistency in the jurisdictional and scope provisions of the Tribal Code;

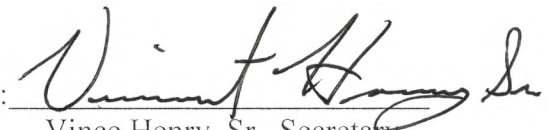
**NOW THEREFORE BE IT RESOLVED**, that the Squaxin Island Tribal Council hereby adopts the amendments to the Tribal Code identified in the attached document.

**CERTIFICATION**

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at a regular meeting of the Squaxin Island Tribal Council, held on this 26 th day of April, 2007 at which time a quorum was present and was passed by a vote of 5 for and 0 against with 0 abstentions.



Jim Peters, Chairman

Attested by:   
Vince Henry, Sr., Secretary



Andy Whitener, Vice Chairman

**TRIBAL CODE AMENDMENTS  
PURSUANT TO RESOLUTION 07-31**

1. Add the following definition to Section 1.04.030:

“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.

2. Amend Section 2.16.010(A) as follows:

A. Any person, except persons authorized by federal law to be present on tribal land, may be excluded from ~~the Squaxin Island Reservation~~ Indian country.

3. Amend Section 2.16.020(B) as follows:

B. Exclusion Hearing. Upon proper notice, Squaxin Island Tribal Court shall hold a hearing to decide whether a respondent shall be excluded from ~~the Squaxin Island Reservation~~ Indian country. The Tribal Council shall be a party to the case, as well as the petitioner and the respondent. All parties may be represented by counsel, and may present evidence and testimony.

If the respondent fails to appear at the hearing, the Tribal Court shall order him or her excluded from ~~the Squaxin Island Reservation~~ Indian country. Generally, the hearing shall be conducted informally, in the character of an administrative hearing. The Court shall order the respondent excluded from ~~the reservation~~ Indian country if the evidence and testimony establish by a preponderance of the evidence that the requirements for the exclusion have been met.

Upon finding exclusion or nonexclusion, the Tribal Court shall issue an appropriate order, either specifying the nature and duration of the exclusion and any special conditions, or denying exclusion.

4. Amend Section 2.16.020(D) as follows:

Change of Status. Any person excluded from ~~the reservation~~ Indian country may petition the Tribal Court for a change in such status. The Tribal Court shall order the exclusion of such person discontinued if it finds, after a hearing, held pursuant to the terms of this chapter, that a change in circumstances exists so that the reasons for the exclusion no longer prevail. The Tribal Court may also order such a hearing if an order of exclusion was entered in the absence of respondent, and respondent requests such a hearing. (Res. 95-57 § 2)

5. Amend Section 2.16.030 as follows:

A. Procedures for Enforcement of Orders of Exclusion. Tribal law enforcement officers shall have authority to enforce orders of exclusion issued by the Tribal Court. If, after service of the order of exclusion, the respondent does not voluntarily comply with the order, an officer may remove the respondent and/or any property of the respondent bodily from ~~tribal land, including land leased to the Inter-Tribal Housing Authority~~Indian country. Except in cases of emergency (see subsection B of this section), the respondent shall be allowed a reasonable opportunity to comply with the order of exclusion. The officer enforcing the order shall use only so much force as is necessary to effect the removal. Except in emergencies under subsection B of this section, the officer shall notify the Tribal Court prior to removing the respondent.

B. Emergency Exclusions. In cases involving immediate danger to the life, health, morals, or property of the Tribe, or any of its members, and where a delay would result in irreparable damage, any Squaxin Island tribal law enforcement officer ~~on the Squaxin Island Indian Reservation~~ may remove a person and/or any property of such person bodily from ~~tribal land, including land leased to the Inter-Tribal Housing Authority~~Indian country, either before or after the person has been excluded by the Tribal Court as provided in Section 2.16.020B. The officer executing the order shall use only so much force as it is necessary to effect the removal. If service of the notice provided for in Section 2.16.020A has not already been made on the person at the time of removal, he or she shall cause the notice to be served as soon after removal as possible. The officer shall notify the judge of the Tribal Court of the emergency exclusion as soon after removal as possible. (Res. 95-57 § 3)

6. Delete the definition of “Tribal lands” from Section 3.16.010 and add the following definition to the same section:

“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.

7. Amend Section 3.16.020 as follows:

The Tribal Council finds that:

A. The Tribe possesses the inherent power to exclude non-Indians from ~~tribal lands~~Indian country, which includes the lesser power to place conditions on entry, on continued presence, or on conduct ~~on tribal lands~~in Indian country;

B. Various labor organizations and their business agents have entered or may enter ~~tribal lands~~Indian country without the authorization of the Tribe through their connection with employers who have lawfully entered ~~tribal lands~~Indian country pursuant to leases, rights-of-way and other consensual relationships with the Tribe;

C. The unauthorized entry of various entities and persons ~~on tribal lands~~Indian country threatens the political integrity, economic security and the health, safety and welfare of the Tribe and its members;

D. The individual freedom of choice in the pursuit of employment ~~on tribal lands~~in Indian country should be encouraged as a matter of the public policy and law of the Tribe; and

E. The right to work should not be subject to undue restraint, coercion, or infringement based upon membership in, affiliation with, or financial support of a labor organization, or upon the refusal to join, affiliate with, or financially or otherwise support a labor organization. (Res. 01-06 (part))

8. Amend Section 3.16.020 as follows:

All persons who ~~enter tribal lands~~Indian country shall be deemed to have given implied consent to the jurisdiction of the Tribe and shall be subject to the provisions of the chapter. (Res. 01-06 (part))

9. Amend the first paragraph of Section 3.16.040(A) as follows:

A. Every labor organization operating ~~on tribal lands~~in Indian country shall file a report with the Tribal Council Chair, on or before sixty (60) days after the chapter is enacted by the Tribal Council, or within forty-eight (48) hours of any subsequent first entry ~~on tribal lands~~in Indian country, and thereafter on or before December 31 of each year. The report, which shall be filed by the president or the business agent of the labor organization, shall contain the following information:

10. Amend the first paragraph of Section 3.16.050(A) as follows:

A. No person shall be granted a license to act as a business agent ~~on tribal lands~~in Indian country if that person:

11. Amend the first paragraph of Section 3.16.050(B) as follows:

B. Any person desiring to act as a business agent ~~on tribal lands~~in Indian country shall first obtain a license from the Tribe by:

12. Amend the first paragraph of Section 3.16.060(A) as follows:

A. No person shall be required, as a condition of employment or continuation of employment ~~on tribal lands~~in Indian country, to:

13. Amend the first paragraph of Section 3.16.070(A) as follows:

A. It shall be a violation of the chapter for any person ~~on tribal lands~~in Indian country:

14. Amend Section 3.16.080 as follows:

Any person who, directly, or indirectly, violates any provision of the chapter shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) for each violation, or exclusion from ~~tribal lands~~Indian country, or both. (Res. 01-06 (part))

15. Amend Section 6.04.010 as follows:

This chapter shall be known as the “Squaxin Island Fireworks Sales and Safety Ordinance” and is established in order to protect the health, welfare, and safety of the Squaxin Island Tribe by controlling the sale and possession of fireworks ~~on the reservation~~in Indian country. (Res. 04-66 (part); Res. 02-61 (part); Res. 01-43 (part))

16. Amend Section 6.04.020 as follows:

A. Authority. This Squaxin Island Fireworks Sales and Safety Ordinance is enacted pursuant to the inherent sovereign authority of the Squaxin Island Tribe in accordance with the Medicine Creek Treaty, the Constitution of the Squaxin Island Tribe, and applicable federal law. ~~Pursuant to the tribal constitution, the Squaxin Island Tribal Council has the authority to enact laws and ordinances to license and regulate the conduct of business activities, and to impose taxes on all persons and property on the reservation.~~

B. Purpose. The Squaxin Island Tribal Council, as the governing body of the Squaxin Island Tribe, recognizes the need to enhance and strengthen the development of ~~the reservation~~Indian country, supporting community values and goals for achieving complete self-determination and self-governance as a separate sovereign nation. As a guide to interpretation and application, the purposes of this chapter are as follows:

1. To promote the sale of legal and safe fireworks ~~on the reservation~~in Indian country;
2. To prohibit the possession or sale of illegal and unsafe fireworks ~~on the reservation~~in Indian country;
3. To regulate the use and discharge of fireworks ~~on or onto the reservation~~in or into Indian country;
4. To promote the safety and welfare of the Squaxin Island Tribal Community and its members by regulating the conduct of fireworks sales ~~on the reservation~~in Indian country;
5. To generate revenue for operation of the Squaxin Island Tribal Government, including the administration and enforcement for this chapter;
6. To assert, to the exclusion of state and local regulatory authorities, the Tribe’s authority over the conduct of trade in, and the use of and disposition of, fireworks ~~on the reservation~~in Indian country. (Res. 04-66 (part); Res. 02-61 (part); Res. 01-43 (part))

17. Delete the definition of “Reservation” from Section 6.04.030.

18. Amend Section 6.04.040(B)(2) as follows:

2. To monitor and inspect, in conjunction with tribal law enforcement, possession of fireworks and all wholesale and retail fireworks sales ~~on the reservation~~ in Indian country for compliance with this chapter and all regulations adopted under it.

19. Amend Section 6.04.050 as follows:

Authorized Wholesalers. No person shall make wholesale sales of fireworks ~~on the reservation~~ in Indian country without a valid annual wholesale fireworks permit issued by the Squaxin Island Tribe. (Res. 04-66 (part); Res. 02-61 (part); Res. 01-43 (part))

20. Amend the first paragraph of Section 6.04.060 as follows:

No commercial sale of fireworks shall be made ~~on the reservation~~ in Indian country unless the seller has a current retail fireworks sales permit issued by the Tribe and such permit has not been revoked or suspended, except that no permit shall be required for the retail sale of fireworks on lands held in trust for an individual Tribal member provided that: such sales are made by the beneficial owner of the trust land where the sale occurs or by one or more members of his/her immediate family; that no more than two fireworks stands are located on the trust land; and the person(s) making fireworks sales have no outstanding fines imposed by the Squaxin Island Tribal Court for violations of this chapter or any regulations promulgated under it. Permits shall be issued only to enrolled Squaxin Island Tribal Members and shall be approved only for the sale of fireworks from retail fireworks stands ~~on the reservation~~ in Indian country. Wholesale purchases and/or retail sales of fireworks from other than a fireworks stand is strictly prohibited. Permits must be renewed annually (replacement charge of ten dollars (\$10.00) per lost, misplaced or damaged permit or card). No person may simultaneously hold more than one retail fireworks sales permit. A retail fireworks sales permit shall entitle only the permittee to operate one fireworks stand.

21. Amend Section 6.04.060(A)(5) as follows:

5. Make sales ~~on the reservation~~ in Indian country as allowed by the Tribe; and

22. Amend the first paragraph of Section 6.04.065 as follows:

No discharge of fireworks shall be made ~~on or onto the reservation~~ in or into Indian country unless the user possesses a current use permit issued by the Tribe for the discharge and such permit has not been revoked or suspended, except that no permit shall be required for the discharge of fireworks on lands held in trust for an individual Tribal member provided that the discharge is conducted by the beneficial owner of the trust land where the sale occurs or by other persons with his or her permission. Use permits may be granted for events. The use permit may limit the time, place and/or manner of discharge of fireworks.

23. Amend the first sentence of Section 6.04.070 as follows:

The Tribe may authorize fireworks stands to be located ~~on the reservation in Indian~~ country as follows:

24. Amend Section 6.04.130(A)(4) as follows:

4. The Tribal Council shall have the power to ban ~~on the reservation in Indian country~~ the sale or possession of any particular type, sort or kind of fireworks whether or not such fireworks are permitted under other applicable law.

25. Amend Section 6.04.130(B)(3) as follows:

3. It is unlawful to discharge fireworks ~~on or onto the reservation in or into Indian country~~ without a valid use permit, except that no permit shall be required for the discharge of fireworks on lands held in trust for an individual Tribal member provided that the discharge is conducted by the beneficial owner of the trust land where the sale occurs or by other persons with his or her permission.

26. Amend Section 7.04.050 by adding the following definition of “Indian country to the section:

“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.

27. Amend Section 7.04.050 by modifying the definition of “Tribal property” as follows:

“Tribal property” includes ~~the Squaxin Island Reservation, all property owned by or held in trust by the Federal Government for the Squaxin Island Tribe of Indians, Indian country~~ and any property owned or leased by the Tribe or any of its wholly-owned entities.

28. Amend Section 9.04.010 as follows:

The purpose of this chapter is to provide regulations within ~~the exterior boundaries of the Squaxin Island Indian Reservation~~ Indian country to control animal conduct so that such conduct will not constitute a nuisance; provide means of identification of dogs in case of injury or misconduct, establish guidelines for those who are responsible for animals and provide a program of enforcement through the tribal police department. (Res. 89-25 (part))



29. Add the following definition to Section 9.04.020:

“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

30. Amend Section 9.04.050 as follows:

All of the area within ~~the exterior boundaries of the Squaxin Island Indian Reservation~~Indian country is declared to be a single animal control zone. (Res. 89-25 (part))

31. Amend Section 9.04.060(A) as follows:

A. It is a misdemeanor for any person to keep, maintain or harbor any adult dog within ~~the exterior boundaries of the Squaxin Island Indian Reservation~~Indian country without paying the license fee and obtaining the license required by this chapter; provided those animals in the custody of a veterinarian or animal shelter designated as the custodians if impounded, animals whose owners are unknown or those for sale in a pet store need not be licensed; provided further than animals kept on off-reservation individual trust lands may be licensed pursuant to state law in lieu of licensing pursuant to this chapter at the owner's option. In addition any person who acquires an unlicensed or licensed dog whose dog becomes an adult or who moves ~~onto the reservation~~into Indian country shall have thirty (30) days within which to obtain the license required. Further exception: occasional residents, summer, etc. whose dog(s) are licensed in another city or county and whose dog displays a valid license.

32. Amend Section 9.04.060(B) as follows:

B. Dog License Fees (Late Penalties and Replacement Fees). The dog license shall be an annual license which will expire on midnight June 30th each year. The basic fee for such license shall be five dollars (\$5.00) for dogs that have not been neutered or spayed and two dollars (\$2.00) for dogs that have been neutered or spayed. In case of a dog newly acquired, brought ~~onto the reservation~~into Indian country, or becoming an adult after July 1st of any calendar year, shall be subject to one-half of the annual fee. Annual license fees which have not been paid by the fifteenth of July are subject to an additional fee of two dollars (\$2.00) provided, there shall be no additional fee where:

- 1. The applicant has owned the dog for less than thirty (30) days.
- 2. The dog is less than seven months of age at the time of application.
- 3. The applicant has resided on the Squaxin Island Indian Reservation less than thirty (30) days.

4. The applicant voluntarily applies for a license and was not found to be in violation of this chapter.  
Replacement of a lost or damaged license may be obtained at a cost of two dollars (\$2.00).

33. Amend Section 9.04.070(A) as follows:

A. Issuance of License. The law enforcement program and/or any agents authorized by the tribal council will issue licenses pursuant to Section 9.04.060 of this chapter. In the case of other authorized agents who may issue dog licenses, they will forward the monetary fee together with all pertinent data to the tribal accounting department, who will keep the master record for the dog licenses issued on the reservation in Indian country.

34. Amend the first paragraph of Section 9.04.130(M) as follows:

M. Dogs at Large Prohibited—Exceptions. It is unlawful for any person to cause, permit or allow any dog owned, harbored, controlled or kept by him, ~~on the Squaxin Island Indian Reservation, in Indian country~~ to roam, run or stray away from the premises where the same is owned, harbored, controlled or kept. Except that while away from said premises, such dog shall, at all times, be controlled by means of a leash or chain not exceeding eight feet in length, by the owner or some duly authorized and competent person; provided, however, that such leash or chain is not required for any dog when otherwise safely and securely confined or completely controlled while in or upon any vehicle.

35. Amend section 9.12.020 as follows:

The provisions of this code, in conformance with applicable federal laws, shall extend to:

A. All enrolled members of federally recognized Indian Tribes within ~~the following areas:~~

- ~~1. All lands within the exterior boundaries of the Squaxin Island Reservation; and~~
- ~~2. Any lands which may be acquired for or held in the name of the Squaxin Island Tribe. Indian country.~~

B. All members of the Squaxin Island Tribe and those eligible for Tribal membership within the following areas:

- 1. Within areas as defined in subsection A;
- 2. Within all usual and accustomed treaty fishing grounds and stations of the Tribe;
- 3. Within the exterior boundary of the lands ceded by the Treaty of Medicine Creek; and/or
- 4. Within all open and unclaimed treaty hunting lands.

C. All other persons within Indian country; provided, that such persons shall be subject only to civil penalty for violation of any provisions of this chapter.

(Res. 02-129 (part))

36. Add the following definition to Section 9.12.025:

“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.

37. Amend Section 9.12.775(B) as follows:

B. Who is Required to Register. Any adult or juvenile residing, whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation, ~~on the Reservation~~ in Indian country, who has been found to have committed or has been convicted of any sex offense or kidnapping offense under the law of any jurisdiction, or who has been found not guilty by reason of insanity of committing any sex offense or kidnapping offense under the law of any jurisdiction, shall register with Law Enforcement.

38. Amend Section 9.12.775(D)(4) as follows:

4. Offenders who are New or Returning ~~Reservation~~ Indian country Residents—  
Offenders who Lack a Fixed Residence. Sex offenders and kidnapping offenders who move to ~~the Reservation~~ Indian country from another location that are not otherwise required to register under subsections 1 through 3 of this subsection D, must register within twenty-four (24) hours of establishing residence or reestablishing residence ~~on the Reservation~~ in Indian country. Offenders lacking a fixed residence who remain ~~on the Reservation~~ in Indian country for more than twenty-four (24) hours consecutively or who remain ~~on the Reservation~~ in Indian country for any period of time on any two or more days in a two-week period must register within twenty-four (24) hours of entering ~~the Reservation~~ Indian country or within twenty-four (24) hours of the effective date of this section, whichever occurs last. The duty to register under this subsection applies to sex offenders and kidnappers convicted under the laws of any tribe, state, foreign country, federal or military statutes.

39. Amend Section 9.12.775(E)(1) as follows:

1. Failure to register in compliance with this section constitutes a per se violation of this section and is punishable as provided in Section 9.12.775(I). Law Enforcement shall not be required to determine whether the person is living ~~on the Reservation~~ in Indian country.

40. Amend Section 9.12.775(G) as follows:

G. Changes in Residence, Employment, Student Status, or Vocation. If any person required to register pursuant to this chapter changes his or her residence, employment, student status, or vocation ~~on the Reservation~~ in Indian country, the person must send written notice of the change of address to Law Enforcement within seventy-two (72) hours of the change.

41. Amend Section 9.12.775(I)(1) as follows:

1. An Indian person who knowingly fails to register or who moves within ~~the Reservation~~ Indian country without notifying Law Enforcement as required by this section is guilty of a felony if the crime for which the individual was convicted was a felony kidnapping or felony sex offense as defined by the law of the jurisdiction imposing the charge. If the crime was other than a felony under the law of the jurisdiction imposing the charge, violation of this section is a gross misdemeanor.

42. Amend the first paragraph of Section 9.12.775(I)(2) as follows:

2. A non-Indian or Indian person who knowingly fails to register or who moves within ~~the Reservation~~ Indian country without notifying Law Enforcement as required by this section is guilty of a violation of this section, and is subject to a civil citation and fine not to exceed:

43. Amend Section 9.12.780(B) as follows:

B. The extent of the public disclosure of relevant and necessary information shall be rationally related to: (1) the level of risk posed by the offender to the community; (2) the locations where offender resides, expects to reside, is employed, attends school, or is regularly found; and (3) the needs of the affected community members for information to enhance their individual and collective safety. At a minimum, Law Enforcement shall mail a notice to all residential, governmental and business addresses ~~on the Reservation~~ in Indian country, with the exception of addresses on individual trust lands, as soon as possible upon any new registration under Section 9.12.775, any change in residence under Section 9.12.775(G), or name change under Section 9.12.775(H). Such notice shall include all information the registrant is required to provide under Section 9.12.775(C), except that Law Enforcement shall not release the registrant's date and place of birth, social security number, or fingerprints to anyone other than law enforcement agencies.

44. Amend Section 9.12.885 as follows:

~~Gambling on the Squaxin Island Reservation~~ in Indian country is and shall be controlled pursuant to the Squaxin Island gaming ordinance. (Res. 02-129 (part))

45. Amend Section 9.12.895(A)(2) as follows:

2. Purchase liquor from any other person other than at a duly authorized tribal liquor store or other business authorized to sell liquor ~~on the Reservation~~ in Indian country;

46. Amend Section 9.12.940(A) as follows:

A. What constitutes. Any person who throws, dumps, places or deposits upon the lands of another or upon any public road, highway, street, or any other area within ~~the Reservation~~ Indian country, without the consent of the owner, any garbage, debris, junk, carcasses, trash, refuse, or any other similar substance of whatsoever nature shall be deemed guilty of an offense of littering.

47. Amend the first sentence of Section 9.12.965(A) as follows:

A. What Constitutes. A person is guilty of driving while under the influence of intoxicating liquor or any drug or glue if he or she drives a vehicle within ~~the Reservation~~ Indian country while:

48. Amend Section 9.12.970(A) as follows:

A. What Constitutes. A person who shall drive or operate any motor vehicle in any manner dangerous to the public safety or properties of the people of ~~the Squaxin Island Reservation~~ in Indian country shall be deemed guilty of reckless driving.

49. Amend Section 9.12.975(A) as follows:

A. What Constitutes. A person is guilty of hit and run of unattended car or other property within ~~the Reservation~~ Indian country when, as operator of any vehicle which collides with any other vehicle or other property which is unattended, he or she fails to immediately stop and either locate and notify the owner or operator of said vehicle or other property of his or her name and address or leave in a conspicuous place in or on the vehicle or other property a written notice, giving the name and address of the operator and owner of the vehicle striking such vehicle or other property.

50. Amend the first sentence of Section 9.12.980(A) as follows:

A. What Constitutes. A person is guilty of hit and run of an attended vehicle or other property within ~~the Reservation~~ Indian country when:

51. Amend Section 9.12.985(A) as follows:

A. A person is guilty of operating a motor vehicle while privilege suspended or revoked if he or she operates a motor vehicle within ~~the Reservation~~ Indian country while the privilege to do so has been suspended or revoked by the Tribal Court or by any other court of competent jurisdiction as part of a penalty imposed for any civil or criminal

traffic violation or because the person failed to respond to a notice of civil traffic violation.

52. Amend Section 9.12.1070(B) as follows:

B. The Chief of Police or his or her designee ~~of the reservation on which the respondent resides~~ shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

53. Amend Section 9.16.010 as follows:

The purpose of this chapter is to provide regulations within the ~~exterior boundaries of the Squaxin Island Reservation~~ Indian country to control the use of fires so that such use will not constitute a threat to the safety, health or welfare of persons, animals, buildings or other property thereon. (Res. 98-87 (part))

54. Amend Section 9.16.070 as follows:

All open burning shall be automatically discontinued whenever the ~~Mason County~~ fire marshal in the county where the property is located declares a countywide burn ban. The Squaxin Island Administrative Services Department shall post a burn ban notice at the Tribal Center whenever a burn ban is in effect in Mason County, and telephone inquiries may be directed to 426-9781. (Res. 98-87 (part))

55. Amend the title of Chapter 9.20 as follows:

~~BORDER AND RESERVATION~~ INDIAN COUNTRY SECURITY ACT

56. Amend Section 9.20.020 as follows:

Threats to the public safety are one of the most important issues facing governments at every level today. The Tribal Council wishes to take every reasonable measure to protect the Squaxin Island Community from threats of terrorism, crime, and the dangers associated with illegal drug use. While the Law and Order Code provides law enforcement with tools to address crime already occurring ~~on the reservation~~ in Indian country, it does not adequately address the entrance ~~onto the reservation~~ into Indian country of dangerous weapons or substances. Therefore, the purpose of this chapter is to provide regulations to: protect the security and welfare of all persons and property ~~on the Squaxin Island Reservation~~ Indian country by securing the ~~reservation~~ borders against entry of illegal or dangerous substances and weapons; establish guidelines and criteria for border searches; and provide a program of enforcement through the Squaxin Island Law Enforcement Department. (Res. 04-55 (part))

57. Amend Section 9.20.030 as follows:

The provisions of this code, in conformance with applicable federal laws, shall extend to all persons who seek to enter ~~the Squaxin Island Reservation~~Indian country, whether on foot, in a vehicle, or by other means. (Res. 04-55 (part))

58. Amend the definition of “Border” in Section 9.20.040 as follows:

“Border” means any entrance to ~~the reservation~~Indian country.

59. Delete the definition of “Reservation” from Section 9.20.040 and add the definition of “Indian country” to that Section as follows:

“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.

60. Amend Section 9.20.050(B) as follows:

B. Temporarily exclude persons from ~~the reservation~~Indian country who either refuse to submit to a search at a border checkpoint or who, upon such a search, appear to pose a threat to the welfare and safety of persons or property within ~~the Squaxin Island Reservation~~Indian country. (Res. 04-55 (part))

61. Amend Section 9.20.070(A) as follows:

A. Location. Law enforcement may establish one or more border checkpoints at any place that is the functional equivalent of a border. Such checkpoints shall be located near, but need not be placed exactly at, the boundary of ~~the reservation~~Indian country. Any person attempting to enter ~~the reservation~~Indian country at a point not clearly marked as a ~~reservation~~Indian country boundary shall be first notified that they are at or near a ~~reservation~~Indian country border, and shall be permitted to leave if they so choose. If the person wishes to continue to enter ~~the reservation~~Indian country, he or she shall be subject to search at any marked boundary.

62. Amend Section 9.20.070(B)(1) as follows:

1. Every person seeking to enter ~~the reservation~~Indian country shall be subject to search when a border checkpoint is in place.

63. Amend the first paragraph of Section 9.20.080(A) as follows:
- A. Temporary Exclusion. Law enforcement shall exclude from ~~the reservation~~Indian country for a period of no less than twenty-four (24) hours and no more than seventy-two (72) hours any person who either:
64. Amend Section 9.20.080(A)(2) as follows:
2. Appears, upon a search at a border checkpoint, to pose a threat to the welfare or safety of persons or property within ~~the Squaxin Island Reservation~~Indian country.
65. Amend the first paragraph of Section 9.20.080(B) as follows:
- B. Confiscation. Law enforcement shall confiscate from any person attempting to enter ~~the reservation~~Indian country any:
66. Amend Section 10.04.020 as follows:
- A. Exclusive Jurisdiction. The Court shall have exclusive original jurisdiction over any proceeding concerning a youth alleged to be in need of care, termination of parental rights, adoption, or guardianship which involves:
1. Any Indian youth who resides or is domiciled ~~on the Squaxin Island Reservation in~~Indian country;
2. Any youth who is a member or is eligible for membership in the Squaxin Island Tribe regardless of the youth's residence or domicile; or
3. Any Indian youth who has been placed in temporary care ~~on the reservation in~~Indian country or in any care facility licensed by the Tribe for placement of Indian youth.
- B. Jurisdiction Over Adults. The Court shall have jurisdiction over adults in aid of its powers under this code, and may make such orders as are necessary for the welfare of a youth.
- C. Concurrent Jurisdiction. When state, federal or other tribal courts have jurisdiction over any of the matters provided for in this code, the Court has concurrent jurisdiction over the same matters, to an extent consistent with federal law.
- D. Jurisdiction—Limitations. The limitations on jurisdiction in this section are not intended to reflect the Tribe's view as to the legally permissible limits of jurisdiction, but are merely designed to define tribal activity in this area in accordance with tribal priorities and resources.
- E. Jurisdictional Agreements. The Tribe may enter into such intertribal and tribal-state agreements regarding jurisdiction over youth custody matters as it deems appropriate and necessary to protect the best interest of Squaxin Island youth. (Res. 86-26 (part))
67. Amend the definition of "Domicile/Residence" in Section 10.04.040 as follows
- "Domicile/Residence." The determination of domicile and residence shall be in accordance with tribal law and custom. In the absence of other factors clearly demonstrating an intent to establish a permanent home ~~off the reservation~~outside of



Indian country, a youth's domicile/residence shall be deemed to be within the ~~reservation~~Indian country.

68. Delete the definition of "Reservation" from Section 10.04.040 and add the definition of "Indian country" to that Section as follows:

"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.

69. Amend the first sentence of Section 11.04.010(A) as follows:

A. The purpose of the wastewater code for the Squaxin Island ~~Reservation~~Indian country is to protect the health of the tribal community by minimizing:

70. Amend the first sentence of Section 11.04.010(B) as follows:

B. This wastewater code regulates the location, design, installation, operation, maintenance, and monitoring of ~~on-reservation~~ sewage treatment systems in Indian country to:

71. Amend Section 11.04.010(B)(2) as follows:

- 2. Limit the discharge of contaminants within ~~the Squaxin Island Reservation~~Indian country.

72. Amend Section 11.04.010(C) as follows:

C. This wastewater code is adopted by the Squaxin Island Tribal Council in accordance with the authority of the Constitution and the Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965. Under the Constitution and Bylaws of the Tribe, the Squaxin Island Tribal Council is charged with the duty to protect the health, security, and general welfare of the residents within the jurisdiction of the Squaxin Island Tribal Reservation residentsTribe. (Res. 96-45 (part))

73. Amend the first paragraph of Section 11.04.020 as follows:

The Squaxin Island Tribal Utility Commission shall administer this wastewater code ~~on the Squaxin Island Reservation~~in Indian country to protect the health of the Squaxin Island tribal community, in pursuance to the Squaxin Island tribal utility ordinance,

Article III, Section 3.02, adopted by the Squaxin Tribal Council December 19, 1991, as it may be amended from time to time.

74. Amend the definition of “Individual sewage systems (ISS)” in Section 11.04.040 as follows:

“Individual sewage systems (ISS)” means an integrated arrangement of components for a single residence, buildings, commercial-industrial establishment, or other facility not connected to a community sewer system which:

1. Conveys, stores, treats, and/or provides subsurface soil treatment and disposal of sewage ~~on the Squaxin Island Reservation~~ in Indian country.
2. Includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas.

75. Delete the definition of “Reservation” from Section 11.04.040 and add the definition of “Indian country” to that Section as follows:

“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.

76. Amend Section 11.04.050(A)(1) as follows:

1. Shall apply this wastewater code to treatment and disposal of sewage from all ~~on-reservation~~ sewage sources in Indian country including residential, commercial and industrial sources; provided, that the beneficial owners of individual trust lands shall be deemed to be in compliance with this chapter if they are in compliance with either the provisions of this chapter or no less protective state and local law.

77. Amend Section 11.04.080(B)(2)(d) as follows:

d. Identification if the property is within ~~the boundaries of the Squaxin Island Reservation~~ Indian country;

78. Amend Section 11.20.020 as follows:

A. Jurisdiction is extended over all buildings and lands intended for human dwelling, occupation or residence which may lie within:

1. ~~The exterior boundaries of the Tribal Reservation;~~
2. ~~Lands owned by, held in trust for, leased or used by the Tribe, its members, or any other entity of the Tribe; or~~

~~3. The the Indian country of the Tribe or any other lands owned or leased by the Tribe or any of its wholly-owned entities.~~

B. Jurisdiction is extended over all persons or entities within the jurisdiction of the Tribe who own, sell, rent, lease, or allow persons to occupy housing, dwellings, or accommodations for the purpose of human dwelling, occupation, or residence, and all persons who own, rent, lease, or occupy such structures. Such personal jurisdiction is extended over all persons and entities, whether or not they are members of the Tribe, whether they are Indian or non-Indian, and whether they have a place of business within ~~the Tribal Reservation~~the jurisdiction of the Tribe. Any act within the ~~reservation~~jurisdiction of the Tribe dealing with the subject matter of this code shall be subject to the jurisdiction of the Tribe.

C. Jurisdiction over all matters arising within the jurisdiction of the Tribe with respect to the subjects of this code, and jurisdiction with respect to any person or entity acting or causing actions which arise under this code shall be exercised by the Tribal Court. (Res. 07-\_\_ (part): Res. 06-26A (part))

79. Amend Section 11.20.030(B) as follows:

B. To preserve the peace, harmony, safety, health and general welfare of the people of the Tribe and those permitted to enter or reside ~~on the reservation~~within the Tribe's jurisdiction;

80. Amend Section 11.20.030(D) as follows:

D. To encourage landlords and tenants to maintain and improve dwellings ~~in Indian country~~within the jurisdiction of the Tribe in order to improve the quality of housing as a tribal resource;

81. Revise the following definition in Section 11.20.050 as follows and place it in alphabetical order among the other definitions in that section:

~~“Indian country,” the~~The “territorial jurisdiction,” or the “jurisdiction” of the Tribe shall include Indian country and all lands owned by, ~~held in trust for,~~ leased, occupied, or otherwise controlled by the Tribe, as well as any such ownership or use by an entity of the Tribe or any of its wholly-owned entities; ~~and those terms shall include any and all areas which may constitute the Indian country of the Tribe under applicable provisions of its laws or the laws of the United States.~~

82. Add the following definition to Section 11.20.050:

“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.