

**JAMESTOWN S'KLALLAM TRIBE
TRIBAL CODE
TITLE 1 – GENERAL PROVISIONS CODE**

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Chapter 1.01 General

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Section 1.01.01 Purpose

The purpose of this Title is to authorize the codification of all current and future ordinances, laws, codes and legislation adopted by the Tribal Council of the Jamestown S'Klallam Tribe ("Tribe") into titles of the Jamestown S'Klallam Tribe Code. Each title of the code will be approved by the Tribal Council, and the date of approval shall be the effective date of the title.

Once a title is approved, then any future changes to the subject matter covered by the ordinance giving rise to the title will be made by an amendment by the Tribal Council to the respective title, by title, chapter and section, instead of to the ordinance.

This Title, when codified, will become Title 1 of the code, and will be known as "General Provisions."

Section 1.01.02 How Code is to be Designated and Cited

The provisions of the code as contained in the adopted titles shall constitute and be designated "The Jamestown S'Klallam Tribe Code," and may be so cited. Such code may also be cited as the "JSTC" or "Tribal Code." It constitutes the legally enacted statutory law of the Tribe pursuant to the provisions of its Constitution.

Section 1.01.03 Construction of Code

The rules and the definitions set forth in this Title shall be observed in the construction of the Tribal Code unless such construction would be inconsistent with either the manifest intent of the Tribal Constitution, the Tribal Council or the context of this code.

Section 1.01.04 Tribal Jurisdiction

The territory and jurisdiction of the Tribe shall extend over the following to the fullest extent possible under Federal Law:

A. All lands, waters, property, airspace, other natural resources and any interest therein either now, or in the future, owned by the Tribe or individual Tribal citizens held in trust status or located within the boundaries of a reservation which may be proclaimed for the Tribe, notwithstanding the issuance of any patent or right-of-way.

B. All persons, property and activities located or found within the Tribe's jurisdiction.

C. All citizens exercising or purporting to exercise any rights reserved by the Tribe under the Treaty of Point No Point concluded January 26, 1855 (12 State.933) and all property or activity to the extent necessary to implement and protect all rights and powers reserved or granted to the Tribe by the Treaty of Point No Point, the United States Constitution or other Federal Law.

Section 1.01.05 Definitions

All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

A. Acts by Agents - When an act is required to be done which may, by law, as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

B. And, Or - "And" may be read "or" and "or" may be read "and" if the sense requires it.

C. Code or Tribal Code - The words "the Code," "Tribal Code" or "this Code" shall mean "The Code of the Jamestown S'Klallam Tribe," unless the context indicates otherwise.

D. Council - Whenever the word "Council" is used, it shall be construed to mean the Tribal Council of the Jamestown S'Klallam Tribe.

E. Usual and Accustomed Area (U&A) - The areas of Washington State where the Tribe's rights were reserved under the Treaty of Point No Point, concluded January 26, 1855 (12 State.933), which provided in part "The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians . . ." and which the Boldt Decision (384 F. Supp. 312) reaffirmed.

Chapter 1.02
Supplemental Provisions

Sections:

Section 1.02.01 Rules of Construction

Section 1.02.02 Severability

Section 1.02.03 Liberal Construction

Section 1.02.04 No Implied Waiver of Immunity; No Grant of Jurisdiction

Section 1.02.01 Rules of Construction

The following rules of construction apply to all provisions of this Code unless a different meaning is obviously intended:

- A. Masculine words shall include feminine words and singular words shall include the plural, and vice versa.
- B. Words shall be given their plain meaning and technical words shall be given their commonly understood meaning where no other meaning is specified.
- C. Whenever the meaning of a term is not clear, it shall be construed harmoniously with the purpose of this Code and with the purposes of the title the term falls under.

Section 1.02.02 Severability

If any provisions of this Code, or its application to any person or legal entity or circumstance is held invalid, the remainder of the Code, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

Section 1.02.03 Liberal Construction

This Code shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

Section 1.02.04 No Implied Waiver of Immunity; No Grant of Jurisdiction

Nothing in this Code shall be construed or implied to be a waiver of the sovereign immunity of the Tribe, nor any affiliated entity of the Tribe, nor shall anything herein be construed as a grant of jurisdiction to the United States of America, the State of Washington, or any political or governmental subdivision thereof, nor of any other state or any other federally recognized Indian tribe.

Chapter 1.03

Codification and Amendments

Sections:

Section 1.03.01 Codification

Section 1.03.02 Amendments

Section 1.03.01 Codification

Title 01 General Provisions was approved and codified on October 01, 2003, at a Tribal Council meeting under Resolution #42-03.

Section 1.03.02 Amendments