

BLUE LAKE RANCHERIA

ORDINANCE No. 88-02

ORDINANCE OF THE BLUE LAKE RANCHERIA
HUMBOLDT COUNTY, STATE OF CALIFORNIA

Adoption of Building/Zoning Ordinance for lands within the exterior boundaries of the Blue Lake Rancheria.

Authority:

Whereas: The Blue Lake Rancheria Business Council, on August 10, 1987, by formal Resolution No 87-06, did adopt the Constitution for the management of all Tribal Affairs.

Whereas: Article V, Section 4 grants the power to the Business Council to enact laws for the welfare, health and safety of the members of the Blue Lake Rancheria.

The Business Council of the Blue Lake Rancheria does ordain as follows:

SECTION 1: The provisions of these regulations shall apply to all lands and all owners of lands within the exterior boundaries area of the Blue Lake Rancheria.

SECTION 2: Purpose. It is the purpose of this ordinance to provide opportunities for residents to own and live in decent, safe and affordable housing on a permanent basis.

SECTION 3: MOBILE HOMES PERMITTED

A. A mobile shall be permitted on an individual lot as a single family dwelling unit if the requirements of paragraph B are met.

B. ELIGIBILITY

1. The mobile home must be certified under the National Mobile Home Construction and Safety Standards Act of 1974.
2. The mobile home must be installed on a permanent foundation system designed in accordance with the provisions of Section 18551 of the Health and Safety Code.

SECTION 4: SET BACK REQUIREMENTS

Any single-family or mobile home newly constructed on the Blue Lake Rancheria shall be required to adhere to the following set back requirements for such unit:

Minimum front yard - Twenty (20) feet
Minimum side yard - Five (5) feet
Minimum rear yard - Ten (10) feet
Maximum height - Forty-five (45) feet
Lot line clearance - Six (6) feet

SECTION 5: FLOOD PLAIN ZONING

Any new construction or Mobil home placement within the identified flood plains within the Rancheria will be required to mitigate the potential flooding by the following requirements:

1. Finished floor shall be a minimum Twelve (12) inches above the flood plain elevation.
2. Floor foundations shall be constructed in a manner to allow for drainage of flood water and not create a "Dam" affect.

GENERAL PROVISIONS

Height limitations and modifications: Heights of buildings and structures shall be measured vertically from the average ground level of the ground covered by the building to the highest point of the roof, but chimneys, stacks, vents, flagpoles, conventional reception antennas, ventilation and air-conditioning equipment shall be excluded in making such measurement.

Detached accessory buildings: Shall not be located within five (5) feet of any main building, nor so as to encroach on any easement, right of way, etc. Detached accessory buildings used as guest houses shall not be located within five (5) feet of lot lines nor within five (5) feet of any alley or driveway. Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main-building yard requirements.

Flood Zone Areas: Flood plain maps are on file with the Tribal Office. Any person desiring to build a new home or locate a mobile home within the Rancheria are advised to come to the Office to determine if the Flood Plain Zone requirements apply to them.

P E R M I T S

Requirement: Permits will be required for any new construction on the Rancheria. In addition permits will be required for placing mobile homes on the Rancheria. There will be NO FEE for issuing permits.

Permits may be granted, upon application to the Tribal Office, provided that proper documentation is submitted with the application. Failure to provided the necessary documentation will cause the application to be forwarded to the Business Council for processing.

Application: Application for a permit shall be filed at the Tribal Office upon a form provided by that Office. The form shall be accompanied by such information as may be required to describe fully the proposed use for which the permit is sought.

Applications that are forwarded to the Business Council shall be subject only to the rules regarding the placing of matters on its agenda, the Business Council, at its next regular meeting following the filing of the application for a permit, shall consider the application and may, at its own discretion, cause the matter to be set for a public hearing.

If the Business Council causes the matter to be set for a public hearing, such hearing shall be conducted within 30 days, and notice thereof shall be given, in the same manner as any public notice to the residents of the Rancheria.

Within 30 days of the commencement of the consideration of the application, or, if a public hearing on the matter has been held, within 30 days of the conclusion of the hearing, the Business Council shall grant or deny the issuance of the permit applied for. The granting of any permit may be made subject to terms and conditions attached thereto and made a part thereof. Failure of the Business Council to act within the time set out herein shall be deemed to be a denial of the application on that date. The action of the Business Council shall become final 10 days from the date thereof, unless an appeal has been taken within that time.

A P P E A L S

Any person aggrieved by an action of the Business Council may take an appeal by filing a notice of appeal with the Tribal Office within 10 days of the action of the Business Council.

The Business Council shall consider the appeal and the record upon which the action appealed from was taken, and may, at its own discretion, cause the matter to be set for a public hearing.

If the Business Council causes the matter to be set for a public hearing, notice of the hearing shall be given by publication in the general public notice manner.

Within 60 days of the filing of the notice of appeal, the Business Council shall render its decision on the matter. Failure of the Business Council to render its decision on the matter within 60 days of the filing of the notice of appeal shall be deemed to be a denial of the appeal and an affirmation of the previous action.

The decision of the Business Council upon an appeal is final and conclusive as to all things involved in the matter.

ADOPTED THIS 15th DAY OF April, 1988.

Sylvia Daniel
Chairperson Blue Lake Rancheria

April 15, 1988
Date

ATTESTED: Signature and Title

Date

This ordinance has been reviewed and accepted by secret ballot by the General Council of the Blue Lake Rancheria with a vote of 7 for with 3 against and 0 abstained and 6 absent on

April 10, 1988.

John Johnson
Chairperson of the General Council

Apr 12 - 1988
Date