

AN ACT RELATING TO

**FIREWORKS**

**BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL**

**SECTION 1.0 – TITLE AND CODIFICATION**

This Chapter shall be referred to as the Snoqualmie Fireworks Act, and shall be codified as Title 8, Chapter 8 of the Snoqualmie Tribal Code.

**SECTION 2.0 – STATUTORY AUTHORIZATION**

The aboriginal and inherent sovereign power of the Snoqualmie Indian Tribe to govern is vested in the Snoqualmie Tribal Council. The Snoqualmie Tribal Council has the authority to safeguard and promote the peace, safety, moral and general welfare of the members of the Tribe by regulating the behavior of all persons within the jurisdiction of the Tribe, and to provide for the enactment and enforcement of the laws of the Tribe. This authority includes the authority to manage all economic affairs and enterprises of the Tribe in accordance with the terms of this Constitution and laws of the tribe and the authority to regulate and to license the conduct of business activities within the Tribe's jurisdiction, and to regulate and license persons exercising special privileges or profiting on general resources from Tribal property. Snoq. Tr. Const. Art. VIII, Sec. 1(e), (j), (t).

**SECTION 3.0 – PURPOSE**

The purposes of this Chapter are:

- (a) to provide for the safe and orderly use of fireworks used on Snoqualmie Tribal lands, and in other areas served by Tribal businesses offering fireworks for sale;
- (b) to regulate the sale of fireworks for the welfare of all members of the Snoqualmie Indian Tribe;
- (c) to generate revenue for the operation of the Snoqualmie Tribal government; and
- (d) to assert the Tribe's sovereign authority to regulate the sale and use of fireworks on Snoqualmie Tribal lands.

**SECTION 4.0 - DEFINITIONS**

For the purpose of this Chapter the following definitions will apply:

**FIREWORKS** means any device containing any combustible or explosive substance for the purpose of producing a visible or audible display of combustion, explosion, deflagration or detonation, but not including any firearms.

**FIREWORKS STAND** means an establishment at which fireworks are offered for retail sale.

**LICENSE** means the authorization issued by the Snoqualmie Indian Tribe under this Chapter to engage in the transport, possession, discharge or sale of fireworks on Snoqualmie Tribal lands.

**LICENSEE** means a person or organization who holds a license to transport, possess, discharge or sell fireworks issued pursuant to this Chapter.

**ORGANIZATION** means any firm, corporation, partnership, sole proprietorship, or other corporate entity organized under Federal, State, Tribal or local law.

**PERSON** means any individual, partnership, association, corporation, and any other entity composed of individuals, and federal, Tribal, or state governmental entities or agencies.

**SNOQUALMIE TRIBAL LANDS or TRIBAL LANDS** include lands over which the Snoqualmie Tribe exercises jurisdiction, including but not limited to, the initial reservation, trust lands (Tribal and individual), lands subject to treaty-reserved rights, and lands within the federal definition of "Indian Country" set forth in 18 U.S.C. § 1151.

**TRIBAL COUNCIL** means the duly elected governing body of the Snoqualmie Indian Tribe.

**TRIBAL COURT** means the Snoqualmie Tribal Court.

#### **SECTION 5.0 – GENERAL PROHIBITION**

It shall be unlawful for any person or organization to transport, possess, discharge, sell, or offer for sale any fireworks within any area under the jurisdiction of the Snoqualmie Indian Tribe except as provided in this Chapter.

#### **SECTION 6.0 – FIREWORKS LICENSE REQUIRED**

The sale, offer for sale, transport, or transfer of fireworks shall be unlawful when done by any person or organization unless the person or organization has a valid Tribal fireworks license issued pursuant to this Chapter.

##### **6.1 LICENSE APPLICATION PROCESS**

Any person or organization wishing to receive a Tribal Fireworks License shall apply to the Snoqualmie Tribal Council. The Snoqualmie Tribal Council shall prepare an

application form to be used for this process. The application shall contain at least the following information: Name of responsible individual for the licensee, Address, Telephone Number, Location of Fireworks Stand/Business, Complete Inventory of Fireworks to be sold.

#### **6.2 LICENSES; WHEN GRANTED/DENIED**

Licenses shall be issued by and at the sole discretion of the Tribal Council. Any person or organization whose application is denied shall be notified of such action with a statement of the reasons for the denial, but the denial is not a decision that can be appealed to the Snoqualmie Tribal Court.

#### **6.3 LICENSE FEE**

A person or organization whose application has been approved shall be issued a license upon the payment of the license fee of one hundred dollars (\$100.00). The license fee shall be waived for all license applications submitted by the Snoqualmie Tribal Council.

#### **6.4 LICENSE; SNOQUALMIE TRIBAL COUNCIL ONLY**

Licenses shall only be granted to the Snoqualmie Tribal Council for the sale and operation of a government Fireworks business.

#### **6.5 LICENSE; COVERAGE**

A license granted under this Chapter shall permit any employees or agents of the licensee to sell fireworks in accordance with that license, provided that licensee is responsible for all actions of his employees or agents.

#### **6.6 LICENSE; TERM**

Licenses granted pursuant to this Chapter shall be effective for one hundred and twenty (120) days from the date of issuance and shall not create any vested rights in the licensee. Licenses may or may not be renewed at the sole discretion of the Snoqualmie Tribal Council. Licenses shall not be transferrable to any other person.

#### **6.7 LICENSE; REVOCABLE**

Failure of the licensee to abide by the requirements of this Chapter and any additional requirements imposed by the Snoqualmie Tribal Council will constitute grounds for revocation of the license.

## **6.8 LICENSE; NON-TRANSFERRABLE**

A license may not be transferred to any other person. A fireworks license shall not be applied to a fireworks stand at a location other than the one designated within the license or otherwise assigned by the Tribe.

## **7.0 FIREWORKS SALES**

Notwithstanding any other portion of this Chapter concerning the sale of fireworks on Snoqualmie Tribal lands, the following rules and regulations shall apply:

- (a) There shall be no sales to children under twelve (12) years of age, unless accompanied by a parent.
- (b) No fireworks shall be used within one hundred and fifty (150) feet of the fireworks sales stand.
- (c) There shall be two (2) fire extinguishers of minimum ten (10) lb size placed on the side of the stand and visible by employees and patrons at all times.
- (d) All licensees shall construct and maintain a fireline around the perimeter of the fireworks stand.
- (e) There shall be no use of fireworks which are explosive or noise making in residential areas or near residences between the hours of 10:00 pm and 6:00 am.
- (f) Fireworks shall not be thrown at or in the direction of any person, groups of persons, or passing cars.
- (g) No fireworks shall be exploded or used within any building or adjacent to any community building nor in the parking lot or any other recreational or play area of the Snoqualmie Tribal lands.
- (h) Fireworks shall not be used in any area where the use would constitute a fire hazard, nor in any area on any land over which the Tribe has jurisdiction where the use would constitute a fire hazard.
- (i) No fireworks may be sold or used if banned as hazardous substances by the United States Consumer Product Safety Commission.
- (j) No firecrackers may be sold or used which are over 1 ½ inches, such as M-80s, M-1002, Silver Salutes, and Cherry Bombs.
- (k) Each licensee shall display at a prominent place in each fireworks stand a notice listing those acts declared unlawful by this Chapter.

## **SECTION 8.0 – LEGAL CLAIMS**

- (a) Nothing in this Chapter shall be construed as an obligation of the Tribal Council to assist in the defense or to be accountable for any legal claims or charges-brought against any person resulting from the sale or use of fireworks on Snoqualmie Tribal lands.
- (b) Non-Indians violating this Chapter may be excluded from the Snoqualmie Indian Reservation and all other lands over which the Snoqualmie Indian Tribe has jurisdiction.

## **SECTION 9.0 – PENALTIES AND ENFORCEMENT**

- (a) Any person found to have violated any provision of this Chapter shall be guilty of a class C offense.
- (b) The Tribal Court may, in addition to other remedies in this Chapter, grant to the Tribe such other relief as is necessary and proper for the enforcement of this Chapter, including but, not limited to injunctive relief against acts in violations of this Chapter.

## **SECTION 10.0 – CONTRABAND; SEIZURE; FORFEITURE**

- (a) All fireworks on Snoqualmie Tribal lands held, owned, or possessed by any person in violation of this Chapter are hereby declared to be contraband subject to forfeiture to the Tribe. Upon motion of the Council, the Tribal Court shall issue an order directing the Executive Director of Tribal Public Safety to seize contraband fireworks on Snoqualmie Tribal Lands. A copy of the court order shall be delivered to the person from whom the property was seized or shall be posted at the place where the property was seized.
- (b) Within ten (10) days following the seizure of contraband under subsection (a) of this section, a hearing shall be held in Tribal Court at which time the operator or owner of the contraband shall be given an opportunity to present evidence in defense of his or her activities.
- (c) Adequate notice of the hearing shall be given to the person from whom the property was seized, if known. If the person is unknown, notice of the hearing shall be posted at the place where contraband was seized and at some other Tribal public place. The notice shall describe the property seized and the time, place, and cause of seizure and give the name and place of residence, if known, of the person from whom the property was seized.
- (d) The seizure of contraband under subsection (a) of this section may be in addition to or separate from any other remedy in this Chapter available to the Tribe for violations of this Chapter.

**SECTION 11.0 – INTOXICATION**

It shall be unlawful to sell fireworks to any intoxicated person, or for any licensee or employee to sell, discharge or distribute fireworks while under the influence of alcohol or drugs while engaged in the distribution or sale of fireworks. Violation of this prohibition shall constitute a Class C Offense.

**SECTION 12.0 – PERMITTED FIREWORKS - CONFORMITY WITH FEDERAL LAW**

A licensee shall conform in all respects, to the laws of the United States, pertaining to the sale of fireworks. The licensee shall not stock or sell any fireworks which are in violation of the Hazardous Substance Act of the United States Code, 15 U.S.C. § 1261 et seq. and regulations promulgated thereunder.

**SECTION 13.0 – SEVERABILITY**

If any portion or provision of this Chapter, or application thereof, is determined to be invalid, in whole or in part, the remainder of this Chapter shall continue in full force and effect.

**SECTION 14.0 – NO WAIVER OF SOVEREIGN IMMUNITY**

Nothing herein shall be deemed to be a general waiver of the Tribe's sovereign immunity.

ADOPTED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 12 DAY OF April, 2012 IN SESSION DULY MET WITH 6 FOR, 0 ABSTAINING, AND 0 AGAINST. RESOLUTION NO. 37-11.

CODIFIED BY THE SECRETARY OF TRIBAL AFFAIRS ON THE 1 DAY OF May, 2012.

Huna M. Repin  
SECRETARY OF TRIBAL AFFAIRS