

Title 19 – Environmental Protection
Chapter 3 – Herbicides and Pesticides

Sec.

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Legislative History

Enacted:

Environmental Protection, Ord. 177 (9/5/03), BIA (10/28/03).

Repealed or Superseded:

Health and Sanitation Code, Ord. 90, Sec. 16-5.010 – 16-5.020, (2/6/92), BIA (2/18/92).

Herbicide Usage, Res. 80-10-762 (10/7/80).

19-03.010 Authority.

This Chapter is enacted pursuant to the following provisions of the Constitution of the Swinomish Indian Tribal Community, as most recently amended:

Article VI, Section 1(k)(a), (l), (m), (s), and Section 5(a).

19-03.020 Definitions.

(A) For the purposes of this Chapter, the following words and phrases shall have the following meanings:

(1) **“Health Administrator”** means the Director of the Swinomish Tribal Health Program or his/her authorized representative(s).

(2) **“Reservation”** means all lands within the exterior boundaries of the Swinomish Reservation subject to the jurisdiction of the Tribe.

(B) All other words and phrases shall their ordinary and customary meanings.

[History] Ord. 177 (9/5/03); Ord. 90 (2/6/92).

19-03.030 Construction.

In the event of any inconsistency between any provision of this Chapter and any Chapter in effect on the effective date of this Chapter, the provision of this Chapter shall control.

[History] Ord. 177 (9/5/03); Ord. 90 (2/6/92).

19-03.040 Permits Required.

- (A) There shall be no application of any herbicides or pesticides within the exterior boundaries of the Swinomish Reservation except pursuant to issuance of the proper tribal permits.
- (B) This Section shall not apply to minor household use that complies with the manufacturer's label.

[History] Ord. 177 (9/5/03); Ord. 90 (2/6/92).

19-03.050 Issuance of Permits.

Permits for pesticide and herbicide applications shall be issued by the Planning Department with advice from the Health Administrator.

[History] Ord. 177 (9/5/03); Ord. 90 (2/6/92).

19-03.060 Repealer.

This Chapter repeals and supersedes Ordinance 90, Sections 16-5.010 through 16-5.020.

[History] Ord. 177 (9/5/03).

19-03.070 Severability.

If any provision of this Chapter is found to be invalid, the remaining provisions shall not be affected by such a decision.

[History] Ord. 177 (9/5/03); Ord. 90 (2/6/92).