

Title 2 – Tribal Government

Chapter 3 – Tribal Properties

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	2-03.280	Severability
	2-03.290	Effective Date

Legislative History

Enacted:

- Ordinance 421 Amending STC Title 2 Tribal Government, Chapter 3 Tribal Properties (7/6/21).
- Ordinance 383 Amending STC Title 2 Tribal Government, Chapter 3 Tribal Properties (9/11/18).
- Ordinance 319 Amending STC Title 2, Chapter 3 – Tribal Properties (10/9/12), BIA (11/7/12).
- Ordinance 255 Amending Ordinance 217 (3/6/07), BIA (3/16/07).
- Ordinance 217 Regulating Tribal Properties (2/5/04), BIA (3/1/04).

Repealed or Superseded:

- Ordinance 25 Adopting Plan of Operation, Appointing Swinomish Community Center Committee, and Adopting Rules and Regulations for the Use Thereof (11/3/64).

2-03.010 Title.

This Chapter shall be referred to as the “Tribal Properties Code.”

[History] Ord. 217 (2/5/04).

2-03.020 Authority.

This Chapter is hereby enacted pursuant to Article VI, Section 1(i), (k), (l), (m), (q) and (s) of the Constitution.

[History] Ord. 217 (2/5/04).

2-03.030 Definitions.

For purposes of this Chapter:

- (A) **“Conviction,”** for purposes of this Chapter, means an adult conviction for a sex offense, or a juvenile offender, delinquency or criminal adjudication for a sex offense.
- (B) **“Encroach,”** for the purposes of this Chapter, means to intrude upon the real property of another, advancing beyond the usual or proper limits or boundary lines.
- (C) **“Enforcement Officer”** or **“Police Officer”** means every person authorized by the Senate to serve as a Swinomish Enforcement Officer and officers commissioned by the United States.

- (D) **“Indian”** refers to all members of the Swinomish Indian Tribal Community and all other Indians in accordance with applicable Federal law. *See* STC 3-01.050(B)(2).
- (E) **“Infraction”** means any offense under this Title and Chapter which is declared not to be a criminal offense and is subject to the provisions of this Chapter.
- (F) **“Kukutali Acquisition Agreement”** refers to a document titled “Agreement Between Washington State Parks and Recreation Commission and Swinomish Indian Tribal Community Regarding the Acquisition of Kiket Island and the Development, Operation and Maintenance of a Public Park on Kiket Island.” This document and appendices are recorded under Skagit County Auditor’s File No. 201006180122, and retained by State Parks and the Swinomish Indian Tribal Community. Copies of the agreement are available upon request from the Swinomish Indian Tribal Community, or online at <https://www.skagitcounty.net/Search/Recording/>.
- (G) **“Kukutali Caretaker”** means the individual responsible for general operations of the Kukutali Preserve. The Caretaker acts pursuant to the direction of the Kukutali Managers and Management Board. The Kukutali Management Board may further authorize and direct any person to perform a task assigned to the Kukutali Caretaker.
- (H) **“Kukutali Co-Management Agreement”** means a document titled “Kiket Island Co-Management Agreement,” an agreement between Washington State Parks and Recreation Commission and Swinomish Indian Tribal Community on how to manage Kukutali Preserve. It is Exhibit A to the Kukutali Acquisition Agreement.
- (I) **“Kukutali Manager”** refers to the State Parks Deception Pass Area Manager and the Swinomish Environmental Director, who oversee day-to-day operations of Kukutali Preserve under the direction of the Kukutali Management Board and act as supervisors to the Kukutali Caretaker.
- (J) **“Kukutali Management Board”** means a body made up of representatives from Washington State Parks and the Swinomish Indian Tribal Community, which oversees Kukutali Preserve and acts in accordance with the authority and procedures set forth in the Co-Management Agreement.
- (K) **“Kukutali Preserve”** means the public park co-managed by Washington State Parks and the Swinomish Indian Tribal Community, covering areas within the exterior bounds of the Swinomish Indian Reservation commonly known as Kiket Island, Flagstaff Point, and part of Fidalgo Island. The legal description of the location of the Kukutali Preserve is set forth in paragraphs 1.3, 1.8 and 1.9 of the Kukutali Acquisition Agreement.
- (L) **“Kukutali Tidelands”** means tidelands adjacent to Kukutali Preserve, which are within the exterior bounds of the Swinomish Indian Reservation and owned by the United States in trust for the Swinomish Indian Tribal Community. The tidelands consist of lands continually or intermittently submerged beneath waters subject to the

ebb and flow of the tides and that lie between the line of mean high tide and the line of extreme low water. The legal description of the location of the Kukutali Tidelands, otherwise referred to as “Kiket Island Tidelands,” is set forth in paragraph 1.5 of the Kukutali Acquisition Agreement.

- (M) “**Senate**” means the Swinomish Indian Senate.
- (N) “**Sex offense**,” for the purpose of this Chapter, means any offense which would fall under the Chapter entitled “Sexual Offenses,” STC 4-03, and/or is defined as a sex offense by the laws of the jurisdiction wherein the person was convicted or received a deferred prosecution or judgment or suspended sentence.
- (O) “**Talawhalt development**” means that portion of the land within Allotment T 1027 located in the NW ¼ NW ¼ of Section 36, Township 34 N, Range 2E, W.M. and shown in the Plat of Talawhalt Phase I, dated 9/18/2007 (recorded under Skagit County Auditor’s File No. 200709200143 and depicted graphically on the map appended to this Title 2, Chapter 3 of the Swinomish Tribal Code), including lots, streets, sidewalks, Native Vegetation Retention Areas and other lands that have been subdivided or that may contain some infrastructure such as a road or utilities for future use but upon which structures have not yet been lawfully constructed and occupied.
- (P) “**Tribal buildings**” are tribally owned structures located on tribal properties including, but not limited to, such buildings as the Swinomish Community Center (which includes the gym, the day care center, and other facilities), the social services building, the dental clinic, the tribal administration building, the planning department offices, the fish plant, the net shed, the housing garage, the fisheries office building, the oil spill building, the trailer located on Moorage Way, the Web shed Building, the Smokehouse, the accounting building, the human resources building, village gas station, fitness center, archive building, the health clinic, the casino and lodge, the north end gas station, the docks and piers, the water and sewer facilities, and other public services buildings. As used in this Chapter, the term “**tribal building**” does not include tribal housing or other dwellings.
- (Q) “**Tribal Court**” and “**Court**” mean the Swinomish Tribal Court.
- (R) “**Tribal Properties**” means all lands, buildings and other facilities owned or co-owned by the Tribe, including lands held in trust by the United States for the Tribe. As used in this Chapter, the term “**Tribal Properties**” does not include a Swinomish Housing Authority or Talawhalt development dwelling unit or the leasehold or parcel of land upon which such unit is located.
- (S) “**Tribe**” means the Swinomish Indian Tribal Community, a Federally recognized Indian Tribe.

[History] Ord. 383 (9/11/18); Ord. 319 (10/9/12); Ord. 255 (3/6/07); Ord. 217 (2/5/04).

Subchapter I – Control and Use

2-03.040 Senate Control.

The use of tribal properties shall be under the direction and control of the Senate, which may exercise this control through appointed authorities, commissions, committees, boards, agents and employees.

[History] Ord. 383 (9/11/18); Ord. 217 (2/5/04).

2-03.050 Use and Purposes.

For the primary benefit of the Swinomish Indian Tribal Community and its members, tribal properties shall be used to provide government services, meeting places, health facilities, recreational facilities and/or educational facilities. Tribal properties may also be used for civic and business purposes and the advancement of tribal culture and religion. While it is intended that tribal properties be used primarily for the benefit of the Tribe and its members, tribal properties may also be made available to others when the use by such others will not conflict with the primary purposes to which the specific property shall be devoted.

[History] Ord. 217 (2/5/04).

2-03.060 Use Permits and Rental Fees.

Any individual or group of individuals, other than the Tribe itself, must obtain written permission or authority from the Senate or its designee to use a tribal property, other than Kukutali Preserve, for any purpose other than a tribally sponsored or authorized event, activity or program. The Senate or its designee shall set rental fees, when charged, for the use of tribal properties. Such rental fees shall be paid into the Tribe's general fund.

[History] Ord. 383 (9/11/18); Ord. 217 (2/5/04).

Subchapter II – Civil Infractions

2-03.070 Civil Infractions.

It is a civil infraction for any person to fail to comply with the following provisions:

- (A) No smoking is allowed in tribal buildings, except the breezeway in the Smokehouse and the casino and lodge;
- (B) No intoxicating beverages are allowed in tribal buildings, except the gas station and the casino and lodge;

- (C) No controlled substances, as defined in Title 4, Chapter 10 of this Code, are allowed on tribal property, except, as otherwise legal, in the health and dental clinics or in the lawful possession of an enforcement officer;
- (D) No drug paraphernalia, as defined in Title 4, Chapter 11 of this Code, is allowed on tribal property, except, as otherwise legal or in the lawful possession of an enforcement officer;
- (E) No guns or ammunition are allowed in tribal buildings, except in the possession of an enforcement officer;
- (F) No person under the influence of intoxicating beverages is allowed in any tribal building, except the casino and lodge or while in police custody;
- (G) No person under the influence of a controlled substance without a valid prescription is allowed on tribal property, except while in police custody;
- (H) No person may intentionally inflict or attempt to inflict bodily injury upon another without lawful authority on tribal property;
- (I) No person may maliciously disturb, damage, injure, or destroy any tribal property or portion thereof;
- (J) No person may use abusive language that intentionally creates a risk of assault, as defined under either STC 4-02.020 or RCW 9A.36, on tribal property;
- (K) No person may knowingly disrupt any lawful assembly or meeting of persons on tribal property without lawful authority;
- (L) No person may intentionally obstruct vehicular or pedestrian traffic on tribal property without lawful authority; and
- (M) No person may enter tribal properties without prior authorization to enter.

[History] Ord. 421 (7/6/21); Ord. 383 (9/11/18); Ord. 217 (2/5/04).

2-03.074 Civil Infraction – Kukutali Preserve.

It is a civil infraction for any person to fail to comply with the prohibitions set forth in Subchapter IV – Kukutali Preserve.

[History] Ord. 383 (9/11/18).

2-03.075 Civil Infraction – Swinomish Community Center.

- (A) It is a civil infraction for any person
- (1) who is registered or required to register as a sex offender under the laws of the Tribe or under a law or ordinance in another jurisdiction with similar registration requirements; or
 - (2) who has been found to have committed any sex offense by a court of competent jurisdiction; or
 - (3) who has been convicted of any sex offense by a court of competent jurisdiction

to enter or be within the premises or grounds of the Swinomish Community Center.

- (B) It is an affirmative defense to a charge under Section 2-03.075(A), that
- (1) the Tribal Court has entered an order under Section 2-03.075(C) allowing the offender to be in the Swinomish Community Center pursuant to Section 2-03.075(C) and its inherent powers;
 - (2) that the defendant was at the time of the infraction classified as a Level I sex offender in accordance with Swinomish law or the laws of another jurisdiction; or
 - (3) that the defendant was attending a funeral at the time of the infraction.

The defendant must prove the affirmative defense by a preponderance of the evidence.

- (C) The Tribal Court, upon petition from an individual subject to the restrictions set forth in Section 2-03.075(A), may waive temporarily the applicability of Section 2-03.075(A) and may impose any alternative conditions deemed appropriate pursuant to the court's inherent powers.

[History] Ord. 255 (3/6/07).

2-03.076 Civil Infraction – Encroachment on Tribal Property in Talawhalt Development.

It is a civil infraction for any person to leave or store personal property on, or allow personal property to remain or encroach on, Tribal properties within the Talawhalt development without the express written permission of the Tribe.

[History] Ord. 319 (10/9/12).

2-03.080 Officers to Enforce.

All enforcement officers commissioned by the Tribe shall have the authority to enforce Section 2-03.070, 2-03.075 and 2-03.076. Any enforcement officer shall, upon request, produce evidence of his or her commission. The Swinomish Police Department, Swinomish Fisheries Enforcement Department, Skagit County Sheriff's Office and/or Washington State Parks as necessary shall enforce 2-03.074.

[History] Ord. 383 (9/11/18); Ord. 319 (10/9/12); Ord. 217 (2/5/04).

2-03.090 Notice of Infraction – Issuance by Enforcement Officer.

- (A) An enforcement officer has the authority to issue a notice of civil infraction under this Chapter:
 - (1) When it occurs in the enforcement officer's presence; or
 - (2) When an enforcement officer has reasonable cause to believe a civil infraction has been committed.

- (B) The officer shall give the notice of infraction to the offending individual and;
 - (1) for violations of 2-03.070, 2-03.074 or 2-03.075 shall remove the individual from the Tribal property, or
 - (2) for violations of 2-03.076 shall direct the offending individual to move the personal property to a lawful location.

[History] Ord. 383 (9/11/18); Ord. 319 (10/9/12); Ord. 217 (2/5/04).

2-03.100 Notice of Infraction – Issuance by the Court.

The Tribal Court may issue a notice of civil infraction when it receives a written statement of an enforcement officer that there is reasonable cause to believe that an infraction has been committed.

[History] Ord. 217 (2/5/04).

2-03.110 Notice of Infraction – Deadline for Response.

A person who receives a notice of infraction must respond to the notice within fifteen (15) days of the date the notice was issued pursuant to Section 2-03.090 or, if the notice was issued by mail pursuant to Section 2-03.100, within eighteen (18) days of the date the notice was mailed.

[History] Ord. 217 (2/5/04).

2-03.120 Notice of Infraction – Three Options for Response.

A person shall respond to a notice of civil infraction in any one of the following ways:

- (A) Pay the fine to the Tribal Court on or before the response deadline stated in Section 2-03.110. The Court shall then enter a judgment that the person committed the civil infraction.
- (B) Request a hearing to explain the circumstances, without contesting that he or she committed the infraction, surrounding the occurrence of the infraction or in cases involving a violation of 2-03.076 to provide mitigating evidence that the personal property has been removed from the Tribal property, which might arguably lessen the amount of the fine.
- (C) Request a hearing to contest whether the infraction occurred.

[History] Ord. 217 (2/5/04).

2-03.130 Notice of Infraction – Failure to Respond.

If a person fails to respond as required in Sections 2-03.110, or fails to appear at a hearing scheduled pursuant to this Chapter, the Tribal Court shall enter an order finding that the person committed the infraction and shall assess the appropriate fine and applicable court costs.

[History] Ord. 217 (2/5/04).

2-03.140 Fines, Prohibition of Access and Remedial Orders.

- (A) An infraction committed under Sections 2-03.070 or 2-03.075 of this Chapter shall be punishable by the following civil penalties:
 - (1) **First Violation.**
 - (a) **Fine.** The fine for a first infraction shall be fifty dollars (\$50.00).
 - (2) **Second Violation.**
 - (a) **Fine.** The fine for a second infraction shall be one hundred dollars (\$100.00), plus court costs if deemed appropriate by the Court; and
 - (b) **Prohibition of Access.** The Court may, at its own discretion, prohibit the individual from entering all or specific Tribal properties for up to one (1) year.

(3) **Third and Subsequent Violations.**

- (a) **Fine.** The fine for third and subsequent violations shall be one hundred fifty dollars (\$150.00), plus court costs if deemed appropriate by the Court. The Court may, in addition, impose sanctions for violation of any order entered pursuant to Section 2-03.140(A)(2)(b); and
- (b) **Prohibition of Access.** The Court may, at its own discretion, prohibit the individual from entering all or specific Tribal properties for up to five (5) years.

(B) An infraction committed under Section 2-03.076 of this Chapter shall be punishable by the following civil penalties:

(1) **First Violation.**

- (a) **Fine.** The fine for a first infraction under Section 2-03.076 shall be one hundred dollars (\$100.00); and
- (b) The Court may, at its own discretion, direct the offending party to remove their personal property to a lawful location.

(2) **Second Violation.**

- (a) **Fine.** The fine for a second infraction shall be two hundred dollars (\$200.00), plus court costs if deemed appropriate by the Court. The Court may, in addition, impose sanctions for violation of any order entered pursuant to Section 2-03.140(B)(1)(b); and
- (b) The Court shall direct the offending party to remove their personal property to a lawful location within a specified period of time.

(3) **Third and Subsequent Violations.**

- (a) **Fine.** The fine for third and subsequent violations shall be four hundred dollars (\$400.00), plus court costs if deemed appropriate by the Court. The Court may, in addition, impose sanctions for violation of an order entered pursuant to Section 2-03.140(B)(1)(b) or (B)(2)(b).

(C) An infraction committed under Section 2-03.074 of this Chapter shall be punishable by the following civil penalties:

(1) **First Violation.**

- (a) **Fine.** The fine for a first infraction under Section 2-03.074 shall be fifty dollars (\$50.00); and
- (b) The Court may, at its own discretion, bar the offending party from accessing Kukutali Preserve and/or Kukutali Tidelands, or may place appropriate limits on such access, for a period of time not to exceed six (6) months.

(2) **Second Violation.**

- (a) **Fine.** The fine for a first infraction under Section 2-03.074 shall be two hundred dollars (\$200.00); and
- (b) The Court may, at its own discretion, bar the offending party from accessing Kukutali Preserve and/or Kukutali Tidelands, or may place appropriate limits on such access, for a period of time not to exceed one (1) year.

(3) **Third Violation.**

- (a) **Fine.** The fine for a first infraction under Section 2-03.074 of this Chapter shall be four hundred dollars (\$400.00); and
- (b) The Court may, at its own discretion, bar the offending party from accessing Kukutali Preserve and/or Kukutali Tidelands, or may place appropriate limits on such access, for a period of time not to exceed five (5) years.

[History] Ord. 383 (9/11/18); Ord. 319 (10/9/12); Ord. 217 (2/5/04).

Subchapter III – Smokehouse

2-03.150 Smokehouse.

The Swinomish Smokehouse is a tribal property held for the benefit of those tribal members who adhere to the Smokehouse religion. General admittance into the Smokehouse is reserved to those tribal members who adhere to the Smokehouse religion. The Senate delegates the authority to the Smokehouse Organization or Smokehouse Committee, within their discretion, to authorize or invite other individuals to be present in the Smokehouse and the Smokehouse Committee may delegate this authority to individuals who adhere to the

Smokehouse religion during family sponsored events. The Smokehouse Organization or Smokehouse Committee, or other individual authorized by the Smokehouse religion, may remove any individual who violates Smokehouse traditions or etiquette (e.g., a person may be removed for use of a camera or recording device during a Smokehouse event).

[History] Ord. 217 (2/5/04).

2-03.160 Enforcement.

All enforcement officers commissioned by the Tribe shall have the authority to remove an individual from the Smokehouse for any reason upon the request of a member of the Smokehouse Committee or its designee.

[History] Ord. 217 (2/5/04).

Subchapter IV– Kukutali Preserve

2-03.170 Purpose.

Kukutali Preserve is a public park co-owned and co-managed by the Swinomish Indian Tribal Community and the State of Washington. The Swinomish Indian Tribal Community and the State of Washington have shared objectives regarding the preservation and management of Kukutali Preserve, which include:

- (A) To actively preserve, protect and enhance natural ecological habitat on Kukutali Preserve and adjacent Kukutali Tidelands;
- (B) To promote the healthy functioning of important nearshore habitat corridors for birds, fish and marine mammals;
- (C) To facilitate scientific research; and
- (D) To respect and sustain the continuity of Tribal culture and facilitate Tribal spiritual activities and the exercise of Tribal treaty rights.

[History] Ord. 383 (9/11/18).

2-03.180 Findings.

The Senate finds that it is in the best interest of the Swinomish Indian Tribal Community to adopt regulations for Kukutali Preserve that are closely aligned with applicable State laws and regulations pertaining to public parks, in order that the Kukutali Manager and Kukutali Management Board, assisted by the Swinomish Police Department, Skagit County Sheriff's Office, and/or State Parks rangers, may require consistent standards of conduct by all visitors to Kukutali Preserve. Adherence to and enforcement of this Subchapter will protect Kukutali

Preserve and Kukutali Tidelands, and will facilitate achievement of the objectives stated in Section 2-03.170.

[History] Ord. 383 (9/11/18).

2-03.190 Permitted Access and Uses.

The only uses that shall be permitted on Kukutali Preserve and Kukutali Tidelands are:

- (A) Preservation, protection and/or enhancement of natural ecological habitat or culturally significant sites and other cultural resources;
- (B) Scientific research;
- (C) The exercise of Tribal treaty rights and the conduct of authorized Tribal Spiritual and Cultural Activities;
- (D) Low-intensity, non-consumptive and managed public recreational and educational activities;
- (E) Non-commercial use consistent with the Kukutali Co-Management Agreement and approved by the Kukutali Management Board; and
- (F) Administrative, maintenance and enforcement functions.

[History] Ord. 383 (9/11/18).

2-03.200 Prohibited Access and Uses.

The following activities are prohibited in Kukutali Preserve and on Kukutali Tidelands. Engaging in prohibited activities subjects a person to enforcement as detailed in Section 2-03.074 and Section 2-03.140(C) of this Chapter.

- (A) **Entering or Being Present when Kukutali Preserve is Closed.** No person shall enter or be present at Kukutali Preserve when Kukutali Preserve is closed unless such access is associated with law enforcement needs or authorized by the Kukutali Management Board or the Tribe, as applicable. Kukutali Preserve is closed during times other than daylight hours and when posted signs state that the areas are closed.
- (B) **Hunting, fishing and gathering activities.**
 - (1) **Non-members.** Hunting, fishing (including shellfishing) and gathering of natural resources of any kind by non-members of the Swinomish Indian Tribal Community is prohibited at Kukutali Preserve and on Kukutali Tidelands, except as permitted by WAC 352-28-030 as in force on June 7, 2010.

- (2) **Members.** Members of the Swinomish Indian Tribal Community may not engage in fishing, shellfishing, gathering of natural resources, tree cutting and wood debris collection, seaweed harvest or taking water unless otherwise permitted by applicable law or as authorized by the Kukutali Management Board or the Tribe, and shall not hunt or trap land mammals or waterfowl in Kukutali Preserve or on Kukutali Tidelands.
- (C) **Tree cutting and wood debris collection.** No non-member shall cut or remove any standing tree (whether living or dead) or cut, move, remove or collect any fallen tree or wood debris, unless such activity is approved in advance by the Kukutali Management Board.
- (D) **Seaweed harvest.** Harvesting or possessing seaweed is prohibited at Kukutali Preserve and on Kukutali Tidelands by non-members.
- (E) **Taking water.** No non-member shall take greater than five gallons of water from Kukutali Preserve or Kukutali Tidelands for personal or commercial use outside Kukutali Preserve or Kukutali Tidelands.
- (F) **Non-compliance with signs.** The Kukutali Caretaker may post signs imposing site-specific restrictions in order to protect public safety, wildlife and the environment. Posted signs also designate the only established trails and designated boat launch. All persons must comply with posted restrictions.
- (G) **Metal detectors and geocache.** The use of metal detectors and geocache is prohibited.
- (H) **Disrobing.** No person shall disrobe or otherwise appear nude in public. Clothing sufficient to conform to common standards shall be worn at all times. The Kukutali Management Board may provide specific authorization for nudity as necessary to carry out Tribal customs, and such authorization may include reasonable restrictions on the participants and/or the users of Kukutali Preserve as necessary to protect privacy.
- (I) **Fires and Fireworks.**
- (1) **Fires.** Fires, including campfires, stoves, candles, torches, barbeques and charcoal, are prohibited. Open burning is further regulated under STC Title 19, Chapter 2. The Kukutali Management Board may provide specific authorization for fires as necessary to carry out Tribal customs, and such authorization may include reasonable restrictions on the participants to ensure public safety.
- (2) **Fireworks.** No person shall possess, discharge, set off, or cause to be discharged any firecrackers, torpedoes, rockets, fireworks, explosives, or

similar items. The possession, sale, and use of fireworks is further regulated under Chapter 70.77 RCW and STC Title 15, Chapter 2.

(J) Alcohol and controlled substances.

- (1) No person shall possess, consume, be intoxicated by or otherwise under the influence of an alcoholic beverage or controlled substance, unless such person possesses a valid prescription for such controlled substance. The possession, consumption, and sale or distribution of alcoholic beverages and controlled substances is further regulated by STC Title 4, Chapters 6 and 10, STC Title 15, Chapter 4, and other provisions of the Swinomish Tribal Code.
- (2) Smoking any substance in Kukutali Preserve or on Kukutali Tidelands is prohibited.

(K) Firearms and Other Weapons.

- (1) **Firearms.** No person shall discharge or propel a firearm across, in or into Kukutali Preserve or Kukutali Tidelands. Any violation of this Section is a gross misdemeanor, and in the case of an Indian, a Class B Criminal Offense. .
- (2) **Other weapons.** No person shall display, discharge or propel across, in or into Kukutali Preserve or Kukutali Tidelands, a bow and arrow, spear, spear gun, harpoon, air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property.

- (L) Dogs and other domesticated animals.** Domesticated animals, including dogs, other pets and horses, or similar animals for recreation, are prohibited at Kukutali Preserve and on Kukutali Tidelands. Assistance animals for person with disabilities are allowed but must be kept under physical control on a leash no greater than eight (8) feet in length, or otherwise physically restrained, at all times and the owner is responsible for cleaning up and removing all solid animal waste.

- (M) Feeding wildlife.** No person shall intentionally feed, attract or artificially sustain wildlife in Kukutali Preserve or on Kukutali Tidelands.

[History] Ord. 383 (9/11/18).

2-03.210 Peace and Quiet.

All visitors to Kukutali Preserve and Kukutali Tidelands shall behave in a manner that is respectful to other visitors, the Swinomish Indian Tribal Community's land and water, and to fish and wildlife.

- (A) Disturbances. Disorderly conduct, which consists of conduct with the intent to intimidate or obstruct others, or which impedes or disturbs State, County, or Tribal officials in the performance of their duties, or which impedes or disturbs the general public in the use and enjoyment of Kukutali Preserve or Kukutali Tidelands, is prohibited.
- (B) No person shall, at any time, use sound-emitting electronic equipment including electrical speakers, radios, phonographs, televisions or other such equipment, except as authorized by the Kukutali Management Board.
- (C) Damaging or injurious activities. Engaging in activities in a manner and/or location which subjects people or personal property, or the resources or facilities of Kukutali Preserve or Kukutali Tidelands to risk of injury or damage is prohibited.

[History] Ord. 383 (9/11/18).

2-03.220 Swimming.

- (A) There are no designated swimming areas at Kukutali Preserve or on Kukutali Tidelands.
- (B) Any person swimming in any area, whether designated for swimming or not, where no lifeguard is present, shall do so at his or her own risk.
- (C) No person shall give or transmit a false signal or false alarm of drowning in any manner.

[History] Ord. 383 (9/11/18).

2-03.230 Camping and Special Uses.

- (A) Kukutali Preserve is a day-use area only. Camping is prohibited at Kukutali Preserve and on Kukutali Tidelands, except as authorized on a case-by-case basis by the Kukutali Management Board. Absent express authorization, no person shall erect, maintain, use or occupy any temporary tent or shelter.
- (B) Parking at the Kukutali Preserve parking lot is prohibited when Kukutali Preserve is closed to visitors. *See* STC 2-03.200(A).
- (C) Any person or group desiring to make use of a portion of Kukutali Preserve which will require special planning, facilities, staffing or environmental protection measures, or the closure or restriction of an area, shall submit an application for a special use event to the Kukutali Management Board and subject to payment of a use fee.

[History] Ord. 383 (9/11/18).

2-03.240 Sanitation.

Kukutali Preserve is a “pack it in, pack it out” park. No person using Kukutali Preserve or Kukutali Tidelands shall:

- (A) leave, deposit, drop or scatter bottles, broken glass, ashes, waste paper, cans or other rubbish;
- (B) drain or dump refuse or waste from any trailer, camper, automobile, or other vehicle, or vessel;
- (C) clean fish or other food, or wash any clothing or other article for personal or household use, or any dog or other animal;
- (D) pollute, or in any way contaminate, any stream, river, lake or other body of water running in, through, or adjacent to Kukutali Preserve or Kukutali Tidelands by dumping or otherwise depositing therein any waste or refuse of any nature, kind or description, including human or animal bodily waste; or
- (E) urinate or defecate except in designated facilities.

[History] Ord. 383 (9/11/18).

2-03.250 Vehicles, Cycles and Boats.

- (A) Motorized vehicles, including cars, trucks and motorized boats, are prohibited in Kukutali Preserve and on Kukutali Tidelands outside of designated parking areas, except for emergency services, law enforcement vehicles, and for scientific research or other uses authorized on an express case-by-case basis by the Kukutali Management Board.
- (B) Non-motorized cycles or similar devices may only be used on established trails identified on posted signs, and are prohibited in all other areas. Non-motorized cycles or similar devices shall mean any wheeled, operator-propelled equipment that transports the operator on land, including cycles, in-line skates and skateboards, but not including wheelchairs or other devices utilized by persons with disabilities.
- (C) Paragliders and aircraft. Paragliders and aircraft, except official aircraft used in the provision of emergency and law enforcement services, are prohibited in Kukutali Preserve and on Kukutali Tidelands. Unmanned aircraft systems (drones) are prohibited in Kukutali Preserve and on Kukutali Tidelands.

- (D) Boat access by gasoline- or diesel-powered boats to Kukutali Preserve or Kukutali Tidelands by the general public is prohibited, except for emergency services, law enforcement vehicles, and for scientific research or other uses authorized on an express case-by-case basis by the Kukutali Management Board. Anchoring of any boat is prohibited on Kukutali Tidelands.
- (E) Boat access by non-motorized boats is prohibited at all areas except designated boat landing and launch sites.

[History] Ord. 383 (9/11/18).

2-03.260 Enforcement.

- (A) The Swinomish Police Department, Swinomish Fisheries Enforcement Department, Skagit County Sheriff's Office, and/or Washington State Parks as necessary shall enforce the regulations in STC 2-03.170-260 and other applicable Tribal, State or Federal laws at Kukutali Preserve and on Kukutali Tidelands.
- (B) An enforcing officer may immediately remove an individual from Kukutali Preserve and/or Kukutali Tidelands and temporarily bar that individual from re-entry, where the officer has issued a notice of infraction based on the individual's violation of applicable Tribal, State or Federal law and concluded with reasonable written basis that the individual poses an ongoing threat to public safety at Kukutali Preserve and/or Kukutali Tidelands. A temporary ban on re-entry shall remain in effect until such a time as the applicable Court reviews the citation.
- (C) In accordance with paragraph 6.4 of the Kukutali Co-Management Agreement, State Parks shall refer any violation by an Indian to the Swinomish Office of Prosecuting Attorney for prosecution or referral to the United States unless and until the Tribe declines in writing the opportunity to prosecute or refer such violation.

[History] Ord. 383 (9/11/18).

Subchapter V – Repealer, Severability and Effective Date

2-03.270 Repealer.

[Reserved]

[History] Ord. 217 (2/5/04).

2-03.280 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Title, or the application of the provision to other persons or circumstances remains in effect.

* Previously codified as STC 2-03.180.

[History] Ord. 217 (2/5/04).

2-03.290 Effective Date.

This Chapter shall be effective upon approval by the Senate.

* Previously codified as STC 2-03.190.

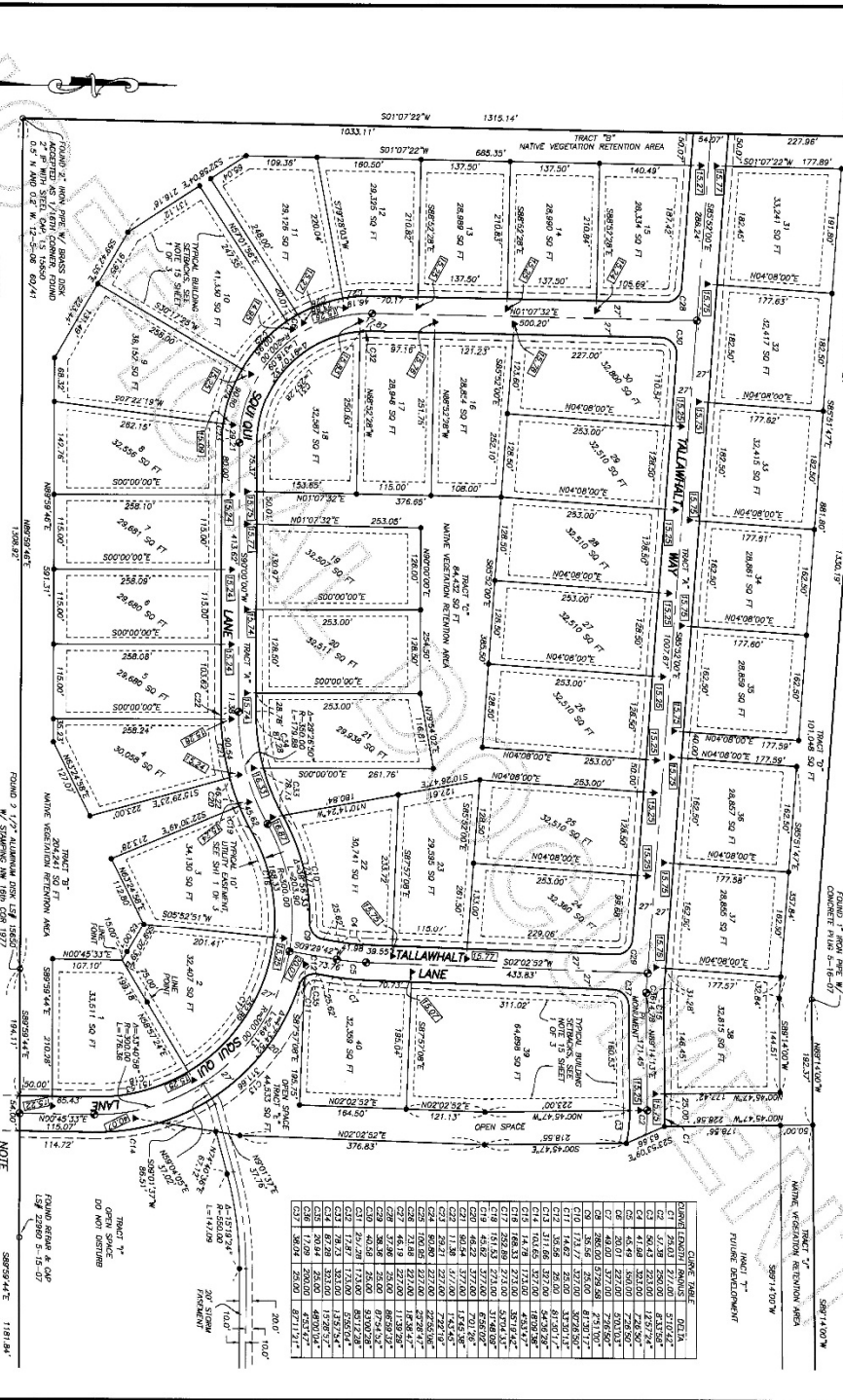
[History] Ord. 383 (9/11/18); Ord. 217 (2/5/04).

ROUND 2 1/2" WIDE
WITH 2 1/2" X 3/8"
DIA. 1" DIA.
6' 1" DIA.

RECORD OF SURVEY
OF THE PLAT OF
TALLAWHALT PHASE 1
THE NW 1/4 OF THE NW 1/4 AND GOVT LOT 6
SECTION 36, T.34 N., R.2 E. WM

AMENDED SURVEY
THIS SURVEY SUPERSEDES THE SURVEY RECORDED UNDER NUMBER THE
NUMBER 200700741, THE CHANGE FROM THE LOCATION OF THE ROAD
INDICATED, THE STRIP SHOWN THEREON, THE LOCATION OF THE ROAD
INDICATED.

8/20/2007 Page 2 of 3 2:42PM
Seal County Auditor



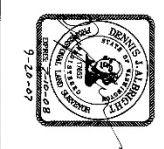
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CLUMP 2	1.0000	1.0000
CLUMP 3	1.0000	1.0000
CLUMP 4	1.0000	1.0000
CLUMP 5	1.0000	1.0000
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CLUMP 48	1.0000	1.0000
CLUMP 49	1.0000	1.0000
CLUMP 50	1.0000	1.0000

LEGEND

- SURVEY MARKER RECEIVED AS NOTED 1/18/04
- SURVEY MARKER RECEIVED AS NOTED 1/18/04
- SET LINE WITH WISER STAMPED 1/3 1982
- CONCRETE MONUMENT SET 8-11-07, IN ADJACENT CASE
- MARKED AS SHOWN

Scale 1" = 100'

INSTRUMENT NOTE
THIS SURVEY WAS ACCOMPLISHED BY FIELD TRAVERSE WITH A TRIMBLE S6
STATIONING ERROR DISTANCE 1/4" 20W 1/4" 1" P.M.I. AND METERS OF EXCESS
STATIONING AS SET FROM N. 44.4° 01' 32" 100'



Sound Development Group

ENGINEERING, SURVEYING, & LAND DEVELOPMENT SERVICES
160 Cascade Building, Suite 208
Burien, WA 98323
Tel: 360-474-2010 Fax: 360-474-2008

RECORD OF SURVEY
OF THE PLAT OF
TALLAWHALT PHASE 1
THE NW 1/4 OF THE NW 1/4 AND GOVT LOT 6
TOWNSHIP 34 NORTH, RANGE 2 EAST, WM
SWAN COUNTY, STATE OF WASHINGTON

NOTE
THIS IS A RECORD OF SURVEY AND NOT
FOR THE PURPOSE OF CHANGING LAND SURVEY 2 OF 3

DATE: 8-13-07
PROJECT NO.: 03-2007-04
PREP. DATE: 8-13-07
SCALE: 1" = 100'