

FIRE PREVENTION AND EMERGENCY SERVICES CODE

CONFEDERATED TRIBES
OF THE
UMATILLA INDIAN RESERVATION

STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution 09-089 (July 6, 2009)

FIRE PREVENTION AND EMERGENCY SERVICES CODE

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FIRE PREVENTION AND EMERGENCY SERVICES CODE

CHAPTER 1. INTRODUCTORY PROVISIONS

SECTION 1.01. TITLE

This Code shall be known as the Fire Prevention and Emergency Services Code of the Umatilla Indian Reservation and shall supersede all previous Codes in conflict herewith.

SECTION 1.02. DECLARATION OF NEED

The Board of Trustees of the Umatilla Indian Reservation hereby declares that there is a need to ensure effective fire prevention, suppression and emergency services within the boundaries of the Umatilla Indian Reservation. Exclusive reliance on fire suppression at the expense of adequate enforcement of fire prevention measures is not in the best interests of the Umatilla Indian Reservation. While first priority of the Umatilla Fire Department, that Department must also be empowered to detect and prevent the circumstances which give rise to such emergency situations - including creation of fire hazards in open area, existing structures, and public places, inadequate regard for fire prevention in building and home construction, and inappropriate transportation and/or storage of hazardous substances within the Umatilla Indian Reservation.

SECTION 1.03. PURPOSE

The general purpose of this code is to protect the human and physical resources of the Reservation from injury or damage due to fire or related hazards, while conserving the Reservation's human and financial resources by placing adequate emphasis on fire prevention and by requiring that the Tribal Fire Department be financially self-sufficient. Further it is the intent of this code to regulate building and construction activities to insure that standards are developed and enforced - and necessary fees established - so as to protect the public health, safety, and welfare of the residents of the Umatilla Indian Reservation. Finally, by this code the Tribal Fire Department is designated as the lead agency for inspections and enforcement of regulations affecting the transport of hazardous materials through the Reservation.

SECTION 1.04. PRIORITY OF THE CODE

To insure uniform enforcement of this code and regulations promulgated under it, whenever any laws enacted by any city, municipality, state or any agencies thereof are found to be in conflict with the provisions of this code, this code shall control and supersede all such laws or regulations. Other tribal codes and Codes not specifically repealed in this code shall be construed in a manner consistent with the terms and purposes of this code.

SECTION 1.05. JURISDICTION AND SEVERABILITY

This code and regulations promulgated under it shall apply to all persons, property, and events occurring within the diminished boundaries of the Umatilla Indian Reservation. Jurisdiction under this code shall be coterminous with the maximum extent of civil and/or criminal jurisdiction exercised by the Umatilla Tribal Court. If any provision, part, or parts of this code or the application thereof is held to be unconstitutional or invalid by a court of competent jurisdiction, the same shall not affect the validity of the remaining portions of this code.

SECTION 1.06. SCOPE OF THE CODE

The scope of this code includes but is not limited to:

- A. The establishment of regulations pertaining to fire prevention and the avoidance of fire hazards, including authority necessary to:

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1. Inspect premises within the Umatilla Indian Reservation to establish compliance with this code;
 2. Recommend a schedule of fines and other enforcement mechanisms for approval by the Board of Trustees of the Umatilla Indian Reservation;
 3. Impose appropriate fines and take other regulatory enforcement actions as specified in this code.
- B. The establishment and enforcement of regulations and sanctions pertaining to the generation, storage (either temporary or permanent), and/or transportation of hazardous chemicals or other dangerous substances, including the authority necessary to:
1. Inspect vehicles and storage facilities anywhere within the boundaries of the Umatilla Indian Reservation;
 2. Enforce compliance with federal regulations governing the Transportation of Hazardous Materials, including Driving and Parking Rules;
 3. Impose appropriate fines and take other regulatory enforcement actions as specified in this code.
- C. The recommendation and, upon approval by the Board of Trustees of the Umatilla Indian Reservation, the establishment and enforcement of a comprehensive regime of user fees, intended to insure that timely delivery of fire suppression and other emergency services can be sustained on a financially self-sufficient basis.

CHAPTER 2. GENERAL AUTHORITY

SECTION 2.01. FIRE PROTECTION

The Umatilla Tribal Fire Department is hereby directed and authorized to take appropriate measures - within the budgetary constraints imposed on it by the Board of Trustees of the Umatilla Indian Reservation - to protect the citizens of the Umatilla Indian Reservation from any hostile fire, with priority assigned but not limited to structural fire protection.

SECTION 2.02. EMERGENCY MEDICAL SERVICE

The Umatilla Tribal Fire Department is hereby directed and authorized to take appropriate measures - within the budgetary constraints imposed on it by the Board of Trustees of the Umatilla Indian Reservation - to assist persons within the Umatilla Indian Reservation by providing "first responder" Basic Life Support (BLS) services, utilizing trained personnel, until the arrival of Advanced Life Support (ALS) personnel and equipment.

SECTION 2.03. HAZARDOUS MATERIALS

The Umatilla Tribal Fire Department is hereby directed and authorized to assume the lead role at the scene of a Hazardous Materials Incident (HMI), and to establish a training curriculum for tribal personnel operating under the "Haz-Mat Response Plan." The Umatilla Tribal Fire Department is further authorized to maintain liaison and close coordination with the Oregon State Fire Marshal's Office and Regional Response Teams to insure that back-up assistance is in place if needed.

SECTION 2.04. REGULATION OF PARKING FACILITIES UTILIZED BY TRANSPORTERS OF HAZARDOUS MATERIALS

The Umatilla Tribal Fire Department shall promulgate regulations, subject to approval of the Board of Trustees, to regulate any facility which permits trucks or other vehicles carrying

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radioactive or hazardous materials to park within the boundaries of the Umatilla Indian Reservation. In the development of these regulations, the Department shall consult with the Tribal Emergency Response Commission (TERC). Following development of such regulations by the Department, and approval by the TERC, the regulations shall be submitted to the Board of Trustees for their review and approval. Said regulations shall become effective 60 days after submission to the Board of Trustees unless a Board of Trustee resolution rejecting the regulations, or any portion thereof, has been approved by the Board of Trustees.

SECTION 2.05. OTHER EMERGENCY SITUATIONS

Within the budgetary constraints imposed by the Board of Trustees of the Umatilla Indian Reservation and without compromising its ability to meet the responsibilities enumerated above, the Umatilla Tribal Fire Department is also authorized to respond to any other emergency situations that may present a threat to the safety or well-being of the residents of the Reservation.

SECTION 2.06. COOPERATIVE AGREEMENTS

The Umatilla Tribal Fire Department is specifically authorized to enter into interagency mutual assistance agreements in order to provide back-up fire suppression and emergency medical services should its own resources be threatened with exhaustion. The Chief of the Umatilla Tribal Fire Department is authorized to negotiate with other local jurisdictions concerning intergovernmental mutual aid agreements covering matters within his scope of responsibility, but subject to final approval of the Board of Trustees of the Umatilla Indian Reservation.

SECTION 2.07. ADOPTION OF THE INTERNATIONAL FIRE CODE

The Confederated Tribes of the Umatilla Indian Reservation hereby adopts the latest edition of the International Fire Code, as it may be amended from time to time, to govern the performance of fire and safety surveys of all buildings located on the Umatilla Indian Reservation and trust lands owned by the CTUIR off Reservation.

SECTION 2.08. COMPLIANCE WITH THE INTERNATIONAL BUILDING CODE

All new construction within the Umatilla Indian Reservation and on off Reservation trust lands owned by the CTUIR must comply with the International Building Codes and other construction codes and standards set forth in section 4.005 of the Land Development Code, as well as with the provisions of this Code. All plans for new construction within the Umatilla Indian Reservation and trust lands owned by the CTUIR off Reservation shall be reviewed and approved by the Tribal Fire Chief as required by the International Fire Code.

SECTION 2.09. FIRE INSPECTIONS

The Umatilla Fire Department is hereby authorized and directed to inspect all buildings within the boundaries of the Umatilla Indian Reservation and on off Reservation trust lands owned by CTUIR to determine if such buildings are in compliance with the standards set forth in the International Fire Code.

SECTION 2.10. BURNING PERMITS

The Umatilla Tribal Fire Department is hereby authorized and directed to actively regulate open burning within the Umatilla Indian Reservation at all times. Specifically:

- A. No open burning shall be permitted within the Reservation at any time, except under the terms and subject to the conditions of a permit issued by the Tribal Fire Department.
- B. Notwithstanding the issuance of a permit, the Tribal Fire Department shall have the authority to prohibit open burning at any time, due to extreme fire danger.

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- C. The Umatilla Tribal Fire Department is hereby authorized and directed to establish a schedule of reasonable fees, subject to the review and approval by the Board of Directors of the Umatilla Indian Reservation, such that the cost of permitting and regulating open burning on the Umatilla Indian Reservation is borne by those seeking such permits.

SECTION 2.11. FUNDING

The Umatilla Tribal Fire Department is authorized to pursue grants and contracts from federal and state agencies, local governments and private entities so long as the grant or contract furthers the objectives and purposes set forth in section 1.03 of this code.

SECTION 2.12. RULEMAKING AUTHORITY

The Umatilla Fire Chief is authorized to develop regulations to implement this Code, which regulations shall be subject to approval of the Board of Trustees.

CHAPTER 3. FEES FOR SERVICES

SECTION 3.01. ESTABLISHING RATES FOR BASIC FIRE PROTECTION

The Umatilla Tribal Fire Department is hereby authorized and directed to establish a schedule of fees and subscription rates adequate to cover the costs of delivering timely fire protection to improved property (only) within the Umatilla Indian Reservation. Specifically, such fees shall be:

- A. Submitted to the Board of Trustees of the Umatilla Indian Reservation for approval;
- B. Reevaluated annually, but changed only with prior approval of the Board of trustees;
- C. Applicable only to improvements on land, such that farmland by itself shall not be assessed a fire protection fee.

SECTION 3.02. PROCESSING OF FIRE PREVENTION FEES

The Accounting Office of the Umatilla Indian Reservation shall:

- A. Process the annual billing and accept payment for fire protection fees by issuing a statement demanding payment on an appropriate schedule. Annual fire protection fees may also be paid in two installments as established by the Tribal Accounting Office.
- B. Establish separate accounts to which each separate category of fee payable under this code shall be posted.

SECTION 3.03. RATE SCHEDULE FOR NONSUBSCRIBERS

The rate schedule for fire suppression for nonsubscribers shall be established by the Tribal Fire Chief.

CHAPTER 4. BILLING FOR OTHER SERVICES

SECTION 4.01. OFF-RESERVATION RESPONSES BY FIRE DEPARTMENT

In the event that tribal fire suppression and/or emergency service resources respond to emergencies outside the boundaries of the Umatilla Indian Reservation, the rate schedule established by the Tribal Fire Chief shall be used for determining reasonable compensation sufficient to cover the cost of rendering such services.

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SECTION 4.02. BILLING FOR OFF-RESERVATION RESPONSE COSTS

Following any off-reservation use of tribal fire suppression or emergency service resources, the Umatilla Tribal Fire Department shall promptly complete applicable billing forms and submit them to the Tribal Accounting Office, which shall promptly invoice the party responsible for incurring the expense. The Umatilla Tribal Fire Department is authorized to take whatever actions are necessary, including instituting legal proceedings, to collect on invoices that are past due.

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**APPENDIX A
LEGISLATIVE HISTORY AND EDITORIAL CHANGES**

FIRE PREVENTION AND EMERGENCY SERVICES CODE

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation enacted the Fire Prevention and Emergency Services Code (Fire Code) in Resolution 93-38 (August 18, 1993).

In Resolution 93-39 (August 18, 1993), the Board established the fee schedule for services provided to property owners by the Umatilla Tribal Fire Department. In Resolution 96-11 (February 14, 1996), the Board revised the fee schedule. In Resolution 97-75 (December 17, 1997), the Board changed the status of the fees from voluntary to mandatory, and changed the fee schedule again. In Resolution 99-29 (April 7, 1999), the Board made the fees voluntary once again. None of these resolutions formally amended the Fire Code.

In Resolution 68-8 (October 31, 1967), the Board adopted the National Electric Code, Uniform Housing Code, National Plumbing Code and the Uniform Building Code. Unfortunately, this resolution did not enact a Tribal ordinance or code implementing those codes, and no inspection or enforcement mechanism was identified. This problem was repeated when the Board enacted the original Land Development Code in Resolution 83-74 (August 24, 1983). Section 4.000 of the Land Development Code adopted the Uniform Building Code, but provided no formal inspection or enforcement mechanism. When the Board enacted the Fire Prevention and Emergency Services Code in Resolution 93-38, this matter was even further confused. Section 2.045 of the Fire Prevention and Emergency Services Code adopted the Uniform Building Code and directed the Tribal Fire Department to implement that code. Resolution 93-38 specifically rescinded “the provisions of any prior Tribal ordinance, regulation or code to the extent that that they are in conflict with the Fire Prevention and Emergency Services Code.” Thus, the new Tribal Fire Prevention and Emergency Services Code had the effect of repealing section 4.000 of the Land Development Code.

Resolution 96-39 (May 15, 1996) altered this situation again. This resolution adopted the Uniform Building Code, National Electric Code and other building standards and delegated responsibility over administering and enforcing such codes to the Tribal Planning Office. Resolution 96-39, however, did not take the form of a Tribal code or ordinance, or an amendment to an existing Tribal code. It also did not specifically mention section 2.045 of the Fire Prevention and Emergency Services Code. Nevertheless, Resolution 96-39 necessarily repeals section 2.045 of the Tribes’ Fire Prevention and Emergency Services Code.

When the Board enacted a revised Land Development Code in Resolution 97-08 (February 19, 1997), the text of the original section 4.000 was renumbered to 4.005, but otherwise was unchanged. This had the effect of re-instituting the adoption of the Uniform Building Code under the Land Development Code. No mention, however was made of the other uniform codes adopted by Resolution 96-39 (or Resolution 68-8). Likewise, the Land Development Code still contains no discussion of inspection or enforcement authorities.

Resolutions 96-39 and 97-08 do not appear to repeal sections 2.040 and 2.050 of the Fire Prevention and Emergency Services Code, which adopt the Uniform Fire Code and direct the Tribal Fire Department to implement the Uniform Fire Code.

Resolution 08-070 (July 21, 2008) made several changes to the Code. Sections 2.040, 2.045, and 2.050 were removed and replaced with language adopting and implementing the International Fire Code and International Building Code. Further, Resolution 08-070 explicitly supersedes and repeals all prior resolutions adopting building or fire codes, including resolutions 68-08 (10/31/67), 83-74 (8/24/83), 93-38 (8/18/93), 96-39 (5/15/96), 97-08 (2/19/97). A new Section 2.065 was added to the Code, vesting the Umatilla Tribal Fire Chief with the authority to issue regulations implementing the Code, subject to Board of Trustees approval. Sections 1.015, 1.020, 3.020, and 4.010 were amended to render them consistent with the adoption of the International Fire Code and International Building Code. Resolution 09-089 (July 7, 2009) approved a reformatted version of the Code, consistent with Confederated Tribes’ standard code format. Reformatting resulted in changes to the section numbers throughout the Code.