

COQUILLE TRIBAL ORDINANCE
Chapter 310
Fire Protection Ordinance

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310.101 General

This Ordinance may be referred to as the Coquille Indian Tribe Fire Protection Ordinance.

1. Purpose.

The Coquille Indian Tribe adopts this Ordinance to protect persons, buildings, personal property, real property, and forest lands from fire. This is necessary to protect the health, welfare, and property of Tribal members and people who live on Tribal lands.

2. Background and Intent

This Ordinance contains basic minimum provisions considered necessary for the safety of persons and the protection of their property. Compliance with this Ordinance, proper precautions, and compliance with building and electrical codes shall result in conditions free from the hazards of fire. This Ordinance shall apply to all lands that are owned by or under the jurisdiction of the Tribe. Cooperation of other governing bodies with jurisdiction over contiguous land areas will be sought in the enforcement of fire prevention practices. If other applicable law imposes a more stringent fire protection practice standard, then this Ordinance shall not prevent the application of the more stringent standard. Wildfire protection for the Coquille Forest and Empire Reservation forest lands is provided under an agreement between the Bureau of Land Management, Bureau of Indian Affairs, and the Oregon Department of Forestry.

3. Definitions

- a. "Jurisdiction" means the jurisdiction of the Coquille Indian Tribe.
- b. "Fire season" means when conditions of fire above normal danger or risk exist in the Coquille Forest or Empire Reservation forest lands or the Oregon State Forester designates the date of the beginning of fire season for the forest for that year. The fire season shall continue until ended by order of the State Forester when conditions of fire above normal danger or risk no longer exist in that district or part thereof.
- c. "Empire Reservation" means certain trust lands located in the Empire district of Coos Bay, Oregon.
- d. "Tribal lands" means all lands, whether in fee or trust, owned by the Coquille Indian Tribe.

310.102 Severability

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If any provision of this Ordinance is held invalid by a court of competent jurisdiction, the invalid portion will be severed and the remaining provisions shall continue in full force and effect.

310.103 Jurisdiction.

The Tribe has the inherent jurisdiction to protect the political integrity, the economic security, health, and welfare of the Tribe and of people who live on Tribal Reservation lands. Additionally, the preservation of the forests and the conservation of the forest resources through the prevention and suppression of forest fires hereby are declared to be the public policy of the Coquille Indian Tribe.

310.201 Fire Protection Practices for Residential Areas and Tribal Facilities

1. The construction of new buildings - residential, commercial and industrial - shall be in conformity with building, electrical and plumbing codes of the Tribe. Where the Tribal Code is silent as to a specific issue, the building, electrical, and plumbing codes of Coos County will be the standard.

2. Heating units, including woodstoves, pellet stoves, natural gas, and propane, shall be installed by qualified workmen in a safe and workmanlike manner. If homeowners install heating units in their own homes, the installed unit must be inspected for proper installation by the designated Tribal Inspector, and the certificate of inspection must be available for review. Heating units that use oil or kerosene for their fuel source are not permitted.

3. Fuel for heating units shall be stored safely and separately from the heating unit.

4. Flammable materials shall be stored only in areas where there is not hazard of fire by contact with heating, cooking or electrical utilities. Storage of such materials in closed areas where spontaneous combustion may occur is prohibited.

5. Residential dwelling units shall be constructed with sufficient distance or fire suppression barrier to prevent the spread of fire from one unit to another.

6. Owners of residential dwellings must carry adequate fire insurance to insure replacement of their dwelling in case of fire.

7. Outdoor fireplaces and fire pits are acceptable with a metal mesh screen cover with holes no large than ¼” in size.

8. Burn barrels are allowed with a proper permit and so long as the Federal Air Rules for Reservations allow burning. The FARR hotline (1-800-424-4EPA) can be utilized to determine whether burning is allowed. All Tribal members are encouraged to recycle.

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9. Traditional cultural fires at organized Tribal functions are exempt from this Ordinance.

310.202 Items Not Covered – for Residential Areas and Tribal Facilities

All items not covered herein shall be subject to the codes and standards of the National Fire Protection Association, as the authority on fire, electrical, and building safety.

310.301 Fire Protection Practices –Tribal Forest Lands

1. **Industrial Operations:** All Oregon Department of Forestry Administrative Rules pertaining to fire season must be followed in active forestry operations on Tribal Forest Lands while fire season is in effect.

2. **Public Users:** During fire season, the following activities are prohibited on Tribal Forest Lands:

- a. Smoking while outside of a vehicle; or
- b. Open campfires; or
- c. Any unregulated burning; or
- d. Fireworks.

310.501 Rulemaking Authority

Using the regulations procedures set forth in CITC 120.120(5), the Executive Director shall have the authority to prescribe such rules and regulations as deemed necessary to carry out the purpose of this ordinance and to facilitate its operation.

310.502 Enforcement

1. Any person who violates any of the provisions of the Fire Protection Ordinance as adopted and amended herein shall severally for each and every violation and noncompliance, respectively, be guilty of a civil violation, punishable by a fine of not less than \$100.00, nor more than \$750.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations provider defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

2. The application of the above penalty shall not be held to prevent enforcement of a court order mandating removal of prohibited conditions, or the imposition of other fines or penalties under tribal law, federal law, or other applicable criminal laws.

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310.503 **Sovereign Immunity**

Nothing in this Ordinance shall be construed as a waiver of sovereign immunity of the Tribe or any entities chartered, established, or otherwise created under Tribal law, including, without limitation the Coquille Economic Development Corporation, the Coquille Indian Housing Authority, and the Nasomah Health Group.