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RESOLUTION

WHEREAS, the Kalispel Business Committee is the duly constituted governing body of the Kalispel Tribe by the authority of the Constitution and By-Laws for the Kalispel Tribe; and

WHEREAS, under the Constitution and By-Laws of the Tribe, the Kalispel Business Committee is charged with the duty of protecting the health, security, and general welfare of the Kalispel Tribe and all reservation residents; and

WHEREAS, KLOC Chapter 18-2.01 Eligibility for a Fireworks License provides for licenses to be issued by the Tribal Council or a designated agent.

WHEREAS, for the calendar year 2021, the fireworks licenses process/rules are enhanced to ensure fairness and full compliance with all applicable provisions of the KLOC, and

WHEREAS, KLOC 18-5.01 currently requires the employees of a licensed fireworks operation to be Tribal members, spouses of Tribal members, or enrolled Indians, and there is a desire to modify these requirements, and

WHEREAS, the Civil Infraction section of the KLOC (Chapter 13) was amended to authorize Kalispel Tribe Fire Department to be designated to issue fire related infractions and KLOC 18-13.01 provides for the penalties of violating the Fireworks Code,

THEREFORE, BE IT RESOLVED The Kalispel Business Committee amends Chapter 18 of the KLOC as follows:

18-5.01 EMPLOYEES OF LICENSEE

Tribal member holding license for a licensed fireworks operation (“Operation”) shall ensure that they and all employees are aware of and agree to follow all rules and regulations relating to Fireworks including but not limited to this Chapter and the entire Code. A minor can assist with the Operation while under the supervision of an adult employee of the Operation and with permission of the minor’s parent(s) or guardian(s).

18-13.01 VIOLATIONS - PENALTIES- FORFEITURE

A Licensee violating this Chapter shall be guilty of a misdemeanor and subject to the fine




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and imprisonment as enumerated in this Tribal Code. Further, any enforcement officer including but not limited to Kalispel Tribal Police and Kalispel Tribal Fire Department, or other Tribally commissioned peace officer, shall be empowered to seize and forfeit the fireworks products of a violating operator. The Tribal Court shall have the authority and jurisdiction to dispose of such forfeited products.


THEREFORE, BE IT FURTHER RESOLVED, the Kalispel Business Committee, designates Shantel Nydegger, Executive Director of TGA, to process and issue fireworks licenses to Kalispel Tribal Members for Operations consistent with KLOC Chapter 18 and set forth in the attached Special Fireworks License Rules for Kalispel Tribal Members 2021.

CERTIFICATION

The Kalispel Business Committee adopted the foregoing RESOLUTION at a meeting held on the 25 day of May, 2021, at the Tribal office on the Kalispel Indian Reservation near Usk, Washington, with the required quorum present by a vote of 3 FOR and 0 AGAINST.



GLEN NENEMA, CHAIRMAN
KALISPEL BUSINESS COMMITTEE
(TERM EXPIRES JUNE 2023)



BETTY JO PIENKHAM, SECRETARY
KALISPEL BUSINESS COMMITTEE
(TERM EXPIRES JUNE 2021)

Special Fireworks Licenses Rules for Kalispel Tribal Members - 2021

How to Apply for a License:

Kalispel Tribal Members can apply for a License to sell fireworks by contacting Shantel Nydegger.

Email bschmidt@kalispeltribe.com subject: "Fireworks" please include first and last name, address, contact number. Or call 509.465.4140 to give the same information over the phone or leave the information on the voicemail.

Note: TGA will get a list of Tribal members from Nicole Andrews, once we have verified they are a Tribal member, TGA will issue a business license with a firework endorsement to the Tribal member. The full list of requirements, in addition to following rules can be found in the Law & Order Code Chapter 18.

With a 2021 Fireworks License, Tribal Members can:

Where: Sell fireworks in Pend Oreille County on the Reservation. When applying for a permit, please indicate where you intend to sell fireworks. A lottery will be held to determine which individuals will be able to sell in the following areas: Crossroads, the RV Park, and Kalispel Casino. If you are selected from the lottery process, licenses for these locations will have a \$100 fee payable to the Tribe to be used for cleanup. You may be ineligible for a fireworks license in the future if fireworks are discharged where sold, excessive garbage is found at your stand, or you are found operating without a license. Fireworks will be expressly prohibited from being discharged anywhere on premises, including the selling area and tribal property around the area.

When: The deadline for license applications will be June 2, 2021. The lottery will commence on June 3, 2021. Sales can begin on Friday, June 11, 2021 through Monday, July 5, 2021. All fireworks must be removed by licensee by Thursday, July 8, 2021.

Employees: The License is non-transferable and cannot be sold or transferred to anyone. Tribal member holding license for a licensed fireworks operation shall ensure all employees are aware of and agree to follow the Kalispel Law and Order Code and applicable rules and regulations.

Minors:

- Minors can assist with the fireworks operation while under the supervision of an adult employee and with permission of the minor's parent/guardian.
- No fireworks, unless they have been designated "safe and sane" as defined by the State of Washington, can be sold to minors.

Fire Extinguishers and Clean-up: At least one fire extinguisher must be accessible in the selling area. All licensees will be responsible for maintaining the cleanliness of the selling area. Failure to do so will be subject to civil and criminal penalties for littering as outlined in the Law and Order Code. Violations are enforceable by Tribal Enforcement Officers including Kalispel Tribal Police and the Kalispel Tribal Fire Department.

Posting Requirements: The License holder must display the following in the selling area:

NOTICE – IT IS UNLAWFUL TO DISCHARGE FIREWORKS WITHIN THE SELLING AREA. THE SELLING AREA IS DEFINED AS THE PREMISE SURROUNDING THE STAND, AND ALL TRIBAL PROPERTY. VIOLATORS WILL BE SUBJECT TO ALL CIVIL AND CRIMINAL FINES PURSUANT TO THE LAW AND ORDER CODE.

NOTICE – THE PURCHASER, BY PURCHASING FIREWORKS THROUGH THIS OUTLET, WAIVES ANY CLAIM AGAINST THE KALISPEL TRIBE OF INDIANS OR THE SELLER, FOR INJURY OCCURRING AS A RESULT OF THE USE OF SUCH FIREWORKS AND THE PURCHASER RELEASES THE KALISPEL TRIBE AND THE OPERATOR OF THIS OUTLET OF SUCH LIABILITY.

NOTICE – LICENSEES WHO FAIL TO CLEAN AND MAINTAIN THEIR SELLING AREAS WILL BE SUBJECT TO ALL CIVIL AND CRIMINAL FINES FOR LITTERING PURSUANT TO THE KALISPEL LAW AND ORDER CODE.