

## Title 2 – Tribal Government

### Chapter 10 – Division of Licensing

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#### Legislative History

Enacted:

Ord. 348 Establishing Division of Licensing (7/14/15), BIA (7/28/15).

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#### **2-10.010 Authority.**

The Chapter is adopted pursuant to authority provided by the following provisions of the Swinomish Constitution and By-Laws, as most recently amended:

Article VI, Sections 1(h), (k), (l), (m), (r), (s)

[History] Ord. 348 (7/14/15).

#### **2-10.020 Definitions.**

- (A) For the purposes of this Chapter, unless explicitly stated otherwise, the following definitions shall apply.
- (1) **“Division”** means the Division of Licensing.
  - (2) **“Reservation”** means all lands and waters within the exterior boundaries of the Swinomish Indian Reservation of the Swinomish Indian Tribal Community.
  - (3) **“Senate”** means the Swinomish Indian Senate, the governing body of the Swinomish Indian Tribal Community

(4) **“Tribe” or “Tribal Community”** means the Swinomish Indian Tribal Community.

(B) All other words and phrases shall have their ordinary and customary meanings.

[History] Ord. 348 (7/14/15).

**2-10.030 Establishment.**

There is hereby established a Division of Licensing for the Swinomish Indian Reservation and Swinomish Indian Tribal Community, to be known as the “Division of Licensing.”

[History] Ord. 348 (7/14/15).

**2-10.040 Administration.**

(A) The Division of Licensing shall be administered under the supervision of the Director of Planning and Community Development who shall report periodically to the Senate on the activities of the Division.

[History] Ord. 348 (7/14/15).

**2-10.050 Duties.**

It shall be the duty of the Division of Licensing to:

- (A) Consider applications for, issue and administer day care licenses to child day-care centers and to assure the users of such centers, their parents, the community at large and the centers themselves that adequate minimum standards are maintained by all centers caring for children, and to enforce compliance with such standards, all as directed by Title 15, Chapter 1 of the Swinomish Tribal Code.
- (B) Consider applications for, issue and administer liquor licenses regulating the sale of liquor within the Reservation in order to protect the economic security, health, safety and welfare of the Tribe and its members, and of residents and other persons present on such lands, and to enforce compliance with such standards, all as directed by Title 15, Chapter 4 of the Swinomish Tribal Code.
- (C) Consider applications for, issue and administer business licenses regulating the conduct of business within the Reservation in order to protect the economic security, health, safety and welfare of the Tribe and its members, and of residents and other persons present on such lands, and to enforce compliance with such standards, all as directed by Title 15, Chapter 6 of the Swinomish Tribal Code.
- (D) Issue such further and additional licenses as authorized and directed by such further provisions of the Swinomish Tribal Code as may be adopted by the Senate.

- (E) Advise and make recommendations to the Senate as to a need for and adoption of additional licensing provisions and regulation in order to protect the economy, health, safety and welfare of the Tribe, its members and residents of and visitors to the Reservation.

[History] Ord. 348 (7/14/15).

**2-10.060 Powers.**

- (A) The Tribal Division of Licensing is hereby authorized to and shall exercise such powers and authority as are necessary to carry out the duties and responsibilities set forth in this Chapter.
- (B) Nothing in this Chapter is intended to or shall be construed to be a limitation or modification of regulatory powers, duties and responsibilities delegated by other Chapters of the Swinomish Tribal Code, including but not limited to Title 15, Chapter 2 and Title 18 of the Swinomish Tribal Code.

[History] Ord. 348 (7/14/15).

**2-10.070 Official and Sovereign Immunity.**

- (A) No Division of Licensing employee acting in good faith in the discharge of the duties required by this Ordinance or other pertinent law or code shall be liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.
- (B) The sovereign immunity of the Tribe is not in any way waived or limited by this Chapter, and nothing in this Chapter shall constitute or be construed as a waiver of the sovereign immunity of the Tribe. Such sovereign immunity shall extend to the Tribe, the Senate, the Division of Licensing, all Tribal officials, and all Tribal employees, staff, and agents, as to all actions taken in, or concerning, the administration or enforcement of this Chapter, and as to all actions taken pursuant to any authority of any action, decision or order authorized by this Chapter or pursuant to Chapters 2 and 3 of STC Title 3.

[History] Ord. 348 (7/14/15).

**2-10.080 Severability.**

The terms and provisions of this Chapter are severable. If a court of competent jurisdiction should find any section, subsection, clause, or phrase of this Chapter invalid, such finding shall not affect the validity of any of the remaining sections, subsections, clauses, or phrases of this Chapter.

[History] Ord. 348 (7/14/15).

**2-10.090      Effective Date.**

This Chapter shall be effective from the date of its approval by the Secretary of the Interior or the Secretary's designated representative.

[History] Ord. 348 (7/14/15).