

Title 18 – Natural Resources
Chapter 1 – General Provisions

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Legislative History

Enacted:

Ordinance 353 Amending STC Title 18 – Natural Resources Enforcement Provisions (9/1/15), BIA (9/10/15).

Effective date: 9/1/15 (except as to cases brought under this Title pending in Swinomish Tribal Court on the effective date; see Ord. No. 353)

Repealed or Superseded:

Ord. 228 (4/5/05), BIA (4/20/05).

Ord. 249 (10/12/06), BIA (10/16/06).

Codifying Title 18, Ord. 207 (1/27/04), BIA (2/9/04).

Ensuring Consistency Between Provisions in the Enrollment Ord. and the Fishing Ord., Ord. 160 (9/10/02), BIA (10/2/02) (amending Part P of Section 11-1.040, Part c.5 of 11-1.070, Parts A, H, and I of Section 11-3.010, and Section 11-3.030 of the Tribe's Fishing Ordinance, Title 11).

Allowing for Electronic Home Monitoring in Sentencing, Ord. 156 (7/2/02), BIA (7/26/02) (amending sections 11-1.040 of Ord. 117).

Fishing Ord., Ord. 96 (6/2/92), BIA (8/20/92).

Amending Ord. 77 Re: Crabbing, Ord. 88 (2/6/92).

Fishing Ord., Ord. 77 (6/4/91), Enacting Res. 91-6-54, BIA (8/1/91) (superseding and replacing all previous fishing related Ordinances of the Swinomish Tribal Community).

Hunting Ord., Ord. 59 (1/10/89), Enacting Res. 89-1-5, BIA (1/24/89) (modifying Ord. 57 with respect to the scope of tribal jurisdiction. Repealing and superseding all previous hunting ordinances).

Establishing a List of Violations and Penalties Concerning Natural Resources, Res. 335 (4/4/75).

18-01.005 Title.

This Title shall be known as the Swinomish Natural Resources Code.

[History] Ord. 353 (9/1/15).

18-01.010 Purpose and Scope.

(A) The purposes of this Title are as follows:

- (1) To preserve, protect, and enhance the fishing, hunting and gathering resources and traditions of the Tribe for current and future generations;
- (2) To establish the institutional framework to govern and regulate fishing, hunting, and gathering activities under the jurisdiction of the Tribe in accordance with cultural tradition and the best available scientific information;
- (3) To protect the environment required to achieve maximum sustainable harvest from fisheries, game and plant resources specifically as reserved and secured to the Tribe by the Treaty of Point Elliott, January 22, 1855, and upheld in *United States v. Washington*, 459 F. Supp. 1020, 1039, 1049 (W.D. Wash. 1975); and
- (4) To protect against and regulate conduct that threatens or affects the political integrity, economic security, and health and welfare of the Tribe as a unique people and a sovereign government.

(B) Actions taken under this Title to restrict the activities of members of the Tribe shall not constitute a waiver of the rights and obligations of the Tribe, or a recognition of the authority of any state or federal executive agency to unilaterally regulate the fishing, hunting, or gathering activities of members of the Tribe.

[History] Ord. 353 (9/1/15).

18-01.020 Findings.

The Senate makes the following findings:

- (A) The Tribe's adjudicated usual and accustomed fishing grounds and stations include those freshwater and marine areas described in *United States v. Washington*, 459 F. Supp. 1020, 1049 (1978), as the courts may further describe them from time to time.
- (B) The Tribe's off-reservation hunting and gathering rights include all "open and unclaimed land" as secured by the Treaty of Point Elliott, Article 5.

- (C) The Tribe's Constitution and Bylaws provide that the Tribe's jurisdiction shall extend to the territory within the exterior boundaries of the Reservation as established by the Treaty of Point Elliot. Swinomish Indian Tribe Constitution Article I, Section 2.
- (D) The Tribe's Constitution and Bylaws provide that the Tribe has jurisdiction to promulgate and enforce ordinances governing tribal members beyond the limits of the Reservation with respect to exercising tribal hunting, fishing and gathering rights. Swinomish Indian Tribe Constitution, Art. VI. Sec. 1(k)(b).
- (E) The exterior boundaries of the Reservation include all tidelands and extend to the point of extreme low water. *Corrigan v. Brown*, 169 F. 477, 480 (W.D. Wash. 1907); *State v. Edwards*, 188 Wash. 467, 62 P.2d 1094 (1936).
- (F) The Tribe's treaty fishing right includes shellfishing and the right to erect temporary houses to cure fish and shellfish. Treaty of Point Elliott, Article 5.
- (G) The Tribe's treaty fishing right also includes the right to cross private lands to access treaty secured usual and accustomed fishing grounds and stations and to occupy private land for the purposes specified in the treaty. *United States v. Winans*, 198 U.S. 371, 25 S. Ct. 662, 49 L. Ed. 1089 (1905).
- (H) For purposes of harvesting shellfish located on private tidelands, the Tribe may access those tidelands by water, across public lands, by public right-of-way, or by private upland access after obtaining consent from the landowner or the court. *United States v. Washington*, 909 F. Supp. 787, 791-792 (W.D. Wash. 1995).
- (I) The Tribe's fishing right is exclusive within the exterior boundaries of the Swinomish Indian Reservation. *United States v. Washington*, 384 F. Supp. 312, 332 (W.D. Wash. 1974); *United States v. Winans*, 198 U.S. at 381-382.
- (J) Continued protection and enhancement of the fisheries resources within the Tribe's usual and accustomed fishing grounds and stations is of vital importance to the Tribe.
- (K) Fishing, hunting and gathering, including shellfish harvest, are a central focus of the Tribe's culture and are of critical importance to the Tribe's economy and the economic well-being of its members, many of whom are dependent upon fishing, hunting, and gathering for their livelihood, and for ceremonial and subsistence purposes.
- (L) Protection of fish and wildlife, their habitat and the lands upon which they depend are essential to the Tribe's goals of preserving and increasing fish and wildlife populations.

[History] Ord. 353 (9/1/15).

18-01.030 Regulatory Jurisdiction.

- (A) Tribal regulatory jurisdiction under this Title shall extend to all members who are fishing, hunting or gathering on all lands and waters within the exterior boundaries of the Reservation, the usual and accustomed fishing grounds and stations outside the exterior boundaries of the Reservation, and all open and unclaimed lands. Such persons shall be deemed to be exercising tribal treaty rights.
- (B) The exercise of treaty fishing, hunting, or gathering rights by Tribal members includes:
 - (1) travelling en route to the usual and accustomed fishing grounds and stations of the Tribe or open and unclaimed lands;
 - (2) preparing, repairing or caring for any vehicle, vessel or gear used in the exercise of hunting, fishing, or gathering rights; or
 - (3) Transporting, processing, storing or selling fish, game or plants taken in any areas described in sub. (A), above.
- (C) Subject to any express limitation arising under Federal law or stated in the Swinomish Constitution or Swinomish Tribal Code, the Tribe shall have regulatory jurisdiction under this Title over non-members who:
 - (1) reside or are present within the Reservation; or
 - (2) own, use, lease or possess any real or personal property situated within the Reservation; or
 - (3) transact, conduct, or perform any business or activity within the Reservation; or
 - (4) apply for or hold any license or permit issued under this Title or a regulation.
- (D) The persons identified in sub. (C) shall be deemed to have consented to the following:
 - (1) to be bound by the terms of this Title;
 - (2) to the exercise of civil (and, in the case of non-member Indians, criminal) jurisdiction of the Court over that person in legal actions arising under this Title; and
 - (3) To detainment, service of process, and search and seizure in conjunction with legal actions arising out of any violation of this Title.

(E) Violations by non-Indians shall be subject to the following:

- (1) Any act or omission which constitutes a crime under this Title if committed by an Indian shall constitute a civil infraction if committed by a non-Indian.
- (2) The penalty for a violation governed by this subsection shall be a civil fine in the same amount as the criminal fine for the same act or omission if committed by an Indian, together with loss of any license or privilege as provided in this Title.
- (3) Any property used on the commission of the violation shall be subject to the forfeiture of property under applicable provisions of this Title regardless of whether the property is owned or used by a non-Indian.

[History] Ord. 353 (9/1/15).

18-01.040 Authority.

This Title is promulgated under the inherent authority of the Tribe and the following provisions of the Constitution of the Swinomish Indian Tribal Community: Art. VI, Sec. 1(a), (g), (h), (k) (a), (k)(b), (l), (m), (q), and (s).

[History] Ord. 353 (9/1/15).

18-01.050 Applicability.

The provisions in this Chapter shall apply to all Chapters in this Title, unless explicitly stated otherwise.

[History] Ord. 353 (9/1/15).

18-01.060 Construction.

This Title is exempt from the rules of strict construction and shall be liberally construed in favor of the Tribe to give full effect to the objectives and purposes for which it was enacted.

[History] Ord. 353 (9/1/15).

18-01.070 Definitions.

(A) For the purposes of this Title, the following words and phrases shall have the following meanings, unless explicitly stated otherwise:

- (1) **“Adult”** means a person who is eighteen (18) years of age or older.

- (2) **“Assistant”** means any person who aids a Tribal member in the exercise of any tribal fishing, hunting or gathering right by performing or assisting in the performance of:
- (a) fishing operations, including placing and tending nets or pots, operating a boat or net in the process of drift netting, and any other activity directly relating to the capture of fish; or
 - (b) hunting operations, including tracking, hauling out, driving or spotting of game; or
 - (c) gathering operations.
- (3) **“Bag Limit”** means the maximum number of animals that may be taken, caught, killed, or possessed by any person for any particular period of time, and may include limits on size, sex, or species, as established by this Title or a regulation.
- (4) **“Beach Seine,” “Haul Seine,” or “Drag Seine”** means fishing gear consisting of a leadline, corkline, auxiliary lines, and mesh fashioned so that it can be used to encircle fish swimming near the beach and then hauled either to the beach or to the boat.
- (5) **“Big Game”** means elk or wapiti, deer, mountain goat, cougar or mountain lion, and black bear.
- (6) **“Catch Quota”** means the number of fish that may be taken for any particular species or season, as established by a regulation.
- (7) **“Ceremonial Purposes”** refers to the capture, taking, harvest, or gathering of fish, game or plants in or for use in association with traditional tribal ceremonies, including religious, cultural, and funeral practices, as distinguished from subsistence or commercial purposes.
- (8) **“Child”** means and includes a biological, adopted, or step child.
- (9) **“Clam”** means any species of bivalve mollusk, including clams, geoducks, mussels, cockles and oysters.
- (10) **“Closed Area”** means any area within the jurisdiction of the Tribe that is closed to the harvest of a particular type of fish, game or plant by the provisions of this Title or a regulation. An area may constitute a closed area regarding a particular type of fish, game or plant even though the area is open for the harvest of other types.

- (11) **“Closed Season”** means, with regard to a particular type of fishing, hunting, or gathering, all times during the year when an “open season” is not designated by a regulation for that particular type of fishing, hunting or gathering even though a season may be open for other types. A season is presumed closed unless specifically opened by a regulation.
- (12) **“Commercial Purposes”** refers to the capture, taking, harvest or gathering of fish, game or plants for the purpose of sale, exchange for something of value, debt reduction, profit sharing or other economic gain (and excluding the small barter included under Subsistence Purposes), as distinguished from subsistence or ceremonial purposes.
- (13) **“Commission”** means the Fish and Game Management Commission established in Chapter 2.
- (14) **“Conviction”** means a court finding, or a plea or admission in court, that the person committed a violation.
- (15) **“Court”** means the Swinomish Tribal Court established under Title 3 of the Swinomish Tribal Code.
- (16) **“Crab”** means the Dungeness, Pacific, Red Rock or Tanner crab.
- (17) **“Deface”** means to destroy, tear down, shoot, erase, disfigure, or otherwise damage a sign or printed matter.
- (18) **“Drift Gillnet”** is a gillnet that is not anchored.
- (19) **“Dwelling”** means a building, a part of a building, mobile home or any other enclosed space that is used or intended for use as a human habitation, but does not include a tent, camper, recreational vehicle or other enclosure that is only temporarily being used as shelter.
- (20) **“Edible Meat”** means meat from an animal that has been killed in a lawful hunt, as prescribed by Chapter 4 or a regulation. It does not include diseased meat or meat damaged in the course of the hunt.
- (21) **“Elder”** means any Tribal member who is fifty-five (55) years of age or older.
- (22) **“Enforcement Director”** means the person who is the supervisor of the enforcement officers.
- (23) **“Enforcement Officer”** means the person or persons authorized by the Senate to take enforcement actions concerning violations.
- (24) **“Fine”** means a pecuniary criminal punishment or civil penalty.

- (25) **“Fish”** (noun) means anadromous and non-anadromous fish, shellfish, and all other aquatic animals or other fishery resources. **“Fish”** (verb) means the attempt to, or the act of, or assisting in, capturing, taking or otherwise harvesting any fish by any method. The act of fishing extends for the entire period of time during which fishing gear is in the water. It does not include preparatory activities, either on shore or on a boat, such as baiting hooks, or post-fishing activities such as cleaning gear or fish, either on shore or on a boat.
- (26) **“Fish and Game Office”** means the building or buildings that house the fish or game departments of the Tribe.
- (27) **“Fisheries Manager”** is the Tribal employee who is the head of the Tribe’s fisheries department.
- (28) **“Fishing Gear”** means all types and sizes of hooks, nets, spears, gaffs, lines, traps, pots, diving equipment, appliances and other apparatus used to fish.
- (29) **“Fishing Hunting, or Gathering Privileges”** means the privileges that are extended by the Tribe to Tribal members in accordance with this Title that derive from the rights reserved by the Tribe under the Treaty of Point Elliott.
- (30) **“Forfeiture”** means the legal process under which items authorized for confiscation during the commission of a violation may be transferred to the ownership of the Tribe.
- (31) **“Game”** means all species that shall not be hunted except as authorized by this Title or a regulation. It includes “game animals,” “big game,” and “game birds.”
- (32) **“Game Animal”** means a wild animal that shall not be hunted except as authorized by this Title or a regulation. It excludes “big game” and “game birds.”
- (33) **“Game Bird”** means any wild bird that shall not be hunted except as authorized by this Title or a regulation.
- (34) **“Game Manager”** is the Tribal employee who is the head of the game department.
- (35) **“Gather”** and its derivatives, *e.g.* **“gathering”** and **“gathered”** means any effort to take, dig up, remove, fell, or harvest plants or plant parts by any method.

- (36) **“Gear”** means any equipment, appliance, tool or other apparatus, or any part of any of these, used to fish, hunt or gather.
- (37) **“Gillnet”** means any net with a mesh size designed to “gill” the targeted species of fish. A fish is “gilled” when it swims into the mesh and its gills and gill plates become entangled in the mesh. A gill net may be either a set gill net or a drift gill net.
- (38) **“Hotline”** means the telephone line on which the Fisheries Manager or the Game Manager has recorded information regarding open and closed areas or seasons, emergency closures of a season or area, buyers who have been added or removed from the list of commercial fish buyers, special notices, or other information posted by the relevant manager.
- (39) **“Hunt”** and its derivatives, *e.g.* **“hunting”** and **“hunted,”** means any effort to kill, injure, capture, or intentionally disturb wildlife. Assisting in dressing, packing, and transporting game is not hunting. Spotting, tracking and driving game are included in hunting.
- (40) **“Indian”** means any person who would be subject to the jurisdiction of the United States as an Indian under 18 U.S.C. §1153 if that person were to commit an offense in Indian country to which that section applies.
- (41) **“Infraction”** means any civil violation of this Title or a regulation.
- (42) **“Jail”** includes electronic home monitoring or other intensive monitoring or tracking, incarceration, imprisonment or any other form of detention.
- (43) **“Knowing”** or **“Knowingly”** means with knowledge, consciously, intelligently, willfully, or intentionally. A person acts knowingly when he or she acts with awareness of the nature of the act.
- (44) **“Landed”** refers (i) to a boat that has been secured at the dock, riverbank or shore, even if it is still in the water, or (ii) to gear or catch that has been removed directly from the water and placed on the dock, bank, shore or tender vessel.
- (45) **“Mesh Size”** means the size of an individual mesh in a fishing net measured by the distance between the inside of one knot to the outside of the opposite vertical knot of one (1) mesh when the mesh is stretched vertically while using a tension of ten (10) pounds is applied to any three (3) consecutive meshes, and then measuring the middle of three (3) meshes.
- (46) **“Muzzle-Loader”** means a single or double-barrel wheel lock, matchlock, flintlock or percussion rifle with exposed ignition in which the black powder and ball or bullet must be loaded from the muzzle.

- (47) **“Non-member”** means a person who is not a Tribal member.
- (48) **“Offense”** means any criminal violation of this Title or which is enforceable by enforcement officers under this Title.
- (49) **“Offense committed against an enforcement officer”** means a violation of Swinomish Tribal Code Title 4, Criminal Code, or of Swinomish Tribal Code Title 5, Chapter 2, Criminal Traffic Code, committed against or involving an enforcement officer acting in the course of the officer’s duties. This may include the following offenses:

assault, §4-02.020;
harassment, §4-02-040
reckless endangerment, §4-02.070
unlawful display or discharge of weapon, §4-05-030
false report, §4-09.050
obstruction, §4-09.070
refusing to aid an officer, §4-09.090
resisting arrest, §4-09.100
disobeying tribal fish and game officers, §4-09.110.

- (50) **“Offense committed during the exercise of treaty rights”** means an offense committed in violation of Swinomish Tribal Code Title 4, Criminal Code, or of Swinomish Tribal Code Title 5, Chapter 2, Criminal Traffic Code, during:
- (a) the commercial, ceremonial or subsistence harvest of fish, game or plants; or
 - (b) the transport of any fish, game or plant resources; or
 - (c) the offering for sale or barter of such resources; or
 - (d) the traveling to and from such activities, or
 - (e) the performing of any other act in the exercise of Tribal treaty rights.

This may include such offenses as the following if committed during the exercise of treaty rights: resisting arrest for a fishing violation, assault on an enforcement officer who is investigating a hunting violation, assault on another fisher on the water or at dockside, obstructing an enforcement officer while investigating a gathering violation, and possession of drugs in a vehicle or boat used for fishing or hunting while fishing or hunting.

- (51) **“On-Reservation Fishing or Hunting Areas”** means those fishing or hunting areas within the exterior boundaries of the Reservation designated as such by the Senate.
- (52) **“Open and Unclaimed Lands”** means those lands upon which the Tribe may exercise treaty hunting rights under Article 5 of the Treaty of Point Elliott, and includes public lands, large private industrial timberlands, and any other lands determined by adjudication or agreement to be subject to the treaty hunting right.
- (53) **“Open Season”** means those time intervals during which a given area is open to hunting, gathering or fishing for a particular species by a particular gear type under the terms of this Title or a regulation.
- (54) **“Possess”** with respect to an identification card, permit, tag, or other document, means present on the person or in the immediate control of the person, such that the person could present it to an enforcement officer upon request as required by law.
- (55) **“Public Road”** means a road maintained by the United States, any Tribe, county, city, or state, and includes a road located within industrial forest land and maintained by the owner of the land.
- (56) **“Purse Seine”** means any type of fishing gear consisting of a lead line, auxiliary lines, purse line, purse rings, and webbing fashioned in a manner that is used to encircle fish, and in addition prevents their escape under the bottom or lead line of the net by drawing in the bottom of the net by means of the purse line so that it forms a closed bag. The **“bunt”** is the portion of a purse seine located at the end of the net designed to form the bag that holds the net’s catch after the net is pursed and is the last portion of the net to be pulled aboard the catching vessel.
- (57) **“Regulation”** means any of the following issued in accordance with this Title:
- (a) a rule or regulation issued by the Senate or the Commission;
 - (b) a Commission order;
 - (c) a rule, regulation, notice or order posted on the Hotline;
 - (d) an order of the Fisheries Manager or the Game Manager;
 - (e) a condition imposed upon or contained in any permit or license issued under this Title.

- (58) **“Reservation”** means all areas within the external boundaries of the Swinomish Indian Reservation.
- (59) **“Revocation”** means the permanent loss of all or a portion of rights and privileges to fish, hunt or gather under this Title or a regulation.
- (60) **“Rot Cord”** means biodegradable twine made from cotton or other natural fiber that will rot away if submerged in water for a few days or longer.
- (61) **“Senate”** means the Swinomish Indian Senate, the governing body of the Tribe.
- (62) **“Set Gillnet”** means a gillnet that is anchored or otherwise secured to a fixed point so that it can no longer drift with the current. A fixed point may be either manmade or natural.
- (63) **“Soak Time”** means the period of time beginning when the pot is dropped overboard and ending when it is lifted above the surface of the water.
- (64) **“Spouse”** means a partner by legal marriage, but does not include a domestic partner by cohabitation without legal formalities.
- (65) **“Subsistence Purposes”** refers to the capture, taking, harvest or gathering of fish, game or plants for the purpose of personal consumption by persons and their immediate families, and includes the barter (but not sale) of small quantities of harvest of a value of less than \$100. Subsistence Purposes is distinguished from commercial and ceremonial purposes.
- (66) **“Successful Hunt”** means a hunt in which the hunter kills a game animal for which he or she has a permit.
- (67) **“Suspension”** means the loss of all or a portion of rights and privileges to fish, hunt or gather under this Title or a regulation for a specified period of time.
- (68) **“Take,” “Taking,” “to Take,”** and other derivatives mean to catch, capture, kill, trap, gather, harvest or in any manner reduce to personal possession any fish, game or plant species.
- (69) **“Trap”** and its derivatives, *e.g.* **“Trapping”** and **“Trapped,”** mean any effort to capture or snare game with a spring-loaded mechanical device, trip wire, concealed pit, or any other instrument designed to capture or snare game.

- (70) **“Treaty Tribe”** means a tribe found by the court in *U.S. v. Washington*, W.D. Wash No. 9213, to be a successor in interest to any of the groups or bands that signed the treaties – commonly known as the Stevens Treaties – between the United States and the Indians of what is now known as the Pacific Northwest in 1854 and 1855.
- (71) **“Tribal Fisher”, “Tribal Hunter” or “Tribal Gatherer”** means any tribal member who is subject to the jurisdiction of this Title as described in Section 18-01.030.
- (72) **“Tribal Fishing, Hunting or Gathering Permit”** means a permit issued under this Title or a regulation for the purpose of permitting the holder to engage in any type of fishing, hunting or gathering activity and represents nothing more than the permission of the Tribe to participate in exercise of the Tribe's fishing, hunting, and gathering rights.
- (73) **“Tribal Identification Card”** means any currently valid card issued by an authorized official of the Tribe for the purpose of identifying the holder as a tribal member and, as such, as a person entitled to all of the Tribe’s rights and privileges, including those reserved by the Treaty of Point Elliot.
- (74) **“Tribal Member”** means a member of the Tribe as defined in Title 6.
- (75) **“Tribe”** means the Swinomish Indian Tribal Community, a federally recognized Indian Tribe organized under Section 16 of the Indian Reorganization Act of 1934, and a successor in interest to signatories of the Treaty of Point Elliott, 12 Stat. 927. Where the context requires clarification to distinguish among tribal entities, the term “Swinomish” is added before “Tribe.”
- (76) **“Unattended Net”** means a net located in position to take fish without a fisher present in the immediate area attending it.
- (77) **“Usual and Accustomed”** refers to those fishing grounds and stations included in the freshwater and marine areas described in *U.S. v. Washington*, 459 F. Supp. 1020, 1049 (W.D. Wash. 1978), as the courts may further describe them from time to time.
- (78) **“Violation”** means any violation of:
- (a) any provision of this Title; or
 - (b) any regulation; or
 - (c) any offense committed during the exercise of treaty rights; or
 - (d) any offense committed against an enforcement officer.

- (79) **“Wastage,” “Wasting,” or “Waste”** means the taking of any fish, game or plant species subject to a regulation and allowing it to spoil or otherwise become unfit for its normal use, medicinal or spiritual use, or human consumption.
- (80) **“Wildlife”** means all species of the animal kingdom except fish and domesticated animals.

(B) Other Definitional Terms.

- (1) References to this Title refer to Swinomish Tribal Code Title 18. References to a chapter, without further description, refer to a chapter of this Title. References to a sub-chapter or a section, without further description, refer to the sub-chapter or section in which the reference occurs. References to a subsection, without further description, refer to the subsection of the section within which the reference occurs.
- (2) The words “include,” “includes,” and “including” shall be deemed to be followed by the phrase “without limitation.”
- (3) Unless the context in which it is used otherwise clearly requires, “or” has the inclusive meaning represented by the phrase “and/or.”
- (4) Unless the context in which it is used clearly requires, the plural includes the singular and the singular includes the plural, and all pronouns used are to be treated as referring to either gender.
- (5) All other words and phrases shall have their ordinary and customary meanings.

[History] Ord. 353 (9/1/15).

18-01.080 Severability.

The provisions of this Title are severable. If a court of competent jurisdiction should hold any provision of this Title invalid, the validity of the remaining provisions shall be unaffected and the remaining provisions shall remain in full force and effect.

[History] Ord. 353 (9/1/15).