

SWINOMISH INDIAN TRIBAL COMMUNITY FIREWORKS REGULATION

REGULATION NO: 2020-01
DATE ADOPTED: June 23, 2020
EFFECTIVE DATE: June 24, 2020 to July 31, 2020

A. PURPOSE AND AUTHORITY

Pursuant to Swinomish Senate Resolution 2020-05-119 and STC 15-02.060, the Swinomish Senate Fireworks Committee (“Committee”) hereby issues Swinomish Fireworks Regulation 2020-01 for the Summer 2020 fireworks sales season.

Swinomish Senate Resolution 2020-05-119 classified retail fireworks sales as an authorized essential business activity if and only if conducted in compliance with a Senate-approved safety plan. Fireworks Regulation 2020-01 is that plan. The purpose of Fireworks Regulation 2020-01 is to enable Wholesale and Retail Permit holder sales while also safeguarding the Swinomish community against unacceptable health and safety risks associated with COVID-19.

*****VIOLATION OF ANY PROVISION OF THIS REGULATION IS A VIOLATION OF THE SWINOMISH FIREWORKS CODE, AND MAY SUBJECT THE INDIVIDUAL VIOLATOR TO CIVIL PENALTIES UNDER STC 15-02.250. REPEATED VIOLATIONS OF THIS REGULATION BY RETAIL PERMIT HOLDERS MAY RESULT IN THE LOSS OF ESSENTIAL BUSINESS ACTIVITY STATUS FOR RETAIL FIREWORKS SALES, RESULTING IN THE TEMPORARY OR PERMANENT SUSPENSION OF ALL SALES.*****

B. SITE LAYOUT [ENTIRE SEASON]

1. Pursuant to STC 15-02.190 (“Stand Construction”), the stands will be placed a minimum of six (6) feet apart.
2. Committee will place appropriate (i.e. six feet apart) customer queuing marks in front of each stand to indicate safe physical distancing while customers are shopping and waiting in line.

C. PHYSICAL DISTANCING AND FACIAL COVERINGS [ENTIRE SEASON]

1. Permit holders and stand workers are required to maintain six (6) feet of physical distance from customers at all times possible.
2. Masks or face coverings are REQUIRED for permit holders and stand workers at all times within the sales area and/or within twenty (20) feet of customers. Masks and face coverings may be temporarily removed for purposes of eating, drinking, and off-site smoking.

3. Customers are required to maintain six (6) feet of physical distance from stand workers.
4. Customers are strongly encouraged to wear masks of face coverings while within the sales area (required if provided).

D. COVID-19 TESTING

1. All permittees, workers, and vendors are strongly encouraged to visit the Swinomish Health Clinic for preseason COVID-19 testing prior to the start of retail sales. In addition to preseason testing, testing is authorized for any permittee, worker, or vendor who displays symptoms consistent with COVID-19 during the duration of the season. Testing is optional; however, anyone who is symptomatic may be excluded from the sales area for the remainder of the season, or until they provide a negative COVID-19 test.

E. COVID-19 COMPLIANCE COORDINATOR [ON-SITE July 1 – July 4, 2020¹]

1. The purpose of the on-site Coordinator is to facilitate implementation of and compliance with the health and safety measures contained within this Regulation.
2. The Coordinator is hereby granted the authority necessary to implement the specific requirements of this Regulation, and to impose additional restrictions as necessary to implement the requirements specified herein.
3. The Coordinator may modify or adjust the details of this Regulation's requirements in response to real-world conditions. The Coordinator shall implement any necessary modifications in consultation with the Committee Chair and, if applicable, the Swinomish Police Department. This Regulation may also be modified by the Committee Chair alone, without a vote of the Committee, provided such modifications are similarly responsive to real-world conditions and implementation necessities.
4. The Coordinator shall be designated by the Committee Chair. More than one person, including the Committee Chair, may share the role of Coordinator.
5. The Coordinator's decisions shall be guided by the following priorities: maintain social distancing, facial coverings compliance, and limit the exposure of the Swinomish community to risks related to COVID-19 where possible. The Coordinator is encouraged to find practical solutions that safeguard the community without unduly burdening sales. However, if no such solution is available, the Coordinator shall prioritize community health and safety. If real-world conditions exceed the Coordinator's ability to substantially achieve the priorities above, the Committee Chair may temporarily limit or suspend sales on an emergency basis.

¹ Dates are approximate and subject to the discretion of the Committee Chair.

F. PERMIT HOLDER, STAND WORKER, AND VENDOR GUIDELINES [ENTIRE SEASON]

1. Actively assist implementation and compliance with this Regulation.
2. If you are sick, **do not** come to the fireworks sales area.
3. Face coverings are required. If you have to remove this covering to eat or drink assure you are at least six (6) feet away from others.
4. All on-site permittees, workers, and vendors must comply with daily self-monitoring for COVID-19 symptoms.
5. Practice physical distancing of six (6) feet with coworkers, customers, and visitors.
 - i. Limit workers in the stand to the extent possible to assure they can practice physical distancing.
6. Cashless and contactless transactions are strongly encouraged. If a customer is only able to pay in cash, use of a tray or other container to receive cash and return any change is recommended.
7. No loitering in the parking area (please stay in your stand area). This includes no smoking or vaping in the parking area.
8. Limit people on-site to permittees, workers, and customers. Please refrain from social visits and unnecessary gathering.
9. No children are permitted at the stands for periods exceeding 15 minutes.
10. Stand owner must:
 - Provide face covering for workers (PPE available at permittee's request);
 - Provide hand sanitizer for workers and customers;
 - Provide disinfecting wipes or spray to sanitize the work area and counter space;
 - Post the approved physical distancing guidelines and COVID-19 notices in the stand. Language for customer COVID-19 notices shall be provided by the Committee.

G. CUSTOMER GUIDELINES [ENTIRE SEASON]

1. Physical distancing. Please practice physical distancing of six (6) feet from other groups or individuals not travelling with you.
2. Please respect all physical distancing while standing in line and completing your transaction.
3. No loitering in the parking area. This includes smoking and vaping.
4. Please refrain from social visits and unnecessary gathering.
5. If you are sick **please stay home.**

H. ENFORCEMENT [ENTIRE SEASON]

1. Enforcement of this Regulation and the Swinomish Fireworks Code is provided by the Swinomish Police Department (SPD), in close cooperation and coordination with the Committee, Committee Chair, and (as applicable) the COVID-19 Coordinator. For purposes of enforcement, this Regulation shall be considered part of the Swinomish Fireworks Code.
2. Compliance information, instruction, and dispute resolution provided by the Coordinator and on-site Committee members are appropriate steps prior to referring a matter to SPD.
3. Consistent with STC 15-02.240, the Coordinator and SPD shall make reasonable attempts to issue warnings and obtain voluntary compliance, unless the violation observed is egregious and/or endangers the health and safety of others.
4. If a violation of this Regulation is egregious or continues despite warnings and/or reasonable attempts to obtain voluntary compliance, the violator may be subject to any or all of the civil penalties in STC 15-02.250. These penalties include but are not limited to a fine of no less than one hundred dollars (\$100.00), suspension of permit, and trespass (removal) from the fireworks sales area.