



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 98-90

OF THE

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Indian Tribe, its members, its lands, its enterprises and its agencies by 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, under the Constitution, By-Laws 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 has contracted with the Book Publishing Company, Seattle, Washington, to compile, edit and publish a codification of certain of those ordinances adopted by resolution of the Squaxin Island Tribe; and

WHEREAS, the Book Publishing Company has, in July, 1998, presented to the Squaxin Island Tribal Administration and Squaxin Island Legal Department, for public and legal inspection, three copies of a document entitled "Squaxin Island Tribal Code;"

WHEREAS, the Squaxin Island Legal Department has also drafted a portion of the "Squaxin Island Tribal Code" referenced therein as "Title 1 – General Provisions."

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby approves the compilation transmitted July, 1998 by Book Publishing Company of the ordinances adopted by the following resolutions of the Squaxin Island Tribe:

Res. 74-40	Tribal Council authorization
Res. 94-61	Council decisions – rules of procedure
Res. 90-26	Council member stipends and travel
Res. 75-30	Southern Puget Sound Intertribal Housing Authority
Res. 87-57	Fair and Uniform Services Policy
Res. 95-57	Exclusion Policy
	Court Procedures Ordinance
Res. 95-32	Amending the Court Procedures Ordinance
Res. 78-24	Fireworks
Res. 94-78	Gaming
Res. 79-40	Liquor Sales
Res. 80-11	Liquor Sales, amending 79-40
Res. 81-12	Liquor Sales, amending 79-40
Res. 94-24	Commercial Brush Picking
Res. 91-13	Tenants Account Receivable Policy (TARP)
Res. 89-25	Animal Control
Res. 86-26	Youth Code
Res. 96-45	Wastewater Code
Res. 83-14	Building Code

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby approves the editing changes, including correction of spelling, grammatical and capitalization errors, made to the ordinances adopted by the following resolutions of the Squaxin Island Tribe and included in these ordinances as compiled by Book Publishing Company:

Res. 74-40	Tribal Council authorization
Res. 94-61	Council decisions – rules of procedure
Res. 90-26	Council member stipends and travel
Res. 75-30	Southern Puget Sound Intertribal Housing Authority
Res. 87-57	Fair and Uniform Services Policy
Res. 95-57	Exclusion Policy
	Court Procedures Ordinance
Res. 95-32	Amending the Court Procedures Ordinance
Res. 78-24	Fireworks
Res. 94-78	Gaming
Res. 79-40	Liquor Sales
Res. 80-11	Liquor Sales, amending 79-40
Res. 81-12	Liquor Sales, amending 79-40
Res. 94-24	Commercial Brush Picking
Res. 91-13	Tenants Account Receivable Policy (TARP)
Res. 89-25	Animal Control
Res. 86-26	Youth Code
Res. 96-45	Wastewater Code
Res. 83-14	Building Code

NOW THEREFORE BE IT FURTHER RESOLVED that the Squaxin Island Tribal Council adopts the "Squaxin Island Tribal Code;" as compiled edited and published by the Book Publishing Company and transmitted July, 1998; and that the Squaxin Island Tribal Council hereby adopts "Title 1 – General Provisions" to the Squaxin Island Tribal Code, as drafted by the Squaxin Island Legal Department.

NOW THEREFORE BE IT FURTHER RESOLVED, that this Code shall be known as the "Squaxin Island Tribal Code" and it shall be sufficient to refer to said code as the "Squaxin Island Tribal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any resolution adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Squaxin Island Tribal Code." Reference may be made to the titles, chapters, sections and subsections of the "Squaxin Island Tribal Code" and such references shall apply to those titles, chapters, sections or subsections as they appear in the Code.

NOW THEREFORE BE IT FURTHER RESOLVED, that whenever a reference is made to this code as the "Squaxin Island Tribal Code" or to any portion thereof, or to any resolution of the Squaxin Island Tribe, codified herein, the reference shall apply to all amendments, corrections, additions, repealers or substitutions heretofore, now or hereafter made.

NOW THEREFORE BE IT FURTHER RESOLVED, that title, chapter and section headings contained herein shall not have any interpretive value nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

NOW THEREFORE BE IT FURTHER RESOLVED, that the provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with resolutions which are therein specifically designated by number or otherwise and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

NOW THEREFORE BE IT FURTHER RESOLVED, that this Code compiles, edits and incorporates all resolutions which originally enacted portions of the "Squaxin Island Tribal Code", and amendments thereto, through resolution 96-69. Through the compiling and editing process, grammatical, spelling and capitalization errors in the ordinances originally adopted by resolution have been corrected, and amendments have been incorporated, but substantive changes have not been made. Therefore, as the ordinances adopted by the following resolutions are incorporated in the Tribal Code adopted by this resolution, the following resolutions are hereby repealed:

<i>Resolution</i>	<i>Subject</i>	<i>Replaced by Tribal Code Section</i>
Res. 74-40	Tribal Council authorization	2.04.010
Res. 94-61	Council decisions – rules of procedure	2.04.020
Res. 90-26	Council member stipends and travel	2.04.030
Res. 75-30	Southern Puget Sound Intertribal Housing Authority	2.08
Res. 87-57	Fair and Uniform Services Policy	2.12
Res. 95-57	Exclusion Policy	2.16
	Court Procedures Ordinance	Title 4
Res. 95-32	Amending the Court Procedures Ordinance	Title 4
Res. 78-24	Fireworks	6.04
Res. 94-78	Gaming	6.08
Res. 79-40	Liquor Sales	6.12
Res. 80-11	Liquor Sales, amending 79-40	6.12
Res. 81-12	Liquor Sales, amending 79-40	6.12
Res. 94-24	Commercial Brush Picking	6.16
Res. 91-13	Tenants Account Receivable Policy (TARP)	6.20
Res. 89-25	Animal Control	9.04
Res. 86-26	Youth Code	Title 10
Res. 96-45	Wastewater Code	11.04
Res. 83-14	Building Code	11.16

NOW THEREFORE BE IT FURTHER RESOLVED, that several ordinances adopted by resolutions, which have been superseded or implicitly repealed by later ordinances, were never officially repealed, thereby creating confusion and possible conflicts of law; and that because the subject matter of these ordinances is now covered by the Squaxin Island Tribal Code, and the Tribal Council wishes to avoid the further confusion which may be created by the continued viability of the older ordinances on the same subject, the following resolutions are hereby repealed:

- Res. 81-23 Amending the exclusion ordinance
- Res. 82-6 Amending the exclusion policy
- Res. 82-14 Amending the exclusion policy
- Res. 83-19 Amending the Court Procedures Ordinance
- Res. 85-25 Enacting dog ordinance
- Res. 89-19 Amending animal control ordinance
- Res. 91-68 Adopting utility ordinance
- Res. 93-15 Adopting Gaming Ordinance

And, all those ordinances and resolutions adopted prior to the adoption of Resolution 96-69, not here identified, whose subject matter is now covered by the Squaxin Island Tribal Code.

NOW THEREFORE BE IT FURTHER RESOLVED, that where there is any conflict or disparity between the Squaxin Island Tribal Code and ordinances or resolutions adopted prior to the adoption of Resolution 96-69, this Code will supersede.

NOW THEREFORE BE IT FURTHER RESOLVED, that the adoption of this Code does not affect prosecutions for resolution violations committed prior to the effective date of this Code, does not waive any fee or penalty due and unpaid of the effective date of this Code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any resolution.


NOW THEREFORE BE IT FURTHER RESOLVED, that if any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

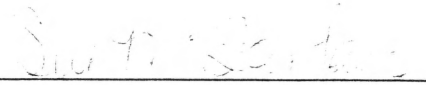
NOW THEREFORE BE IT FURTHER RESOLVED, that references in tribal forms, documents and regulations to the chapters and sections of the former tribal codes shall be construed to apply to the corresponding provisions contained within this Code.

NOW THEREFORE BE IT FINALLY RESOLVED, that the Squaxin Island Tribal Council hereby adopts the "Squaxin Island Tribal Code" as compiled and amended, including the General Provisions thereof.

CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 10th day of September, 1998, at which time a quorum was present and was passed by a vote of 4 for and 0 against with 0 abstentions.


Dave Whitener, Sr., Chairman

Attested by: 
Sue McFarlane, Secretary


Cal Peters, Vice Chairman

TITLE 1: GENERAL PROVISIONS

1.04 General Provisions

1.04.010 Disposition of Ordinances and Resolutions

Prior to the adoption of this Code, the laws of the Squaxin Island Tribe were passed by the Tribal Council as a series of ordinances and resolutions, many of which impliedly or explicitly superseded or repealed earlier ordinances and resolutions. Each of the resolutions and ordinances passed by the Tribal Council is listed in the Resolution List and Disposition Table to this Code, along with the disposition of each ordinance and resolution. For those ordinances and resolutions which have been codified by the adoption of this Code, the Code sections herein supersede any and all earlier adopted resolutions and ordinances on the same topic. For those ordinances and resolutions which have not been codified by the adoption of this Code, all earlier adopted resolutions and ordinances remain in effect to the extent they are neither repealed nor superseded.

1.04.020 Interpretation - General Principles

All laws of the Squaxin Island Tribe are to be interpreted with reference to and in accordance with the written laws and common law of the Squaxin Island Tribe, supplemented by introduction of evidence of custom and tradition as appropriate. All other sources of law, whether federal, Washington State, other states, other tribes, or the laws of any other jurisdiction, have no binding or precedential effect on the interpretation or application of the laws of the Squaxin Island Tribe, except to the extent that such laws are made binding on the Squaxin Island Tribe under its Constitution, the United States Constitution, the Treaty of Medicine Creek or the explicit language of an ordinance or resolution of the Squaxin Island Tribe. However, the Squaxin Island Tribal Court may consult the laws of other jurisdictions as it deems necessary or appropriate where there is no Squaxin Island code, ordinance, resolution or common law on the subject, or as otherwise helpful to interpret existing Squaxin Island laws.

Where the Squaxin Island Tribe has adopted Code language identical or very similar to the law of another jurisdiction, or where the Squaxin Island Tribe has adopted the law of another jurisdiction by reference to that law, the common law of that jurisdiction is expressly not adopted as binding or even persuasive precedent for the interpretation or application of that law. All laws adopted by the Squaxin Island tribe shall be interpreted and applied in accordance with the preceding paragraph.

1.04.030 Definitions

The following terms, whenever used or referred to in this Code, or in any ordinance or resolution of the Tribal Council, whether or not codified, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use such words or phrases:

“Council” means the duly elected tribal council of the Squaxin Island Tribe.

“Federal government” includes the United States of America, and any agency or instrumentality, corporate or otherwise, of the United States of America.

“May” is permissive.

“Member”, with reference to the Squaxin Island Tribe, means an individual who has been enrolled or adopted by the Squaxin Island Tribe as recorded on the official role of the Squaxin Island Tribe. For purposes of the jurisdiction of the Squaxin Island Tribe, persons eligible for membership shall include any viable fetus who, if already born, would otherwise satisfy membership eligibility criteria.

“Must” and “shall” are each mandatory.

“Person” includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, tribe, or the manager, lessee, agent, servant, officer or employee of any of them.

“Squaxin Island Reservation” means lands lying within the exterior boundaries, or those lands proclaimed as having the same status as within the boundaries, of the Squaxin Island Indian Reservation, including trust and fee land.

“Tribal Council” means the tribal council of the Squaxin Island Tribe.

“Tribe” means the Squaxin Island Tribe.

“Written” or “in writing” includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form, but does not include information in electronic form.

“Year” means a calendar year.

1.04.040 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

1.04.050 Grammatical interpretation.

The following grammatical rules shall apply in the Tribe’s Code, ordinances and resolutions, and in all rules, policies and procedures promulgated thereunder, unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

1.04.060 Agents.

When an act is required by a Code, ordinance or resolution, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent, except that no agent may waive the sovereign immunity of the Tribe unless specifically authorized to do so by the Tribal Council.

1.04.070 Prohibited acts include causing and permitting.

Whenever in the Code, ordinances, or resolutions of the Tribe any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.04.080 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

1.04.090 Construction.

The provisions of the Code, ordinances and resolutions of the Tribe, and all proceedings under them, are to be construed with a view to effect their objects and promote justice.

1.04.100 Repeal shall not revive any ordinances.

The repeal of a Code, ordinance or resolution shall not repeal the repealing clause of the code, ordinance or resolution or revive any code, ordinance or resolution which has been repealed thereby.

1.08 General Penalty

1.08.010 Violation -- Misdemeanor or infraction.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the Code, ordinances or resolutions of the Squaxin Island Tribe shall be guilty of an infraction unless the violation is made a misdemeanor or felony by Code, ordinance or resolution.

1.08.020 Violation -- Penalty for misdemeanor.

Except in cases where a different punishment is prescribed by any Code, ordinance or resolution of the Tribe, any person convicted of a misdemeanor for violation of a Code, ordinance or resolution of the Tribe is punishable by a fine of not more than \$1,000.00, or by imprisonment not to exceed one year, or by both such fine and imprisonment.

1.08.030 Violation -- Penalty for infraction.

Any person convicted of an infraction for violation of a Code, ordinance or resolution of the Tribe is punishable by a penalty of not more than \$500.00.

1.08.040 Violation -- Separate offenses.

Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the Code, ordinances or resolutions of the Tribe is committed, continued, concealed or permitted by any such person, and he or she shall be punishable accordingly.

1.08.050 Infractions.

A. An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to a trial by jury. A person charged with an infraction has the right to legal counsel at his or her own expense, under Public Law 90-284, enacted April 2, 1968. A person charged with an infraction shall not be entitled to have the public defender or other counsel appointed at public expense to represent him or her.

B. Except as otherwise provided by law, all provisions of law relating to misdemeanors shall apply to infractions, including, but not limited to, powers of peace officers, jurisdiction of courts, periods for commencing action and for bringing a case to trial and burden of proof.

C. Every violation determined to be an infraction is punishable by a fine not exceeding \$500.00.

1.08.060 Violations declared to be nuisances.

In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed, and is declared to be, a public nuisance and may be, by the Tribe, summarily abated as such.

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