

Title 10 – Public Health and Welfare

Chapter 1 – General Provisions

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Legislative History

Enacted:

Public Health and Welfare, Ord. 223 (10/55/04), BIA (10/15/04).
[Amending Definition of "Village," "the Village area," or "Swinomish Village"]

Repealed or Superseded:

Public Health and Welfare, Ord. 169, section 10-01.030 (DD) (6/30/03), BIA (7/3/03).
Defining "Swinomish Village" and Prohibiting Dangerous Dogs, Ord. 144 (11/8/00), BIA (11/27/00) (amending Ord. 90, as amended).
Changing the Composition of the Board of Health, Ord. 93 (4/7/92) (amending Ord. 90).
Health and Sanitation Code, Ord. 90 (2/6/92), BIA (2/18/92) (repealing and superseding Res. 81-2-801, Res. 81-1-794, and Res. 76-7-399).
Interim Health and Sanitation Code, Res. 81-2-801 (2/26/81), (adopting the Interim Health and Sanitation Code).
Applying State Health and Education Laws and Regulations to the Reservation, Res. 96A (12/2/55).

Rescinded:

Adopting the Health and Sanitation Code, Res. 81-1-794 (1/5/81), BIA (disapproved) (Senate subsequently repealed by Ord. 90).

[Ed. Note. The Interim Health and Sanitation Code enacted by Res. 81-2-801 reenacted Sections I, VII, and XIII of the Health and Sanitation Code enacted by Res. 81-1-794, which the BIA disapproved. Res. 76-7-399, repealed by Ord. 90, is cited in Title 12 – Building and Construction.]

10-01.010 Applicability.

Unless stated otherwise, the provisions of this Chapter shall apply to Chapters 10-01 through 10-06. If any of these provisions conflict with a provision in Chapter 10-04, the provision in Chapter 10-04 shall control.

[History] Ord. 169 (6/30/03).

10-01.020 Jurisdiction.

Jurisdiction over the people and property subject to this Title shall extend to the maximum extent permitted by law.

[History] Ord. 169 (6/30/03).

10-01.030 Definitions.

For the purpose of this Title, the following words and phrases shall have the meanings as set forth in this Chapter:

- (A) A dog **“at large”** means any dog that is off the owner’s premises and not under the control of the owner or a member of the owner’s immediate family.
- (B) **“Board of Health”** means the Chair of the Swinomish Senate and the Chair and Vice-Chair of the Health, Education, and Social Services Committee. The Board of Health shall hear any appeals brought under this Title.
- (C) **“Building”** means any house, mobile home, or other type dwelling unit or business establishment that is used or intended to be used for living, sleeping, cooking, eating or business or commercial activities or appurtenances thereto.
- (D) **“Business Establishment”** means any building used for commercial or business activities such that either the building or the activities are subject to tribal jurisdiction.
- (E) **“Campground”** means any tract of land used by ten or more persons for temporary living or associated activities.
- (F) **“Celebration or Public Gathering”** means any planned activity involving the attendance of thirty (30) or more persons for a period of four (4) or more hours or where food service is provided.
- (G) **“Court”** or **“Tribal Court”** means the Court of the Swinomish Indian Tribal Community.
- (H) **“Dog”** means any canine animal.
- (I) **“Dwelling Unit”** means a room or group of rooms within a building that is used for living, sleeping, cooking and eating.
- (J) **“Food Service”** means handling, preparing, serving, or otherwise coming in contact with food or drink for public consumption, or with utensils used for preparation, storage, serving, or consumption of such food or drink.

- (K) **“Food Service Establishment”** means any establishment in which food or drink is prepared or provided for the public.
- (L) **“Garbage”** means putrescible animal and vegetable wastes resulting from the preparation, cooking or consumption of food including but not limited to: wastes from markets, storage facilities, handling or sale of produce and other food products.
- (M) **“Health Administrator”** means the Director of the Swinomish Tribal Health Program or his or her authorized representative(s).
- (N) **“Health, Education, Social Services Committee”** (HESS Committee) means the advisory group to the Health Administrator.
- (O) **“Health Hazard”** means any conditions that may in any way endanger health, safety, or the general well-being of the public.
- (P) **“Permittee”** means any person possessing or making application for one (1) or more of the various permits required by this Title.
- (Q) **“Person”** means any individual, firm, company, organization, partnership, corporation, association, or governmental agency subject to tribal jurisdiction.
- (R) **“Planning Department”** means the Office of Planning and Community Development, the tribal organization responsible for all land-use planning and zoning within the exterior boundaries of the Swinomish Reservation.
- (S) **“Premises”** means any place, land, building, or structure subject to tribal jurisdiction.
- (T) **“Public Health Service Recommended Standards”** means official publications of the U. S. Public Health Service pertaining to the procedures or establishment involved. Where applicable Public Health Service publications are not available, the Health Administrator shall designate appropriate national or state standards or guidelines. Copies of standards and guidelines shall be on file and available for inspection at the Tribal Office.
- (U) **“Public Nuisance”** means any activity that arises from unreasonable, unwarranted, or unlawful use of private property and results in a material annoyance, inconvenience, discomfort, or health hazard.
- (V) **“Putrescible Wastes”** means discarded materials of an organic composition that decompose or rot to form foul-smelling products.
- (W) **“Reservation”** means all land within the exterior boundaries of the Swinomish

- Reservation subject to the jurisdiction of the Tribe.
- (X) **“Rubbish”** means all non-putrescible wastes, except ashes, including but not limited to cans, paper, glass, wood, and scrap metal.
 - (Y) **“Sanitarian”** means the Indian Health Service Environmental Health professional stationed at the Northwest Washington Service Unit.
 - (Z) **“Senate”** means the Swinomish Indian Senate, the governing body of the Swinomish Indian Reservation.
 - (AA) **“Sewage Disposal System”** means any individual or community installation constructed for the purpose of treatment and disposal of human wastes, including but not limited to: septic tanks, drain fields, service lines, sewer mains, and interceptor lines
 - (BB) **“Solid Wastes and Refuse”** means all putrescible and non-putrescible discarded solid and semi-solid materials including but not limited to: garbage, household hazardous waste, rubbish, ashes, dead animals, abandoned vehicles and machinery, construction, demolition, and industrial wastes. It does not include sewage, hazardous waste, irrigation return flows, or industrial discharges that would be defined as point sources under the U.S. Clean Water Act.
 - (CC) **“Temporary Food Service”** means any food service that operates for a temporary period of time not to exceed two weeks, in connection with a fair, celebration, exhibition, or similar public gathering, including mobile food service establishments.
 - (DD) **“Village,” “the Village area,” or “Swinomish Village”** means the area designated as the “Swinomish Village” on the Tribe’s Official Zoning Map which has been adopted and made part of the Tribal Code pursuant to STC 20-03.200. This area includes, but is not limited to: the land leased to and managed by the Swinomish Housing Authority where residences are located on First Street, Second Street, Swinomish Avenue, Keah Lane, Solahdwh, Avenue A, Squi-qui Lane, Squi-qui Place, Squi-qui Court and Sneeoosh Road; the land owned by the Tribe where residences are located on on Front Street, Pioneer Parkway and Moorage Way; the lands owned by the Tribe where the Gymnasium, Social Services Building, Baseball Field, Swadabs Waterfront Park, Smokehouse, Medical Clinic, Dental Clinic, Administration Building, Planning Office, Fisheries Office and Fish Plant are located; the lands within the Tribe’s Tallawhalt property and development; and individual trust lands adjoining these Tribal lands.
 - (EE) **“Water Supply and Distribution System”** means any individual or community installation constructed for the purpose of providing potable water to a residence, place of business, or other facility, including but not limited to: distribution

mains, service lines, and wells.

(FF) **“Zoonosis”** means infections or infectious diseases of animals transmissible under natural conditions to man.

[History] Ord. 223 (10/5/04); Ord. 169 (6/30/03); Ord. 144 (11/8/2000); Ord. 93 (4/7/92); Ord. 90 (2/6/92).

10-01.040 Repealer.

Ordinance 169, Section 10-01.030 (DD), Ordinances 144, Sections 1 – 3, 93, 90, 16, 12, 3, and 2, and Resolutions 89-8-75 and 96A are hereby repealed and superseded.

[History] Ord. 223 (10/5/04); Ord. 169 (6/30/03); Ord. 90 (2/6/92).

10-01.050 Severability.

If any provision of this Title is found to be invalid, the remaining provisions shall not be affected by such a decision. In the event of any inconsistency between any provision of this Title and any Chapter in effect on the effective date of this Title, the provision of this Title shall prevail.

[History] Ord. 169 (6/30/03); Ord. 90 (2/6/92).