

Title 1 - General Provisions

Chapter 1 - Codification

Sec.

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Legislative History

Enacting:

Codification of Tribal Ordinances, Ord. 166 (5/6/03), BIA (5/15/03).

1-01.010 Title.

This Chapter shall be known as the “Codification of Tribal Ordinances.”

[History] Ord. 166 (5/6/03).

1-01.020 Purpose and Scope.

The purpose of this Chapter is to provide for the compilation and organization of ordinances adopted by the Swinomish Indian Senate into a single tribal code that contains the laws of the Swinomish Indian Tribal Community that are valid and in effect as of the date of the codification.

[History] Ord. 166 (5/6/03).

1-01.030 Authority.

This Chapter is adopted pursuant to authority provided by the following provisions of the Swinomish Constitution and Bylaws, as most recently amended on October 22, 1985:

Article VI, Section 1(k)(a)-(c) of the Swinomish Constitution; and
Article V, Section 5 of the Swinomish By-laws.

[History] Ord. 166 (5/6/03).

1-01.040 Definitions.

- (A) **“Code”** means the Swinomish Tribal Code and any supplements thereto, the codification by the Code Reviser of ordinances enacted by the Swinomish Indian Senate.
- (B) **“Swinomish Indian Senate”** or **“Senate”** means the duly constituted governing body of the Swinomish Indian Tribal Community.

[History] Ord. 166 (5/6/03).

1-01.050 Code Reviser.

- (A) **Authority.** The Director of the Office of Tribal Attorney, or his or her designee, is authorized to codify all of the ordinances enacted by the Senate. In such capacity, the Director, or his or her designee, shall act as the “Code Reviser.”
- (B) **Scope of Authority.** The Code Reviser may edit, rearrange and/or group ordinances under appropriate titles, parts, chapters and sections, and in doing so, may:
 - (1) Edit ordinances to the extent deemed necessary or desirable, for the purpose of modernizing and clarifying the language of such ordinances, but without changing the meaning of any such ordinance;
 - (2) Substitute for the term “this ordinance,” where necessary the term “section,” “part,” “code,” “chapter,” “title,” or reference to specific section or chapter numbers, as the case may require;
 - (3) Correct manifest errors in reference to other ordinances, laws and statutes, and manifest spelling, clerical or typographical errors, additions, or omissions;
 - (4) Divide long sections into two or more sections and rearrange the order of sections to insure a logical arrangement of subject matter;
 - (5) Change the wording of section captions, if any, and providing captions to new chapters and sections;
 - (6) Delete provisions that have been repealed or superseded;
 - (7) Substitute gender specific terms for gender neutral terms, *e.g.*, “he and she” for “he;” “fishers” for “fisherman;” “foreperson” for “foreman;”
 - (8) Add new chapters or sections to the Swinomish Tribal Code in harmony with the general numbering system; and

- (9) Compile and include the legislative history of all pertinent ordinances.
- (C) **Publication.** The Code Reviser shall cause to be published, from time to time, the Swinomish Tribal Code and supplements thereto. Such supplements shall include all ordinances enacted by the Senate and codified by the Code Reviser since the date of the last publication of the Code.
- (D) **Filing.** The Code Reviser shall cause to be filed a typewritten, printed or electronic copy of the current codification, *i.e.*, the Code and any supplements thereto, in the following locations:
- (1) Office of the Swinomish Tribal court clerk;
 - (2) Office of Tribal Attorney;
 - (3) Bureau of Indian Affairs;
 - (4) Northwest Intertribal Court System; and
 - (5) Swinomish Indian Tribal Community library.

[History] Ord. 166 (5/6/03).

1-01.060 Rule of Construction--Prima Facie Law.

The codification of ordinances, as compiled by the Code Reviser, shall establish *prima facie* the laws of the Swinomish Indian Tribal Community of a general and permanent nature. However, nothing herein shall be construed as changing the meaning of any ordinances enacted by the Senate and, as a rule of construction, in case of any omissions or any inconsistency between any of the provisions of the Swinomish Tribal Code and ordinances enacted by the Senate, the previously existing ordinances shall control.

[History] Ord. 166 (5/6/03).

1-01.070 Code May be Cited as “STC.”

The Code may be cited by the abbreviation “STC.”

[History] Ord. 166 (5/6/03).

1-01.080 Repealer.

[Reserved]

1-01.090 Severability.

If any provision of this Chapter is held invalid, the remainder of the Chapter shall not be affected.

[History] Ord. 166 (5/6/03).

1-01.100 Effective Date.

This Chapter shall be effective immediately.

[History] Ord. 166 (5/6/03).