

SQUAXIN ISLAND TRIBE

Route 1, Box 257

Shelton, Washington 98584

Calvin J. Peters - Chairman
Bryan A. Johnson - Vice Chairman
Sally Ann Norman - Secretary

Wesley Whitener - Treasurer
John Krise - Councilman
Florence Sigo - Tribal Historian

RESOLUTION NO. 79-4
of the
SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe of Indians by the authority of the Constitution and By-laws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965, and

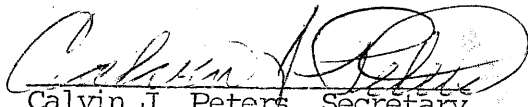
WHEREAS, the Squaxin Island Tribal Council deems it necessary to provide for the security of lands located on the Squaxin Island Reservation, and Squaxin Island Tribal members and others who are on those lands; and

WHEREAS, trespasses against tribal lands are deemed to be a civil matter, punishable by fine only and not imprisonment, and coming under the authority of the Squaxin Island Tribal Court, and the civil procedure sections of the Squaxin Island Tribal Court, and the civil procedure sections of the Squaxin Island Court Ordinances and all other applicable Tribal and Federal laws;

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby promulgates and enacts the attached Trespass Ordinance.

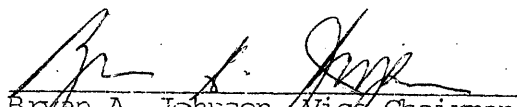
CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the above Resolution was adopted at a regular meeting of the Squaxin Island Tribal Council held on this 13 day of February, 1979, at which time a quorum was present and passed by a vote of 4 for, 0 against.


Calvin J. Peters, Secretary

ATTESTED BY:


Mike Peters, Secretary


Bryan A. Johnson, Vice Chairman

TRESPASS ORDINANCE
of the
SQUAXIN ISLAND TRIBAL COUNCIL

SECTION 1. PURPOSES. This ordinance is designed to provide the Squaxin Island Tribe with a means to prevent and redress unlawful incursions onto Squaxin Island Tribal property and lands, and all other lands within the exterior boundaries of the Squaxin Island Indian Reservation.

SECTION 2. NATURE OF PROCEEDING. All proceedings conducted under the authority of this of this Ordinance shall be civil in nature. Applicable civil rules of procedure and evidence shall apply, and all remedies shall be civil in nature.

SECTION 3. TRESPASS DEFINED. A trespass is when a person or persons enter or remain on the premises of another without lawful authority, when the owner or agent of the owners either makes clear his or her objections to the presence, or, if he or she is unaware of such presence, would make clear such objections. If the owner or agent is unaware of the presence it is not an excuse that the person or persons entering or remaining on the property are unaware of such objections.

SECTION 4. ACTION. A civil action for trespass may be brought by the Squaxin Island Tribe, in Squaxin Island Tribal Court. First notice of such an action may come through service of a complaint and summons, or through a civil citation issued by a member of the Squaxin Island Tribal Law Enforcement Department.

SECTION 5. REMEDIES. A. Remedies for trespass may include any or all of the following:

1. Damages for actual physical harm caused by the trespass.
2. Damages for harm to business, provable by expert testimony regarding the probable extent of such harm. The burden of proof shall be the "preponderance of the evidence" test.

B. If more than one person is found to have contributed, as a result of trespass, to the harming of a business, the damages for such harm shall be apportioned among them.