

TITLE 10. HEALTH, SAFETY, AND WELFARE

Chapter 10.10

LITTER CONTROL

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10.10.1. Title. This chapter shall be known as the “Suquamish Tribal Litter Control Ordinance.” (Res. 2008-144, passed Sep. 15, 2008)

10.10.2. Authorization. This chapter is enacted pursuant to the authority vested in the Suquamish Tribe by its tribal Constitution, particularly by Article III, and its authority to promote the social and economic welfare of the Suquamish people, to pass ordinances that govern the conduct of all persons, and to regulate all property within the Tribe's jurisdiction to the fullest extent allowed under applicable federal law. (Res. 2008-144, passed Sep. 15, 2008)

10.10.3. Purpose. The purpose of this chapter is to prevent a public health hazard on the Port Madison Indian Reservation by discouraging the accumulation of litter. The purpose is also to provide a clean and healthful environment for members of the Suquamish Tribe and the Suquamish community. (Res. 2008-144, passed Sep. 15, 2008)

10.10.4. Jurisdiction. Jurisdiction by the Suquamish Tribe is extended over the following:

(a) All lands located within the interior boundaries of the Port Madison Indian Reservation that are owned by, held in trust for, or leased or used by the Tribe, its branches, agencies, and members.

(b) The Indian lands of the Tribe, as they may be defined from time to time by the laws of the Tribe or the laws of the United States.

(c) Fresh and marine waters within the jurisdiction of the Suquamish Tribe.

(d) All persons or entities within the jurisdiction of the Tribe who engage in activities regulated by this chapter. Such personal jurisdiction is extended over all persons and entities, whether or not they are members of the Tribe, are Indian or non-Indian, or have a place of business within the Port Madison Indian Reservation. Any act regulated by this chapter shall be subject to the jurisdiction of the Tribe.

(e) All persons or entities who lease, mortgage, or otherwise secure an interest in any building, structure, or personal property situated on lands within the jurisdiction of the Tribe. (Res. 2008-144, passed Sep. 15, 2008)

10.10.5. Definitions. (a) "Litter" means all waste material including but not limited to the following:

(1) Disposable packages or containers, including tin cans, plastic bottles, and packaging;

(2) Animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food;

(3) Combustible and noncombustible wastes;

(4) Yard waste excluding that deposited in a compost bin or pile;

(5) Noncombustible and combustible wastes, such as paper and cardboard;

(6) Material described in §10.10.4(f) as potentially dangerous litter; and

(7) Solid waste as described in Suquamish Tribal Code Chapter 10.6.

(b) "Litter receptacle" means a container ordinarily used for litter storage and collection.

(c) "Littering" means improper disposal of waste material as defined in this chapter.

(d) "Official gathering" means an event authorized by the tribal government.

(e) "Person" means any individual, association, business entity in any form, government agency, or political subdivision.

(f) "Potentially dangerous litter" means litter that is likely to injure a person or cause damage to a vehicle or other property, including but not limited to:

- (1) Cigarettes, cigars, or other tobacco products;
- (2) Combustible or other waste capable of starting a fire;
- (3) Glass, including containers or other products made predominantly or entirely of glass;
- (4) Hypodermic needles or other medical instruments designed to cut or pierce;
- (5) Soiled bandages, prescription or nonprescription drugs, and inhalers;
- (6) Raw human waste, including soiled baby diapers, regardless of whether or not the waste is in a container of any sort; and
- (7) Nails or tacks.

(g) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests. Public place also refers to any area being used for an official gathering.

(h) "Recycling" means transforming or remanufacturing waste materials into a finished product.

(i) "Vehicle" includes every device capable of being moved upon a public highway or waterway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway or waterway. (Res. 2008-144, passed Sep. 15, 2008)

10.10.6. Littering Prohibited. No person shall eject litter from any vehicle or place, throw, or deposit litter in or upon any street, sidewalk, or other public place on the Port Madison Indian Reservation; on any private property owned by the tribal government or any other person; or in the waters of or abutting the Port Madison Indian Reservation except in litter receptacles or properties designated by the Suquamish Tribe as a waste or litter disposal site. Where litter receptacles cannot be found, all such litter must be carried away from the place by the person responsible for its presence and placed elsewhere in a litter receptacle. (Res. 2008-144, passed Sep. 15, 2008)

10.10.7. Sweeping Litter into the Streets Prohibited. No person shall sweep into any gutter or street the accumulation of litter from any building or lot or any public or private driveway or street. Persons owning or occupying property shall keep the sidewalk,

road, and right-of-way adjacent to and abutting their property free of litter. (Res. 2008-144, passed Sep. 15, 2008)

10.10.8. Litter on Private Property. No person shall throw or deposit litter on any private property, whether owned by such person or not, in such a way that it may be carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property. The owner shall be responsible for the removal of litter on his or her own property. If waste falls in the category of solid waste, STC Chapter 10.6 applies. (Res. 2008-144, passed Sep. 15, 2008)

10.10.9. Recycling Encouraged. Persons governed under this chapter are encouraged to recycle and to utilize recycling bins or recycling programs in public places especially during official gatherings. (Res. 2008-144, passed Sep. 15, 2008)

10.10.10 Penalties. (a) In addition to the penalties and procedures provided in the solid waste code, STC Chapter 10.6, a fine of fifty dollars (\$50) shall be issued upon any person who violates this chapter. A repeat violator shall be fined one hundred dollars (\$100) for a second violation within two (2) years and up to one hundred and fifty dollars (\$150) for subsequent violations within two (2) years of the first violation.

(b) In the case of potentially hazardous litter, a fine of one hundred dollars (\$100) shall be issued upon any person who violates this chapter. A repeat violator shall be fined two hundred dollars (\$200) for each subsequent violation within two (2) years in addition to any penalties provided in STC Chapter 10.6.

(c) Penalties and procedures provided in this chapter and the solid waste code, STC Chapter 10.6, are exclusive of one another. If a single act or a cumulative set of actions violates both the solid waste and litter control codes, a person may be fined or penalized under either or both code(s).

(d) There shall not be a fine for litter from fireworks of less than one-half cubic foot (.5 cu. ft.) in volume.

(e) At the discretion of the Court, a first time offender may perform community service in lieu of a fine. (Res. 2008-144, passed Sep. 15, 2008)

10.10.11. Enforcement. The Suquamish police department and all other duly authorized law enforcement agencies may enforce this chapter through issuance of a notice of infraction. (Res. 2008-144, passed Sep. 15, 2008)

10.10.12. Severability; Construction. If any phrase, clause, part, sentence, provision, or section of this chapter is found to be invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected and shall remain in full force and effect and continue in effect as if the invalid provision(s) were not a part hereof. (Res. 2008-144, passed Sep. 15, 2008)

10.10.13. Effective Date. This chapter shall become effective upon adoption by the Suquamish Tribal Council in accordance with the provisions of the Constitution and Bylaws of the Suquamish Tribe. (Res. 2008-144, passed Sep. 15, 2008)