

BLUE LAKE RANCHERIA

ORDINANCE No. 88-05

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

AN ORDINANCE FOR THE PREVENTION AND CONTROL OF FIRE 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. 8706, 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: PURPOSE

It is the purpose of this ordinance to provide proper control of burning within the exterior boundaries of the Blue Lake Rancheria.

SECTION 2:

It shall be unlawful for any person, co-partnership, firm, corporation or company to willfully or knowingly allow fire to burn uncontrolled, on land owned or controlled by such person, co-partnership, firm corporation or company.

The term "uncontrolled fire" as used in this section means any fire burning on lands covered wholly or in part by timber, brush, grass, grain, or any other inflammable material, which is not burning within the confines of cleared firebreaks or which is burning with such velocity that it could not be readily extinguished with the ordinary tools commonly available to private property owners.

SECTION 3:

It shall be unlawful for any person, co-partnership, firm, corporation or company to set fire to, or to burn any inflammable vegetation or waste debris or any other inflammable material, either on his or its own lands or the property of another, during that period between April 15th and December 1st of any year, and such other times of the year when unusual fire danger shall be declared to exist by the State Director of Natural Resources, without first obtaining a written permit from the chief, or his agent, of the fire department having jurisdiction within a lawfully formed fire district, if such burning is to be done within such fire district, or if such burning is to be done on lands outside of any lawfully formed fire district and out within areas declared to be State responsibility, the permit shall be obtained from the nearest representative of the State Forester, unless there be other constituted fire control authority charged with the prevention of fire in that area in which the burning is to be done, in such case the permit shall be obtained from such authority.

Permits for burning, issued under the authority of this ordinance shall stipulate that the permittee shall understand the fire prevention laws of the State of California and of Humboldt County and fire district in which the burning is to be done; that no expense shall be incurred against the Rancheria, county, fire district or State by reason of such burning; and shall state the general rules of reasonable precaution for the guidance of the permittee, provided, that permits issued by the state forester's agent shall be in accord with the standard set forth by that agency.

Permits shall not be required when such material to be burned is in small heaps or piles and surrounded by adequate cleared firebreaks in dooryard premises, corrals, gardens, or plowed fields, or in an adequate container or incinerator with adequate clearance free of inflammable material surrounding it.

SECTION 4:

It shall be unlawful for any person, co-partnership, firm, corporation or company engaged in industrial operations which, by the nature of such operations, waste materials of an inflammable nature are created in excessive amounts as to become a fire hazard or menace to adjacent property or to property upon which it is created, to allow such material to accumulate to such extent that hazard or menace is created.

SECTION 5:

It shall be unlawful for any person, co-partnership, firm, corporation or company coming under the provisions of SECTION 4 of this Ordinance, to dispose of inflammable waste material incidental to such operations by burning or use of fire unless such burning or fire is contained in an adequate burning device which will prevent the escape of fire or sparks, except that burning such material may be done without an enclosed burner if such material is surrounded by an area cleared of all inflammable materials for a distance of four hundred (400) feet radiant from the material to be burned. The provisions of SECTION 3 of this Ordinance relating to period of year and obtaining of permits shall apply to this section.

ADOPTED THIS 13 DAY OF June, 1988.

Se. David Daniel
CHAIRPERSON

June 13, 1988
DATE

Josephine Zygenbina
ATTESTED

June 13, 1988
DATE

This Ordinance has been reviewed and accepted by secret ballot of the General Council of the Blue Lake Rancheria with a vote of 7 for, with 1 against and _____ abstained and 7 absent on June 11, 1988.

John Giffen
CHAIRPERSON, GENERAL COUNCIL

6-11-88
DATE