



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 98-87
OF THE
SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Indian Reservation by authority of the Constitution and By-Laws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; **and**

WHEREAS, under the Constitution and the By-laws of the Tribe, the Squaxin Island Tribal Council has been entrusted to provide for protecting the health, security, education and general welfare of Tribal Members; **and**


WHEREAS, the Squaxin Island Tribal Council determined the need for a Fire Code to address the question of outdoor burning within our community; **and**

WHEREAS, this code will regulate the use of fires within the exterior boundaries of the Squaxin Island Reservation including ceremonial or religious burning, open burning and recreational burning; **and**

NOW THEREFORE BE IT RESOLVED, that the **Squaxin Island Tribal Council** does hereby approve and adopt the Squaxin Island Tribal Fire Code.

CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at a meeting of the Squaxin Island Tribal Council, held on this 27th day of Aug, 1998, at which a quorum was present and was passed by a vote of 4 for, and 0 against with 0 abstentions.




Dave Whitener, Chairman

Attested by:



Sue McFarlane, Secretary



Calvin Peters, Vice Chairman

Chapter 9.16 is added to the Squaxin Island Tribal Code, to read as follows:

Chapter 9.16

FIRE CODE

Sections:

9.16.010	Purpose
9.16.020	Definitions
9.16.030	General
9.16.040	Limitations on Ceremonial or Religious Burning
9.16.050	Limitations on Open Burning
9.16.060	Limitations on Recreational Burning
9.16.070	Automatic Discontinuance of Open Burning
9.16.080	Penalties

9.16.010 Purpose

The purpose of this chapter is to provide regulations within the exterior boundaries of the Squaxin Island Reservation to control the use of fires so that such use will not constitute a threat to the safety, health or welfare of persons, animals, buildings or other property thereon.

9.16.020 Definitions.

In construing the provisions of this chapter, except where otherwise plainly declared or clearly apparent, words herein shall be given their common and ordinary meaning. In addition, the following definitions shall apply:

“Ceremonial or religious burning” shall mean any burning for legitimate ceremonial or religious purposes.

“Open burning” shall mean the outdoor burning of any substance or material on the ground, in a pile, in a burn barrel or other container, or other similar types of burning, for the purpose of destroying, eliminating, altering or reducing the substance or material, or for the purpose of producing heat. Bonfires and other similar fires are included in the definition of open burning, whether or not cooking is also conducted.

“Recreational burning” shall mean the outdoor burning of charcoal, wood, natural gas, propane or other similar material in a pit dug in the ground, or in a container, designed and/or suitable for use as a barbecue, for the purpose of cooking food. A recreational fire shall be no larger than necessary to cook food, and shall not be used for debris disposal purposes.

9.16.030 General.

All outdoor burning shall be conducted in accordance with this chapter.

9.16.040 Limitations on Ceremonial or Religious Burning.

Ceremonial or religious burning shall be permitted, without restriction, except that Squaxin Island Law Enforcement is authorized to require that the burning be immediately discontinued if it determines that the burning constitutes a condition which is hazardous to the safety, health, or welfare of persons, animals, buildings or property.

9.16.050 Limitations on Open Burning

(1) Location. Open burning shall not be conducted within 50 feet of any structure or other combustible material, and conditions which could cause the fire to spread to within 50 feet of a structure or other combustible material shall be eliminated prior to ignition, except that clearance from structures and other combustible material is allowed to be reduced to not less than 25 feet when the pile size is 3 feet or less in diameter and 2 feet or less in height.

(2) Time. Open burning shall not be commenced before dawn, and no material is to be added after dusk.

(3) Fire-extinguishing equipment. Except on Squaxin Island, a garden hose connected to a water supply shall be readily available for use at open burning sites. On the Island, buckets, shovels, or other equipment sufficient to extinguish the fire must be available.

(4) Attendance. Burning material shall be constantly attended by a person at least 14 years of age who is knowledgeable in the use of the fire-extinguishing equipment required by subsection (3) above and familiar with other restrictions on open burning under this chapter. The attendant shall supervise the burning material until the fire has been extinguished.

(5) Discontinuance by Squaxin Island Law Enforcement. Squaxin Island Law Enforcement is authorized to require that open burning be immediately discontinued if it determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by Law Enforcement to constitute a hazardous condition.

9.16.060 Limitations on Recreational Burning.

(1) Location. Recreational burning shall not be conducted within 25 feet of any structure or other combustible material, and conditions which could cause any recreational fire to spread to within 25 feet of a structure or other combustible material shall be eliminated prior to ignition, except that it is permissible to properly operate a commercially produced barbecue, specifically designed for the purpose of cooking food, no less than 10 feet from any structure.

(2) Fire extinguishing equipment. Buckets, shovels, a garden hose connected to a water supply, or a fire extinguisher with a minimum 4-A rating shall be readily available for use at recreational fires.

(3) Attendance. Burning material shall be constantly attended by a person at least 14 years of age who is knowledgeable in the use of the fire-extinguishing equipment required by subsection (2) above and familiar with other restrictions on open burning under this chapter. The attendant shall supervise the burning material until the fire has been extinguished.

(4) Discontinuance by Squaxin Island Law Enforcement. Squaxin Island Law Enforcement is authorized to require that recreational burning be immediately discontinued if it determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by Law Enforcement to constitute a hazardous condition.

9.16.070 Automatic Discontinuance of Open Burning.

All open burning shall be automatically discontinued whenever the Mason County Fire Marshall declares a countywide burn ban. The Squaxin Island Administrative Services Department shall post a burn ban notice at the Tribal Center whenever a burn ban is in effect, and telephone inquiries may be directed to 426-9781.

9.16.080 Penalties.

(1) Infractions. Any violation of this chapter, including the failure to immediately discontinue a fire when so directed by Squaxin Island Law Enforcement or pursuant to a burn ban, shall be deemed an infraction.

(2) Penalties. The penalty for any infraction under this chapter shall be \$50.00 for the first cited infraction, \$75.00 for the second cited violation, and \$100.00 for the third and subsequent cited infractions committed within one year.