

Title 5 – Traffic Code

Chapter 1 – Civil Traffic Code

Sec.	5-01.010	Title
	5-01.020	Authority
	5-01.030	Purpose and Scope
	5-01.040	Definitions
	5-01.050	Jurisdiction
	5-01.060	Means of Exercising Jurisdiction
	5-01.070	Explanation of Privilege
	5-01.080	Officers to Enforce Traffic Codes
		<i>Subchapter I – Civil Traffic Infraction Procedure</i>
	5-01.090	Notice of Infraction – Issuance by Enforcement Officer
	5-01.100	Notice of Infraction – Issuance by the Court
	5-01.110	Notice of Infraction – Form
	5-01.120	Notice of Infraction – Deadline for Response
	5-01.130	Notice of Infraction – Three Options for Response
	5-01.140	Notice of Infraction – Failure to Respond
	5-01.150	Hearings – Scheduling by the Court
	5-01.160	Hearing to Contest the Determination that an Infraction Was Committed
	5-01.170	Hearing to Explain the Circumstances Surrounding the Infraction
	5-01.180	Order of Court
	5-01.190	Suspension
	5-01.200	Occupational License
		<i>Subchapter II – Vehicle Safety Equipment</i>
	5-01.210	Vehicle Safety Equipment – Generally
	5-01.220	Required Safety Equipment
	5-01.230	Vehicles to Equipped with Tires –in Safe Condition
	5-01.240	Multiple-Beam Head Lights
	5-01.250	Use of Multiple-Beam Head Lights
	5-01.260	Spot Lamps
	5-01.270	Times When Head Lights, Tail Lights Are Required to Be On
	5-01.280	Wheel Projections
	5-01.290	Body Projections
	5-01.300	Flags on Projecting Load
	5-01.310	Safety Belts – Use Required
	5-01.320	Child Passenger Restraints Required
	5-01.330	Moving Vehicle in Unsafe Condition
	5-01.340	Bicycle Equipment
		<i>Subchapter III - Licensing Requirements & Financial Responsibility</i>
	5-01.350	Operator's License on Person
	5-01.360	Motorcycle Endorsement Required

- 5-01.370 Vehicle License Required
- 5-01.380 Liability Insurance or Other Financial Responsibility Required
- 5-01.390 License Registration Certificate Required

Subchapter IV – Rules of the Road

- 5-01.400 Rules of the Road – Generally
- 5-01.410 Yield to Emergency Vehicle
- 5-01.420 Following Fire Vehicle Prohibited
- 5-01.430 Crossing Fire Hose
- 5-01.440 Emergency Vehicles Exempted from Speed Limits. Due Care Is Required
- 5-01.450 Speed Limits
- 5-01.460 Due Care Required
- 5-01.470 Speed Limits – Changes by the Swinomish Indian Senate
- 5-01.480 Drive on the Right Side of the Road
- 5-01.490 Turning, Stopping, Moving Right or Left - Signals Required
- 5-01.500 Turning at Intersections
- 5-01.510 Right of Way – Vehicle Turning Left
- 5-01.520 Right of Way – Yielding for Road Construction
- 5-01.530 Overtaking and Passing
- 5-01.540 Passing School Bus
- 5-01.550 Following Too Closely
- 5-01.560 "U" Turns
- 5-01.570 Backing
- 5-01.580 Traffic Signs, Signals and Markings
- 5-01.590 Interference with Signs and Signals
- 5-01.600 Stopping, Standing or Parking on Road
- 5-01.610 Stopping, Standing or Parking Prohibited in Certain Places
- 5-01.615 Stopping, Standing, Mooring or Parking Prohibited at Dock
- 5-01.620 Leaving Children Unattended in Vehicle
- 5-01.630 Obstructing the Driver's View
- 5-01.640 Alcoholic Beverages – Prohibitions
- 5-01.650 Using a Wireless Communications Device While Driving
- 5-01.660 Text Messaging While Driving

Subchapter V – Pedestrians

- 5-01.670 Pedestrians – Drivers to Exercise Care
- 5-01.680 Pedestrians – Under the Influence of Alcohol or Drugs
- 5-01.690 Pedestrians – To Remain off the Road

Subchapter VI – Materials on Roadway

- 5-01.700 Throwing Glass or Other Materials on Road Prohibited
- 5-01.710 Permitting Escape of Load and Other Materials

Subchapter VII – Motorcycles & Off Road Vehicles

- 5-01.720 Motorcycle Safety Equipment
- 5-01.730 Motorcycles – Head Light and Tail Lights to Be On
- 5-01.740 Motorcycles – Exhaust System

- 5-01.750 Motorcycles – Eye Protection
- 5-01.760 Motorcycle – Operation on Laned Roads
- 5-01.770 Motorcycles – Riding on the Permanent Seat Only
- 5-01.780 Motorcycles – Footpegs
- 5-01.790 Motorcycles – Both Feet Not to Be on the Same Side
- 5-01.800 Motorcycles – Clinging to Other Vehicles
- 5-01.810 Motorcycles – Temporary Suspension of Rules for Public Demonstration
- 5-01.820 Off Road Vehicles

Subchapter VIII - Boat/Vessel Travel

- 5-01.830 Manner of Operation
- 5-01.840 Life Preservers or Life Floats
- 5-01.850 Loading or Powering Vessel Beyond Safe Operating Ability

Subchapter IX - Enforcement

- 5-01.860 Fines
- 5-01.870 Record of Traffic Charges

Subchapter X – Repealer & Severability

- 5-01.880 Repealer
- 5-01.890 Severability
- 5-01.900 Effective Date

Annotations

Legislative History

Enacted:

- Ordinance 346 Amending STC Title 5, Chapter 1, (7/14/15), BIA (7/28/15).
- Ordinance 292 Amending Ordinance 173 Codified at STC Title 5, Chapter 1, Section .540 and Adding a New Section to Civil Traffic Code, (7/7/11), BIA (7/14/11).
- Ordinance 284 Amending STC Title 5, Chapter 1 - Civil Traffic Code, (2/8/11), BIA (02/10/11).
- Ordinance 175 Establishing the Swinomish Traffic Code and Repealing and Superseding Ordinance Numbers 150, 137, 107 and 69A, Ord. 175 (9/5/03), BIA (9/12/03).

Repealed and Superseded:

- Ordinance 150 Amending Criminal Traffic Ordinance 137 (Title 10A) by Repealing Chapter 10A.1 of Ordinance 137 and replacing it with a new Chapter 10A.1, Ord 150 (11/7/01).
- Ordinance 137 Enacting Amended Criminal Traffic Code and Amendment of Civil Traffic Code, Ord. 137 (6/9/99), BIA (6/22/99).
- Ordinance 107 Title 10 - Civil Traffic Code, Ord. 107 (12/6/94).
- Ordinance 69A Criminal Traffic Ordinance, Code of Laws/Title 10A, Ord 69A (2/7/90).
- Ordinance 69 Criminal Traffic Ordinance, Code of Laws/Title 10, Ord. 69 (2/7/90), Enacting Res. 90-2-3, BIA (2/27/90).
- Establishing 25 m.p.h. Limit, Res. 90-1-1 (1/4/90), BIA (3/8/90).
- Incorporating State Rules of the Road, Res. 76-8-406 (8/31/76).

5-01.010 Title.

This Chapter shall be known and may be cited as the “Swinomish Civil Traffic Code”.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.020 Authority.

This Chapter is enacted pursuant to authority provided by Article VI, Section 1 (k) and (1) of the Swinomish Constitution.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.030 Purpose and Scope.

The Swinomish Senate enacts this Chapter to promote the welfare and a safety of all persons who use the roadways and waterways subject to the jurisdiction of the Swinomish Indian Tribal Community and to provide for fair and efficient disposition of civil traffic infractions.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.040 Definitions.

Words in this Title shall have the meaning given to them in this Section unless the context clearly indicates another meaning. If the meaning of a word is not clear, the Court shall construe the meaning of the word in harmony with the purpose of this Title.

- (A) **“Alley”** means a way or passage used primarily as a means of access to the rear of residences, business establishments, and other buildings; not designed for general travel.
- (B) **“Authorized Emergency Vehicle”** means any vehicle used by a fire department, enforcement department, tribal police, sheriff’s office, Washington State Patrol, or ambulance service.
- (C) **“Crest of a Grade”** means the highest point on an ascending roadway.
- (D) **“Driver or operator”** means any person who is the operator of a vehicle or motor driven boat/vessel or is in actual physical control of a vehicle or motor driven boat/vessel.
- (E) **“Driveway”** means a way or passage used for travel of vehicles by persons possessing the right to occupy the place or passage but not by others.
- (F) **“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.

- (G) **“Highways”** means all streets, roads, highways, parking lots, and every location or place, whether publicly or privately maintained or built, when any part thereof is open at any time to the use of the public for vehicular travel.
- (H) **“Laned Road”** means a roadway which is divided into clearly marked lanes for vehicular travel.
- (I) **“Motorcycle”** means every motor vehicle having a seat for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, excluding mopeds and farm vehicles.
- (J) **“Motor vehicle”** means every vehicle that is self-propelled but not operated upon rails.
- (K) **“Motor driven boat and vessel”** means all boats and vessels that are self-propelled.
- (L) **“Off road vehicle”** means any motorized vehicle when used for recreational travel on trails or cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain.
- (M) **“Owner”** means a person who has lawful right of possession of a vehicle or motor driven boat/vessel, not merely permission to use the vehicle or motor driven boat/vessel.
- (N) **“Park”** or **“Parking”** means to stop and keep standing a vehicle for a time other than for the purpose of temporarily loading or unloading.
- (O) **“Reservation”** means the Swinomish Indian Reservation.
- (P) **“Revoke”** means invalidation of a person’s privilege to drive for a period of at least one (1) year until reissue.
- (Q) **“Right of way”** means the privilege of the immediate use of a roadway.
- (R) **“Roadway”** or **“Road”** means a way or passage designed or ordinarily used for vehicular travel, whether publicly or privately maintained or built, when any part thereof is open at any time to the use of the public for vehicular travel.
- (S) **“Stand”** or **“Standing”** means the halting of a vehicle other than temporarily to load or unload.
- (T) **“Senate”** means the Swinomish Indian Senate, the governing body of the Swinomish Indian Tribal Community.
- (U) **“Stop”** means to halt a vehicle even momentarily except when directed to do so by a traffic sign.
- (V) **“Suspend”** means invalidation of a person’s privilege to drive for less than one (1) year until reinstated.
- (W) **“Traffic”** means pedestrians, ridden or herded animals, and motor driven boats/vessels,

vehicular conveyances, either singly or together, while using a roadway or waterway for purposes of travel.

- (X) **“Tribal Court”** and **“Court”** mean the Swinomish Tribal Court.
- (Y) **“Tribe”** means the Swinomish Indian Tribal Community.
- (Z) **“Vehicle”** means every mechanical devise capable of being used for transportation or driven by a person upon a highway, except vehicles moved by human or animal power.
- (AA) **“Vehicle right of way”** means the right of one vehicle to proceed in preference to another vehicle.
- (BB) **“Waters”** means any lake, pond, channel, or other body of water subject to tribal jurisdiction.

[History] Ord. 346 (7/14/15); Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.050 Jurisdiction.

The Tribal Court is vested with the fullest personal, subject matter and territorial jurisdiction permissible under the Constitution and By-Laws of the Swinomish Indian Tribal Community and to the extent consistent with federal law.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.060 Means of Exercising Jurisdiction.

In exercising jurisdiction over civil traffic infractions, if a process is not specified under this Title, the Tribal Court may adopt any suitable process consistent with the purpose of this Chapter and in harmony with the spirit of Swinomish law.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.070 Explanation of Privilege.

The operation of a vehicle or motor driven boat/vessel on the Reservation is a privilege, which may be granted, denied, suspended or revoked by the Tribe.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.080 Officers to Enforce Traffic Codes.

All enforcement officers commissioned by the Tribe or the United States Government shall have the authority to enforce the traffic codes of the Tribe. Any enforcement officer shall, upon request,

produce evidence of his or her commission.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

Subchapter I – Civil Traffic Infraction Procedure

5-01.090 Notice of Infraction – Issuance by Enforcement Officer.

- (A) An enforcement officer has the authority to issue a notice of civil traffic infraction:
- (1) When it occurs in the enforcement officer's presence;
 - (2) When an enforcement officer investigating the scene of an accident has reasonable cause to believe a civil traffic infraction has been committed; or
 - (3) When an enforcement officer discovers an unattended vehicle or motor driven boat/vessel parked, stopped, or standing contrary to this Chapter.
- (B) The officer shall give the notice of infraction to the driver of the vehicle or, in the case of a vehicle found without a driver, shall affix a notice of civil traffic infraction in plain view on the vehicle or motor driven boat/vessel.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.100 Notice of Infraction – Issuance by the Court.

The Tribal Court may issue a notice of civil traffic 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. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.110 Notice of Infraction – Form.

A notice of civil traffic infraction shall be on a form authorized by the Tribal Court.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.120 Notice of Infraction – Deadline for Response.

- (A) A person who receives a notice of infraction must respond to the notice within fifteen (15) days of the date the notice is issued pursuant to Section 5-01.090 or, if the notice was issued by mail pursuant to Section 5-01.100, within eighteen (18) days of the date the notice was mailed.
- (B) A person may respond to a notice of infraction to the Tribal Court either in person or by mail. If the response is mailed, it must be mailed no later than midnight of the day the response is due.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.130 Notice of Infraction – Three Options for Response.

A person shall respond to a notice of civil traffic 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 5-01.120. The Court shall then enter a judgment that the person committed the civil traffic infraction. If the infraction requires a mandatory appearance under Chapter 10.7 the person cannot pay the fine in lieu of appearing before the court; or
- (B) Request a hearing to explain the circumstances, without contesting that he or she committed the violation, surrounding the occurrence of the traffic infraction which might arguably lessen the amount of the fine; or
- (C) Request a hearing to contest whether the traffic infraction occurred.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.140 Notice of Infraction – Failure to Respond.

If a person fails to respond as required in Sections 5-01.120 and 5-01.130, or fails to appear at a hearing scheduled pursuant to Section 5-01.150, the Tribal Court shall enter an order finding that the person committed the traffic infraction, shall assess the appropriate fine and applicable court costs, and, in the case of vehicles, may notify the Washington State Department of Licensing to prevent the renewal of the person's driver's license until all fines are paid. Failure to appear is a criminal offense under the Swinomish Tribal Code.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.150 Hearings – Scheduling by the Court.

When a person requests a hearing to explain the circumstances or to contest the infraction, the Tribal Court shall schedule a hearing to take place no less than seven (7) days and not more than ninety (90) days from the date the response is received by the Court. The Tribal Court shall give the person written notice of the date and time of the hearing.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.160 Hearing to Contest the Determination that an Infraction Was Committed.

- (A) The following rules apply to hearings held to contest the determination that a civil traffic infraction has occurred:
 - (1) The proceeding shall be heard by the Tribal Court without a jury;

- (2) The Tribe and the person requesting the hearing may both be represented by counsel;
 - (3) The Tribe and the person requesting the hearing may have witnesses subpoenaed;
 - (4) The burden of proof is on the Tribe to establish the commission of the infraction by a preponderance of the evidence; and
 - (5) The person requesting the hearing has the right to present evidence and examine witnesses.
- (B) After consideration of the evidence and argument, the Court shall determine whether the infraction was committed. Where the Tribe does not establish by a preponderance of the evidence that an infraction has been committed, the Court shall enter an order dismissing the action. Where the Tribe establishes that an infraction has been committed, the Court shall enter an appropriate order.
- (C) Any appeal shall be governed by the Swinomish Rules of Appellate Procedure.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.170 Hearing to Explain the Circumstances Surrounding the Infraction.

- (A) A hearing held for the purpose of allowing a person to explain the circumstances surrounding the commission of the infraction that might lessen the amount of the fine shall be an informal proceeding to which the following rules apply:
- (1) The person requesting the hearing may not contest the determination that the traffic infraction occurred;
 - (2) The Tribe and the person requesting the hearing may both be represented by counsel; and
 - (3) The Tribe and the person requesting the hearing may not compel witnesses to attend.
- (B) After the Court has heard the explanation of the circumstances, the Court shall determine whether the explanation of events justifies reducing the amount of the fine. The Court shall enter an appropriate order, which may include ordering payment of the fine, suspending part or all of the fine, or ordering payments over time. The Court has continuing jurisdiction and authority to supervise the order.
- (C) There shall be no right to appeal the Court's order.
- (D) In lieu of requiring the person to appear for a hearing, the Court may allow the person to submit a written statement explaining the mitigating circumstances. The statement shall contain the person's promise to pay the monetary penalty authorized by law if the Court finds the infraction was committed. The statement shall be executed in substantially the following form, or other form acceptable to the Court:

I certify [or declare] under penalty of perjury under the laws of the Swinomish Tribe that the following statement is true:

[Respondent's statement]

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the Court.

[Date and Place]

[Signature]

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.180 Order of Court.

All orders entered by the Court under this Chapter are civil in nature. The Court may, in its discretion, waive, reduce, or suspend the fine. The Court may also order suspension or revocation of the driver's privilege to operate a vehicle within the jurisdiction of the Tribe, as provided under this Chapter.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.190 Suspension.

The Court may order the suspension of a driver's privilege to drive within the jurisdiction of the Tribe as part of any penalty ordered under this Title. This suspension shall not be for more than one (1) year, and may be conditioned on the performance or non-performance of certain activities, a clean driving record, and/or the payment of fines, in the discretion of the judge; PROVIDED, that if the penalty ordered is based on a driver's failure to respond to a Notice of Infraction, the Court may revoke a driver's privilege to drive for more than one (1) year.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.200 Occupational License.

When a driver's privilege to drive is suspended or revoked under this Title, the judge may, in his or her discretion, provide for a limited occupational license for that driver. This license to drive shall be limited to driving activities necessary for the driver's transportation to and from work.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

Subchapter II – Vehicle Safety Equipment

5-01.210 Vehicle Safety Equipment – Generally.

It is a civil traffic infraction for any person to fail to comply with any provision set forth in this Subchapter.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.220 Required Safety Equipment.

No person shall drive any vehicle on a roadway that does not have the following safety equipment in proper condition and adjustment:

- (A) **Bumpers.** Every motor vehicle shall be equipped with bumpers maintained in good condition.
- (B) **Head Lights.** Every motor vehicle shall be equipped with at least two (2) head lights, with at least one (1) on each side of the front of the vehicle.
- (C) **Horns.** Every motor vehicle shall be equipped with a horn in good working order.
- (D) **Muffler.** Every motor vehicle shall be equipped with a muffler in good working order to prevent excessive or unusual noise.
- (E) **Parking Brakes.** Every motor vehicle shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated.
- (F) **Reflectors.** Every motor vehicle shall carry on the rear at least two (2) red reflectors. Every reflector shall be of such size and so mounted as to be clearly visible at night within six hundred feet (600'), when directly in front of lawful upper beams of head lamps.
- (G) **Service Brakes.** Every motor vehicle shall be equipped with service brakes maintained in good working order and adequate to control the movement of and to stop and hold such vehicle on any grade incident to its operation.
- (H) **Stop Lamps.** Every motor vehicle shall be equipped with at least two (2) stop lamps on the rear of the vehicle which shall clearly display a red or amber light and which shall be visible upon application of the service brakes.
- (I) **Tail Lights.** Every motor vehicle shall be equipped with at least two (2) tail lights mounted on the rear which shall emit a red light plainly visible from a distance of one thousand feet (1000') to the rear of the vehicle.
- (J) **Windshield.** Every motor vehicle shall be equipped with a front windshield in such condition as to permit the driver a clear view.
- (K) **Windshield Wipers.** Every motor vehicle shall be equipped with windshield wipers, maintained in good working order.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.230 Vehicles to Equipped with Tires in Safe Condition.

Every motor vehicle shall be equipped with tires in safe operating condition. A tire shall be considered unsafe if it has:

- (A) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed;
- (B) Any bump, bulge or knot, affecting the tire structure;
- (C) Any break repaired with a boot;
- (D) A tread depth of less than 2/32 of an inch measured in two (2) major tread grooves at three (3) locations equally spaced around the tires;
- (E) Any condition that reasonably demonstrates that the tire is unsafe;
- (F) Markings specifying that the tire is not intended for use on a roadway, such as “for racing purposes only”; or
- (G) Tread wear that indicates contact the road in any two (2) major tread grooves at three (3) locations equally spaced around the tire.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.240 Multiple-Beam Head Lights.

The head lights of all motor vehicles shall be arranged so that the driver may select at will between high and low beams. The high beams shall be so aimed and of such intensity as to illuminate persons and vehicles at a distance of four hundred and fifty feet (450’) ahead. The low beams shall be so aimed and of such intensity to illuminate persons and vehicles at a distance of one hundred fifty feet (150’) ahead. On a straight level road none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.250 Use of Multiple-Beam Head Lights.

Whenever a motor vehicle is being operated on a roadway during the time specified in Section 5-01.270, the driver shall use a beam sufficient to illuminate persons and vehicles at a safe distance in advance of the vehicle, subject to these requirements:

- (A) Whenever a driver of a motor vehicle approaches an oncoming vehicle within five hundred feet (500’), the driver shall use low beams.
- (B) Whenever a driver of a motor vehicle approaches another vehicle from the rear within three

hundred feet (300') feet, the driver shall use low beams.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.260 Spot Lamps.

Whenever a motor vehicle is equipped with spot lamps or other auxiliary lamps, the lamps shall not be of such intensity and adjustment as to strike the eyes of approaching drivers.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.270 Times When Head Lights, Tail Lights Are Required to Be On.

No person shall drive or move any vehicle on a roadway without head lights and tail lights turned on, from a half hour after sunset to a half hour before sunrise and anytime weather conditions diminish a driver's clear view.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.280 Wheel Projections.

No vehicle shall be equipped with wheel nuts, hub caps, or wheel disks that project outside the body of the vehicle in a manner constituting a hazard to pedestrians or cyclists.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.290 Body Projections.

The body, fenders, and bumpers of all vehicles shall be maintained without protrusions that could be hazardous to pedestrians or cyclists.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.300 Flags on Projecting Load.

No person shall drive or move any vehicle on a roadway with a load on the vehicle extending four feet (4') or more beyond the body of the vehicle, without placing red signal flags, at least twelve inches (12") square, marking the extremities of the load. During hours of darkness such extremities shall be marked with a red light plainly visible from a distance of at least five hundred feet (500') feet from the sides and rear. This light shall be in addition to the red tail lights required on every vehicle.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.310 Safety Belts - Use Required.

(A) For the purposes of this Section, the term "motor vehicle" means:

- (1) **“Buses,”** meaning motor vehicles with motive power, except trailers, designed to carry more than ten (10) passengers;
 - (2) **“Multipurpose passenger vehicles,”** meaning motor vehicles with motor power, except trailers, designed to carry ten (10) persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;
 - (3) **“Passenger cars,”** meaning motor vehicles with motor power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten (10) passengers or less; and
 - (4) **“Trucks,”** meaning motor vehicles with motor power, except trailers, designed primarily for the transportation of property.
- (B) This Section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This Section does not apply to a vehicle occupant for whom no safety belt is available when all designed seating positions as required by federal motor vehicle safety standard 208 are occupied.
- (C) Every person sixteen (16) years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.
- (D) No person may operate a motor vehicle unless all passengers under the age of sixteen (16) years of age are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.
- (E) A person violating this Section shall be issued a notice of traffic infraction under this Title.
- (F) Failure to comply with the requirements of this Section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.
- (G) This Section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

[History] Ord. 284 (2/8/11); Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.320 Child Passenger Restraints Required.

- (A) Whenever a child under ten (10) years of age is being transported in a motor vehicle that is in operation and that it is required by Federal vehicle safety standards to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

- (1) If the child is less than three (3) years of age, the child shall be properly restrained in

a child restraint system that complies with standards of the United States Department of Transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system; and

- (2) If the child is less than ten (10) but at least three (3) years of age, the child shall be restrained either as specified in (A)(1) of this Subsection or with a safety belt properly adjusted and fastened around the child's body.
- (B) A person violating Subsection (A) of this Section may be issued a notice of traffic infraction. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven (7) days of receiving the notice to the Tribal Court, the Tribal Court may dismiss the notice of traffic infraction.
- (C) Failure to comply with the requirements of this Section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.
- (D) This Section does not apply to:
- (1) For hire vehicles including public transit;
 - (2) Vehicles designed to transport sixteen (16) or fewer passengers, including the driver, operated by auto transportation companies; and
 - (3) Vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.330 Moving Vehicle in Unsafe Condition.

It is a civil traffic infraction to drive or move any vehicle that is in such unsafe condition as to endanger any person.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.340 Bicycle Equipment.

Every bicycle in use during the hours of darkness, as defined under Section 5-01.270 shall be equipped with a lamp on the front, which shall emit a white light visible for at least five hundred feet (500') to the front and with a red reflector on the rear.

Subchapter III - Licensing Requirements & Financial Responsibility

5-01.350 Operator's License on Person.

No person shall operate a vehicle within the jurisdiction of the Tribe unless he or she has a valid operator's license issued to him or her by any jurisdiction recognized by the Tribe, on his or her person or within the vehicle being operated.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.360 Motorcycle Endorsement Required.

No person shall drive a motorcycle or a motor-driven cycle, except a moped, unless such person has a valid driver's license specially endorsed by a jurisdiction recognized by the Tribe to enable the holder to drive such vehicles, nor may a person drive a motorcycle of a larger engine displacement than that authorized by the special endorsement.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.370 Vehicle License Required.

(A) No person shall operate any vehicle over and along a public roadway within the Reservation without first obtaining and keeping in full force and effect a current and proper vehicle license and displaying the vehicle license number plates issued by the Tribe or a jurisdiction recognized by the Tribe for this limited purpose. Failure to make initial registration before operation on the highways under tribal jurisdiction is a civil offense, and any person convicted thereof shall be punished by a fine. Failure to renew an expired registration before operation on the highways under tribal jurisdiction is a traffic infraction.

(B) These provisions shall not apply to:

- (1) Farm vehicle(s) if operated within a radius of fifteen (15) miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;
- (2) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilizing in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation; or
- (3) Forklifts operated during daylight hours on public highways adjacent to and within

five hundred (500') feet of the warehouses they serve.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.380 Liability Insurance or Other Financial Responsibility Required.

- (A) No person may operate a motor vehicle on roads within tribal jurisdiction unless the person is insured under an acceptable motor vehicle liability policy, is self-insured, is covered by an acceptable certificate of deposit, or is covered by an acceptable liability bond. **“Acceptable”** means, for purposes of this Section, an amount consistent with tribal law or that of a jurisdiction recognized by the Tribe for the limited purpose of this Section. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer.
- (B) Failure to display an insurance identification card when asked to do so by a police officer creates a presumption that the person does not have motor vehicle insurance.
- (C) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties.
- (D) If a person cited for a violation of Subsection (A) of this Section appears in person before Tribal Court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of Subsection (A) of this Section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of Subsection (A) of this Section may, before the date scheduled for the person’s appearance before the court, submit by mail to the court written evidence that at the time the person was cited he or she was in compliance with the financial responsibility requirements of Subsection (A) of this Section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of twenty-five dollars (\$25.00) at the time of dismissal.
- (E) The provisions of this Section shall not apply to operation of a motorcycle, a motor-driven cycle, or a moped.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.390 License Registration Certificate Required.

A certificate of license registration issued by the Tribe or other jurisdiction recognized by the Tribe for the limited purpose of this Section, to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent) and must be carried in the vehicle for which it is issued. It shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license

registration. Any person in charge of such vehicle shall, upon demand of a tribal police officer,

permit an inspection of such certificate of license registration.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

Subchapter IV – Rules of the Road

5-01.400 Rules of the Road – Generally.

It shall be a civil traffic infraction for any person to fail to comply with any of the provisions set forth in this chapter. If a vehicular accident occurs in conjunction with a violation of the following Sections, the penalty established pursuant to Section 5-01.840 shall be doubled: 5-01.220; 5-01.450; 5-01.460; 5-01.480; 5-01.490; 5-01.500; 5-01.510; 5-01.520; 5-01.530; 5-01.550; 5-01.560; 5-01.570; 5-01.580; 5-01.630.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.410 Yield to Emergency Vehicle.

The driver of every vehicle shall yield the right of way by pulling over to the far right of the road and stopping upon immediate approach of an authorized emergency or law enforcement vehicle making lawful use of sirens and visual signals.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.420 Following Fire Vehicle Prohibited.

The driver of any vehicle other than one on official business shall not follow any official fire vehicle traveling in response to a fire call, closer than five hundred feet (500'), or stop any vehicle closer than five hundred feet (500') from an official fire vehicle.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.430 Crossing Fire Hose.

No person shall drive or move a vehicle over any unprotected fire hose without consent of the fire official in command.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.440 Emergency Vehicles Exempted from Speed Limits. Due Care Is Required.

The speeds designated in this Chapter shall not apply to authorized emergency vehicles when operated in emergencies. Nothing in this Chapter shall relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using a roadway.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.450 Speed Limits.

No person shall drive a vehicle in excess of the posted speed limits within the jurisdiction of the Tribe or as designated by this Chapter for the particular district or location on a roadway.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.460 Due Care Required.

No person shall drive a vehicle or a bicycle upon a roadway in a manner or at a speed greater than is reasonable and prudent, having due regard to the traffic, surface, and width of the roadway and the hazards at intersections and any other conditions then existing. Nor shall any person drive in a manner or at a speed that is greater than will permit the driver to exercise proper control of the vehicle or bicycle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the roadway in compliance with legal requirements and with the duty of drivers and other persons using the roadway to exercise due care.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.470 Speed Limits - Changes by the Swinomish Indian Senate.

The Senate may initiate an engineering and traffic investigation to determine whether the maximum speed limits within the Tribe's jurisdiction are higher or lower than is reasonable and safe under the conditions of a particular road or section of road. The Senate may then declare a reasonable and safe maximum speed limit and cause the same to be posted.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.480 Drive on the Right Side of the Road.

Every vehicle shall be driven on the right side of the roadway except as follows:

- (A) When overtaking and passing another vehicle proceeding in the same direction;
- (B) When a roadway is not sufficiently wide; or
- (C) When an obstruction exists making it necessary to drive to the left of center; PROVIDED that any person doing so shall yield the right of way to oncoming traffic.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.490 Turning, Stopping, Moving Right or Left - Signals Required.

No person shall turn a vehicle or move right or left upon a road unless such movement can be made with reasonable safety and unless the proper hand or lighted turn signal is given before turning to the right or left. Whenever the signal is given by means of the hand and arm, the driver shall indicate his or her intention to turn to the left by extending his or her hand and arm horizontally from and beyond

the left side of the vehicle, his or her intention to turn to the right by extending his or her hand and arm upward and beyond the left side of the vehicle, and his or her intention to stop or suddenly decrease speed by extending his or her hand and arm downward from and beyond the left side of the vehicle.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.500 Turning at Intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (A) Approach for a right turn shall be made in the lane for traffic nearest to the right hand side of the roadway and the right turn shall be made as closely as practicable to the right hand curb or edge of the roadway.
- (B) Approach for a left turn shall be made in the lane for traffic to the right and nearest to the center line of the roadway and the left turn shall be made by passing to the right of such center line where it enters the intersection, and upon leaving the intersection by passing to the right of the center line of the roadway then entered: PROVIDED, that the provisions of this Subsection shall not apply to passenger vehicles actually engaged in loading or unloading passengers at an intersection prior to making a left turn.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.510 Right of Way - Vehicle Turning Left.

The driver of a vehicle intending to turn left into an alley, driveway or other road shall yield the right of way to any vehicle approaching from the opposite direction.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.520 Right of Way - Yielding for Road Construction.

The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian engaged in work upon a road.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.530 Overtaking and Passing.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction:

- (A) A driver may overtake and pass another vehicle only while traveling on the left side of the road and shall not again drive on the right side of the road until safely clear of the overtaken vehicle;
- (B) A driver may overtake and pass another vehicle only when the left side of the road is clearly

visible and free of oncoming traffic for a sufficient distance ahead to avoid interfering with the flow of oncoming traffic;

- (C) No vehicle shall be driven on the left side of the road when approaching or upon the crest of a grade or a curve in the road where the driver's view is obstructed;
- (D) No driver shall at any time drive on the left side of the road where signs or markings are in place to define a no passing zone; and/or
- (E) A driver shall overtake and pass another vehicle in a safe manner.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.540 Passing School Bus.

- (A) A driver of a vehicle approaching a school bus from either direction shall stop before reaching the school bus when the school bus displays a visual signal to stop. The driver shall not proceed until such visual signal is withdrawn.
- (B)
 - (1) The driver of a school bus who observes a violation of this section shall prepare a written report of the violation. The driver of the school bus or a school official to whom the report has been provided shall transmit the report to an enforcement officer of the Swinomish Tribe not more than seventy-two hours after the violation occurred. The driver shall include in the report, to the best of the driver's ability: the time and location at which the violation occurred, the vehicle license plate number, a description of the vehicle and the driver involved in the violation, whether there were any passengers in the vehicle, and if so, a description of the passengers.
 - (2) The enforcement officer shall initiate an investigation of the reported violation within ten (10) working days after receiving the report described in STC 5-01.540 (B)(1) by contacting the owner of the motor vehicle involved in the reported violation and requesting the owner to supply information identifying the driver. Failure to investigate within the ten (10) working day period does not prohibit further investigation or prosecution. If, after an investigation, the enforcement officer is able to identify the driver and has reasonable cause to believe a violation of this section has occurred, the enforcement officer shall prepare a notice of traffic infraction and have it served upon the driver of the vehicle.
- (C) An owner of a vehicle that is involved in failing to stop for a school bus as required by this section shall identify the driver to the best of the owner's ability upon request by an enforcement officer, provided that the owner of the vehicle is not required to supply identification information to the officer if the owner believes the information is self-incriminating.

[History] Ord. 293 (7/7/11); Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.550 Following Too Closely.

The driver of a vehicle shall not follow another vehicle more closely than is reasonable for the speed and travel conditions.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.560 “U” Turns.

The driver of any vehicle shall not turn that vehicle so as to proceed in the opposite direction unless such movement can be made safely, without interfering with other traffic.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.570 Backing.

A driver shall not back a vehicle unless such movement can be made safely and without interfering with the other traffic.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.580 Traffic Signs, Signals and Markings.

The driver of any vehicle and every bicyclist shall obey the instructions of any official traffic sign, signal and marking placed within the jurisdiction of the Tribe, unless otherwise directed by an enforcement officer, or flagger, or firefighter.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.590 Interference with Signs and Signals.

No person shall deface, injure, or remove any of the official traffic signs or signals placed or erected as provided in this Chapter.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.600 Stopping, Standing or Parking on Road.

No person shall stop, park, or leave standing any vehicle so as to interfere with traffic on the traveled portion of the road. This prohibition shall not apply to the driver of any vehicle that is disabled to the extent that it is impossible to avoid temporarily leaving the vehicle in such position. The driver shall arrange for prompt removal of the vehicle.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.610 Stopping, Standing or Parking Prohibited in Certain Places.

No person shall stop, park, or leave standing any vehicle, except momentarily to pick up or discharge a passenger:

- (A) In front of any driveway or within five feet (5') of the curb radius thereto;
- (B) Within fifteen feet (15') of a fire hydrant;
- (C) Within twenty feet (20') of the driveway entrance to a fire station;
- (D) On the side of the street opposite the entrance to any fire station; or
- (E) At any place where official signs or markings prohibit stopping, standing, or parking.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.615 Stopping, Standing, Mooring or Parking Prohibited at Dock.

No person, other than a Swinomish tribal member, shall stop, park, moor or leave standing any commercial boat at the dock adjacent to the open air market on the east side of the Swinomish Slough, La Conner, Washington.

[History] Ord 292 (7/7/11).

5-01.620 Leaving Children Unattended in Vehicle.

No person shall leave children under the age of twelve (12) years unattended in a vehicle.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.630 Obstructing the Driver's View.

No person shall drive a vehicle that is loaded as to obstruct the driver's view to the front and sides of the vehicle or as to interfere with the driver's control over the vehicle.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.640 Alcoholic Beverages – Prohibitions.

- (A) No person shall drink any alcoholic beverages in a motor vehicle when the vehicle is on a roadway.
- (B) No person shall have an open or unsealed receptacle containing an alcoholic beverage in his or her possession while in a motor vehicle when the vehicle is on a roadway.
- (C) No driver of a motor vehicle which is on a roadway shall keep an open or unsealed receptacle containing an alcoholic beverage within the vehicle unless the receptacle is kept in the trunk

or other area of the vehicle which is not normally accessible to the occupants.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.650 Using a Wireless Communications Device While Driving.

- (A) No person shall operate a moving motor vehicle while holding a wireless communications device to his or her ear.
- (B) Subsection (A) of this section does not apply to a person operating:
 - (1) An authorized emergency vehicle, or a tow truck responding to a disabled vehicle;
 - (2) A moving motor vehicle using a wireless communications device in hands-free mode (ie. by means of speaker phone, headset, or earpiece);
 - (3) A moving motor vehicle while using a hearing aid;
 - (4) An amateur radio station when he or she holds a valid amateur radio operator license issued by the federal communications commission; or
 - (5) A moving motor vehicle using a hand-held wireless communications device to:
 - (i) Report illegal activity;
 - (ii) Summon medical or other emergency help;
 - (iii) Prevent injury to a person or property; or
 - (iv) Relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

[History] Ord. 284 (2/8/11).

5-01.660 Text Messaging While Driving.

- (A) No person shall operate a moving motor vehicle while sending, reading, or writing a text message by means of an electronic wireless communications device.
- (B) A person does not send, read, or write a text message when he or she reads, selects, or enters a phone number or name into a wireless communications device for the purpose of making a phone call.

(C) Subsection (A) of this section does not apply to a person operating:

- (1) An authorized emergency vehicle;
- (2) A voice-operated global positioning or navigation system that is affixed to the vehicle and that allows the user to send or receive messages without diverting visual attention from the road or engaging the use of either hand; or
- (3) A moving motor vehicle while using an electronic wireless communications device to:
 - (i) Report illegal activity;
 - (ii) Summon medical or other emergency help;
 - (iii) Prevent injury to a person or property; or
 - (iv) Relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

[History] Ord. 284 (2/8/11).

Subchapter V – Pedestrians

5-01.670 Pedestrians – Drivers to Exercise Care.

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall exercise prior precaution upon seeing any child or incapacitated person upon a roadway.

* Previously codified as 5-01.650.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.680 Pedestrians - Under the Influence of Alcohol or Drugs.

A pedestrian who is under the influence of alcohol or any drug to a degree which renders him or her a hazard shall remain safely off the main traveled portion of the road.

* Previously codified as 5-01.660.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.690 Pedestrians - To Remain off the Road.

Every pedestrian shall remain safely off the main traveled portion of the road.

* Previously codified as 5-01.670.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

Subchapter VI – Materials on Roadway

5-01.700 Throwing Glass or Other Materials on Road Prohibited.

- (A) No person shall throw or deposit upon any roadway any glass, nails, tacks, wire, cans, bottles, or any other substance likely to injure any person or animal or vehicle.
- (B) Any person removing a wrecked or damaged vehicle from a roadway shall remove any glass or other injurious substance dropped on to the road from the vehicle.

* Previously codified as 5-01.680.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.710 Permitting Escape of Load and Other Materials.

Any person operating a vehicle from which any glass or other objects have fallen or escaped that could endanger travel upon the roadway shall immediately remove all such glass or objects from the roadway.

* Previously codified as 5-01.690.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

Subchapter VII – Motorcycles & Off Road Vehicles

5-01.720 Motorcycle Safety Equipment.

No person shall drive or move any motorcycle that does not have the following safety equipment in proper condition and adjustment:

- (A) **Brakes.** Every motorcycle shall be equipped with service brakes in safe, working order and that operate on the front and rear wheels.
- (B) **Head Lights.** Every motorcycle shall be equipped with at least one (1) head light in good working order.
- (C) **Reflectors.** Every motorcycle shall carry on the rear, either as part of the tail light or separately, at least one (1) red reflector.
- (D) **Stop Lamps.** Every motorcycle shall be equipped with at least one (1) stop lamp, which shall

clearly display a red or amber light and which shall be visible upon application of the service brakes.

- (E) **Tail Lights.** Every motorcycle shall be equipped with at least one (1) tail light in good working order.
- (F) **Mirrors.** Every motorcycle or motor-driven cycle shall be equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet (200') to the rear of the motorcycle or motor-driven cycle: PROVIDED, that mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five (25) years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, that no mirror is required on any motorcycle manufactured prior to January 1, 1931.
- (G) **Helmet.** No person shall operate or ride upon a motorcycle, motor-driven cycle, or moped on a BIA road, tribal road, state highway or county road unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the Tribe or a jurisdiction recognized by the Tribe for this limited purpose, except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion.

* Previously codified as 5-01.700.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.730 Motorcycles - Head Light and Tail Lights to Be On.

Every motorcycle shall have its head light and tail light on whenever such vehicle is in motion on any roadway.

* Previously codified as 5-01.710.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.740 Motorcycles - Exhaust System.

No person shall modify the exhaust system of a motorcycle in a manner, or fail to maintain the exhaust system, so as to amplify or increase the noise above the level emitted by the muffler originally installed on the motorcycle.

* Previously codified as 5-01.720.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.750 Motorcycles - Eye Protection.

No person shall drive or ride as a passenger on any motorcycle on any roadway without wearing glasses or goggles or a face shield in a manner that actually protects the eyes.

* Previously codified as 5-01.730.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.760 Motorcycle - Operation on Laned Roads.

- (A) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in a way that deprives a motorcycle of the full use of a lane.
- (B) The operator of a motorcycle shall not overtake and pass in the same lane as the vehicle being overtaken.
- (C) The operator of a motorcycle shall not overtake and pass a vehicle while any oncoming vehicles are adjacent to the vehicle being overtaken.
- (D) Motorcycles shall not be operated more than two (2) abreast in a lane.
- (E) Subsections (B) and (C) shall not apply to enforcement officers in the performance of their official duties.
- (F) It is unlawful for any person to transport a child under the age of five (5) on a motorcycle or motor-driven cycle.

* Previously codified as 5-01.740.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.770 Motorcycles - Riding on the Permanent Seat Only.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached to the motorcycle and such operator shall not carry any other person or shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person. A passenger shall ride only upon a seat designated for that purpose.

* Previously codified as 5-01.750.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.780 Motorcycles – Footpegs.

A motorcycle must be equipped with foot pegs for each person the motorcycle is designated to carry.

* Previously codified as 5-01.760.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.790 Motorcycles - Both Feet Not to Be on the Same Side.

No person shall ride a motorcycle in a position where both feet are placed on the same side of the motorcycle.

* Previously codified as 5-01.770.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.800 Motorcycles - Clinging to Other Vehicles.

No person riding upon a motorcycle shall attach himself or herself or the motorcycle to any other vehicle on a roadway.

* Previously codified as 5-01.780.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.810 Motorcycles - Temporary Suspension of Rules for Public Demonstration.

The Swinomish Chief of Police may suspend certain provisions of this Chapter relating to operation of motorcycles for the purpose of allowing public demonstrations of motorcycle operation.

* Previously codified as 5-01.790.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.820 Off Road Vehicles.

It shall be unlawful for any person to drive a vehicle except on existing roadways anywhere within the jurisdiction of the Tribe unless the person has prior permission of the landowner.

* Previously codified as 5-01.800.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

Subchapter VIII – Boat/Vessel Travel

5-01.830 Manner of Operation.

Every person operating or driving a motor propelled boat or vessel on any waters shall drive the same in a careful and prudent manner at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, size of the lake or body of water, freedom from obstruction to view ahead and so as not to unduly or unreasonably endanger life, limb property or other rights of any person entitled to the use of such waters.

* Previously codified as 5-01.810.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.840 Life Preservers or Life Floats.

The operator of every motor driven boat operating on any waters and carrying passengers for hire or leased for hire, shall have a life preserver or life float for each passenger that the boat or vessel has capacity to carry, placed or attached in such manner as to be convenient for use.

* Previously codified as 5-01.820.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.850 Loading or Powering Vessel Beyond Safe Operating Ability.

- (A) A person shall not load or permit to be loaded a vessel with passengers or cargo beyond its safe carrying capacity or carry passengers or cargo in an unsafe manner taking into consideration weather and other existing operating conditions.
- (B) A person shall not operate or permit to be operated a vessel equipped with a motor or other propulsion machinery of a power beyond the vessel's ability to operate safely, taking into consideration the vessel's type, use, and construction, the weather conditions, and other existing operating conditions.
- (C) Persons violating Subsections (A) or (B) may be subject to a fine under Chapter 5-01.840.
- (D) If it appears reasonably certain to any law enforcement officer that a person is operating a vessel clearly loaded or powered beyond its safe operating ability and in the judgment of that officer the operation creates an especially hazardous condition, the officer may direct the operator to take immediate and reasonable steps necessary for the safety of the individuals on board the vessel, including directing the operator to return to shore or a mooring and to

remain there until the situation creating the hazard is corrected or ended. Failure to follow the direction of an officer under this Subsection may subject the violator to a fine under Chapter 5-01.840

* Previously codified as 5-01.830.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

Subchapter IX – Enforcement

5-01.860 Fines.

The Senate shall establish a current fine schedule by resolution to be applied to the civil traffic infractions enumerated in this Chapter. The schedule shall state whether or not an appearance before the Court is mandatory. A copy of the schedule shall be posted and available for public inspection at the Office of the Clerk of the Court and the Swinomish Police Station.

* Previously codified as 5-01.840.

[History] Ord. 175 (9/5/03); Ord. 137 (6/9/99); Ord. 107 (12/6/94).

5-01.870 Record of Traffic Charges.

The Court shall keep or cause to be kept a record of every notice of civil traffic infraction or other legal form of traffic charge deposited with the Court and shall keep a record of every official action the Court takes in relation to the civil traffic infraction or other traffic charge.

* Previously codified as 5-01.850.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

Subchapter X – Repealer & Severability

5-01.880 Repealer.

This Ordinance repeals and supersedes all prior civil traffic ordinances and laws, including Ordinance Nos. 137 and 107.

* Previously codified as 5-01.860.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.890 Severability.

If any provision of this Chapter or its applicability to any person or circumstance is held invalid, the remainder of this Chapter or its application to other persons or circumstances is not affected.

* Previously codified as 5-01.870.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

5-01.900 Effective Date.

This Chapter shall become effective thirty (30) days after approval by the Secretary of the Interior or the Secretary's designated representative.

* Previously codified as 5-01.880.

[History] Ord. 175 (9/5/03); Ord. 107 (12/6/94).

Annotations

STC 5-01.860 (Formerly STC 5-01.840)

Senate Resolution Number 2003-09-220. Approving the Swinomish Tribal Police Schedule of Fines for Traffic Infractions Pursuant to STC 5-01.840. (September 5, 2003).

Senate Resolution Number 2007-03-041. Resolution Adopting an Updated Schedule of Fines for Civil Traffic Infractions. (March 6, 2007).

Senate Resolution Number 2010-10-162. Resolution Adopting an Updated Schedule of Fines for Civil Traffic Infractions. (October 5, 2010).

Senate Resolution Number 2011-02-012. Resolution Adopting an Updated Schedule of Fines for Civil Traffic Infractions. (February 8, 2011).

Senate Resolution Number 2011-07-111. Resolution Adopting an Updated Schedule of Fines for Civil Traffic Infractions. (July 7, 2011).

Senate Resolution Number 2015-12-227. Resolution Adopting an Updated Schedule of Fines for Civil Traffic Infractions. (December 1, 2015).