

## Title 4 – Criminal Code

### Chapter 6 – Offenses Involving Public Peace and Health

**Sec.**

4-06.010	Disorderly Conduct
4-06.020	False Alarm
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#### Legislative History

**Enacted:**

Swinomish Criminal Code, Ord. 184 (9/30/03), BIA (10/7/03).

**Amended:**

Swinomish Criminal Code, Ord. 245 (03/07/06), BIA (04/07/06)  
Criminalizing Public Disturbance, Ord. 213 (1/12/04), BIA (1/22/04).

**Repealed or superseded:**

Prohibition on Open Container, Ord. 132 (1/5/99) (amending Ord. 75).  
Swinomish Criminal Code, Ord. 75 (4/2/91), Enacting Res. 91-4-37, BIA (6/13/91)  
(repealing and superseding Ord. 39 and Article XIII of Ord. 32).  
Establishing Criminal Offenses, Ord. 39 (6/7/77) (superseding conflicting provisions  
of Ord. 32).  
Swinomish Law and Order Code, Ord. 32 (3/4/75), BIA (5/30/75).  
Prohibiting Public Intoxication, Ord. 22 (6/4/63).  
Swinomish Law and Order Code, Ord. 7 (6/1/38), BIA (3/24/38).  
Adoption of Swinomish Law and Order Regulations, Ord. 1 (undated).

[Ed. Note. Ordinance 1 is undated and adopts the Law and Order Regulations approved by the Secretary of the Interior November 27, 1935 as part of the fundamental law governing the Swinomish Reservation. The referenced “regulations” are not in tribal records.]

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**4-06.010 Disorderly Conduct.**

- (A) A person commits the crime of disorderly conduct when he or she:
- (1) engages in fighting or uses abusive language thereby intentionally creating a risk of assault;
  - (2) disturbs or disrupts any public, private or religious gathering without lawful authority;
  - (3) appears in a public place or private place other than a residence belonging to

him or her, under the influence of alcohol and in a disorderly condition;

- (4) intentionally obstructs vehicular or pedestrian traffic without lawful authority;
  - (5) intentionally uses words or conduct in an effort to provoke another person to assault or batter anyone; or
  - (6) without lawful authority, intentionally interferes with the participation or enjoyment by another person of a funeral, religious or fraternal gathering, sporting event, bingo or other tribal business activity, tribal court proceeding, tribal ceremony, festivity or event, or any other public and lawful community gathering or meeting.
- (B) For purposes of this section “**disorderly condition**” means acting contrary to the rules of good order and behavior that is violative of the public peace.
- (C) Disorderly conduct is a **Class C offense**.
- (D) No person who is exercising a protected civil right may be arrested or convicted under this Section.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

**4-06.020 False Alarm.**

Any person who, intentionally and without reasonable grounds to believe an emergency exists, sends, gives, transmits or sounds any false alarm by means of any public or private alarm signal or system or by telephone commits a **Class C offense**.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

**4-06.030 Product Tampering.**

- (A) A person commits the crime of product tampering if the person, without lawful authority, with intent or reckless disregard, tampers with a product intended for human or animal use, in a manner that threatens public health or is likely to cause bodily injury, bodily harm or illness.
- (B) Product tampering is a **Class B offense** unless the injury, harm or illness involved is life-threatening in which case a **Class A offense** is committed.

[History] Ord. 184 (9/30/03); Ord. 75 (4/2/91).

**4-06.040 Opening or Consuming an Alcoholic Beverage in a Public Place.**

- (A) No person shall open a package containing an alcoholic beverage or consume an alcoholic beverage in a public place.

(B) Any person who violates any provision of this Section commits a **Class C offense**.

[History] Ord. 184 (9/30/03); Ord. 132 (1/5/99).

**4-06.050 Public Disturbance Noises.**

(A) No person shall knowingly cause or make, and no person in possession of property shall knowingly allow or originate from the property, unreasonable noise that disturbs another, and to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a tribal police officer. No act which is done or maintained under or in connection with tribal authority can be deemed unreasonable noise.

**“Unreasonable noise”** shall include the following sounds or combination of sounds:

- (1) Loud and raucous, and frequent, repetitive, or continuous sounds made by any animal, except that such sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels shall be exempt from this Subsection; Provided, that notwithstanding any other provision of this Chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeat violator of this Subsection, the animal shall be impounded, subject to redemption in the manner provided by Chapter 10-03;
- (2) Loud and raucous, and frequent, repetitive, or continuous sounds made by any horn or siren attached to a motor vehicle, except such sounds that are made to warn of danger or that are specifically permitted or required by law;
- (3) Loud and raucous, and frequent, repetitive, or continuous sounds made in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine;
- (4) Loud or raucous, and frequent, repetitive, or continuous sounds created by use of a musical instrument, or other device capable of producing sound when struck by an object, a whistle, or a sound amplifier or other device capable of producing, amplifying, or reproducing sound; and
- (5) Loud and raucous, and frequent, repetitive, or continuous sounds made by the amplified or unamplified human voice between the hours of ten (10:00) p.m. and seven (7:00) a.m. The content of the speech shall not be considered against any person in determining a violation of this Subsection.

(B) Any person who violates any provision of this Section commits a **Class C offense**.

[History] Ord. 213 (1/12/04).

**4-06.060 Urinating in Public.**

- (A) A person is guilty of urinating in public if he or she intentionally urinates or defecates in a public place, other than a washroom or toilet room, under the circumstances where such act could be observed by any member of the public.
- (B) **“Public place”** as used in this Section, shall mean an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.
- (C) Urinating in public is a **Class C Offense**.

[History] Ord. 245 (04/07/06).