

**HEALTH AND SAFETY CODE**

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**ARTICLE 6. FIRE PREVENTION AND SAFETY**

[NOTE: Except as otherwise noted, the provisions of Article 6 of the Health and Safety Code were enacted on February 8, 1985 by Ordinance No. 85-1, and amended on September 12, 2009, by Ordinance 09-03.]

**CHAPTER 1. ORGANIZATION AND PROCEDURES**

**Section 6-101. Scope and Intent.**

(A) It is the intent of this Article to safeguard life and property from the hazards of fire and explosion by enforcing nationally-recognized standards in construction and handling of flammable materials. Its provisions will be construed liberally to achieve that objective.

(B) This Article applies to all persons, buildings and places within the Colorado River Indian Reservation, and to existing conditions as well as those arising after its enactment. In the discretion of the Fire Chief, owners and operators of noncomplying property existing on the date of enactment will be allowed from six (6) months to two years to bring it into compliance, without penalty.

(C) Provisions of the Uniform Fire Code 1982 Edition are incorporated by reference to "UFC" and set out in the appendix to this Article. Future editions of the UFC supersede the 1982 Edition automatically. Unless otherwise provided, words and abbreviations are used in this Article as defined in Article 9, UFC.

**Section 6-110. Responsibility of Fire Chief.**

(A) The Fire Chief appointed and employed at the pleasure of the Tribal Council has full authority to enforce the provisions of this Article, including the inspection of property, determination of compliance, investigation of the cause of fires, and promulgation of rules and regulations supplementing this Article.

(B) The Fire Chief has authority to take immediate control of all physical remains of a fire or explosion until he completes his investigation of its cause.

(C) The Fire Chief will make an annual report to the Tribal Council of all enforcement actions taken and the findings of all investigations.

(D) Wherever this Article refers to the Fire Chief, it includes persons employed by him for the purpose indicated.

**Section 6-111. Enforcement Authority.**

(A) The Fire Chief has authority to enter land and buildings whenever necessary to verify conditions for the issuance of a permit, or when he has reasonable cause to believe that the property is not in compliance with this Article. He will identify himself to the owner, operator or resident and request entry, and if refused entry, will obtain a search warrant from Tribal Court.

(B) The Tribal Police Department will assist the Fire Chief in enforcing the provisions of this Article

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whenever called upon to do so.

### **Section 6-112. Regulations.**

The Fire Chief may supplement this Article by the adoption of rules and regulations not inconsistent with it. Supplemental rules and regulations must be published in a newspaper of general circulation at least thirty (30) days before they become effective.

### **Section 6-113. Public Liability.**

Neither the Fire Chief, when acting reasonably within the scope of his official responsibilities, nor the Colorado River Indian Tribes are liable for any damage to persons or property resulting from any inspection, fire control action, or decision to approve or disapprove a permit or use pursuant to chapter 2 of this Article.

### **Section 6-120. Abatement.**

When the Fire Chief has reason to believe that a building is so hazardous to human life by reason of structural weakness, fire hazard, or inadequate egress, that its further use would constitute a present and practically irremediable public danger, he will report the matter in writing to the Tribal Attorney, who will bring a proceeding in Tribal Court to seize, destroy, or enjoin the use of the property as a public nuisance. Proceedings in abatement are without prejudice to any other remedy the Fire Chief may have against the owner of the property, such as citation.

### **Section 6-121. Compliance Orders; Seizure of Property.**

(A) Whenever the Fire Chief finds any building, structure, equipment, or activity not in compliance with this Article, he may (1) issue a compliance order to the owner, operator or resident, identifying the violation and specifying a time limit for its correction; (2) tag the structure or equipment prohibiting its use until the violation has been corrected and he removes the tag; or (3) order the activity stopped, or the evacuation of the premises. Orders issued under this section shall be in writing and posted conspicuously on the building, structure or equipment affected if no responsible person can be found on the premises to accept the order.

(B) Any fire warden or other law enforcement official of the Tribes may seize any device, equipment or other property possessed and/or used in violation of any provision of this Article. Any person from whom such property is seized shall be charged with a violation of this Article. Seized property shall remain in the possession of either the fire chief or the Tribal Police Department, pending final disposition of any resulting court proceedings.

### **Section 6-122. Variances.**

The Fire Chief may grant a temporary or permanent variance from the provisions of this Article on written application of the owner or operator of the property, if he finds that the proposed alternative is more practical and substantially as safe as the Article standard. Each variance must be noted on an approved sign or plaque posted conspicuously on the premises in public view.

**Section 6-123. Penalties.**

Anyone who (1) fails to comply with a written order of the Fire Chief, (2) obstructs an inspection or investigation, (3) removes or destroys a warning tag on property, (4) fails to obtain or abide by the terms of a permit required by section 6-201 of this Article, or (5) violates any provision of section 6-303 of this Article is subject to a civil penalty of One Hundred Dollars (\$100.00). Each day of noncompliance with an order will be considered a separate violation.

**Section 6-124. Citations.**

The Fire Chief may issue written citations for collection of the civil penalties described in Section 6-123. Citations are payable to the Fire Chief within fifteen (15) days, unless sooner appealed. Failure to pay a citation is subject to a further penalty of Ten Dollars (\$10.00) per day.

**Section 6-130. Appeal.**

(A) Anyone may challenge a compliance order, the denial of a permit or a citation by filing a civil complaint in Tribal Court. The Tribal Court may stay any action of the Fire Chief pending outcome of proceedings initiated under this section. The Tribal Court may grant declaratory or injunctive relief but may not in any circumstances afford relief in the nature of mandamus or assess against the Tribes, its subdivision, agents or elected officials any monetary liability of any nature whatsoever.

(B) In any action filed under this section, the decision of the Fire Chief shall be upheld unless clearly erroneous.

(C) For purposes of this Section only and only to the extent expressly set forth herein, the Tribes waive their immunity from suit.

**Section 6-140. Administrative Delegations.**

The Fire Chief may in his discretion delegate by contract any or all of his powers and duties under this Article to an independent fire district organized under the laws of the Colorado River Indian Tribes or the States of Arizona or California. Delegations do not divest the Fire Chief of concurrent authority to enforce the provisions of this Article by seeking abatements, issuing compliance orders, prosecuting for civil penalties, or revoking permits in consultation with the fire district. Fire districts will provide the Fire Chief with an annual report of fire operations, permits issued, and enforcement actions. Contracts shall be reviewed and approved by the Tribal Council prior to becoming effective.

**CHAPTER 2. PERMITS**

**Section 6-201. Permit Requirements.**

The following activities may be conducted only by persons, on premises and with equipment approved by the Fire Chief, as provided in written permit:

- (1) Aircraft repair and refueling activities.

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- (2) Automobile wrecking yards and junkyards.
- (3) Bonfires, rubbish fires, controlled burns, pile burns, crop stubble burns, open pit burns, and irrigation ditch burns, *but not* burns by tribal members for established religious or cremation purposes.
- (4) Bowling pin refinishing or bowling alley resurfacing using flammable liquids or materials.
- (5) Candles or open flames in restaurants, taverns, or places where 50 or more people gather for any purpose.
- (6) Cellulose nitrate plastic (pyroxylin) manufacture, storage or use, unless the total on hand is less than 25 pounds.
- (7) Combustible fibers storage or use, unless the total on hand is less than 100 cubic feet. This includes all readily ignitable and free-burning vegetable fibers such as cotton, sisal, hemp, jute, hay and straw, as well as baled wastepaper.
- (8) Compressed gas storage or use, unless the total on hand is less than 2,000 cubic feet of flammable gas or 6,000 cubic feet of nonflammable gas.
- (9) Cryogenic fluids production, storage or use, excepting fluids used in the fuel systems of motor vehicles, and quantities of less than one gallon of flammable, corrosive or highly toxic fluids, or less than fifty gallons of other cryogenic fluids. A cryogenic fluid is one that has a normal boiling point below -150 degrees Fahrenheit.
- (10) Dry Cleaning, i.e., the business of cleaning by use of nonaqueous solvents.
- (11) Dust-producing manufacturing activities that produce a combustible dust, including grain elevators and feed mills.
- (12) Excavations below grade within 10 feet of any pipeline used to transport flammable or combustible liquids.
- (13) Explosives and fireworks manufacture, storage, possession or use other than fireworks possessed or used in connection with public displays sponsored by the Colorado River Indian Tribes.
- (14) Flammable or combustible liquids manufacture, storage or use, including the operation of tank vehicles and the construction, use, and demolition of pipelines and storage tanks, excepting fuel oil used for heating, liquids in the fuel tank of a motor vehicle or mobile power or heating device, paints and varnishes stored and used at a construction site for immediate use, and quantities of less than 5 gallons.
- (15) Fruit-ripening processes involving the heating of enclosed storage spaces or the use of ethylene gas.
- (16) Fumigation or thermal insecticidal fogging for the destruction of rodents, insects or fungi, when conducted as a business or profession.

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- (17) Garages and docks used to carry on the business of repairing or refueling motor vehicles.
- (18) Hazardous materials storage, transportation or use, including more than 50 gallons of corrosive liquids, more than 500 pounds of oxidizing materials, more than 100 pounds of organic peroxides, more than 500 pounds of nitromethane, more than 1,000 pounds of ammonia nitrate or fertilizers containing ammonia nitrate, and any amount of highly toxic, pyrophoric, or hypergolic materials, or cryogenic or poisonous gases.
- (19) High-piled storage of combustible materials, where the combined storage area exceeds 2,500 square feet and material is piled more than six feet high.
- (20) Liquefied petroleum gas containers, including transport vehicles, in excess of 120 gallons water capacity.
- (21) Lumber yards containing more than 100,000 board feet.
- (22) Magnesium casting or milling in excess of 10 pounds of metal per working day.
- (23) Malls and other enclosed retail or assembly areas containing temporary display booths or concession stands, or where open flames, liquid or gas-powered equipment, or flammable liquids or gases are kept or operated.
- (24) Matches manufacturing and storage exceeding an aggregate 60 matchman's gross (14,400 each gross).
- (25) Nitrate film storage, use or handling.
- (26) Oil and natural gas wells drilling or operation.
- (27) Open-flame devices used for cooking or repairs on any boat, slip or wharf.
- (28) Organic coatings and finishes manufacturing in excess of one gallon per working day. Included are liquid mixtures of binders such as alkyd, nitrocellulose, acrylic or oil and flammable and combustible solvents such as hydrocarbon, ester, ketone or alcohol.
- (29) Ovens used for industrial baking or drying purposes.
- (30) Parade floats construction and operation.
- (31) Places of assembly where 50 or more persons regularly gather for any purpose.
- (32) Radioactive materials storage or handling, involving more than 1 microcurie not contained in a field source, more than 1 millicurie contained in sealed sources, or any amount of material for which a specific license from the Nuclear Regulatory Commission is required.
- (33) Refrigeration equipment installation or operation, unless the system employs only air, water, brine,

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or Group 1 refrigerants with a refrigerant compressor or horsepower rating of less than 100. Group 1 refrigerants are identified in section 63-102, UFC.

(34) Spraying or dipping equipment utilizing flammable or combustible liquids, aerosols or powders for industrial coatings or finishings.

(35) Tents and air-supported structures covering more than 200 square feet unless used exclusively for outdoor camping.

(36) Tire recapping or rebuilding operations.

(37) Waste materials handling, transportation and disposal.

(38) Welding and/or cutting operations.

[As amended on September 12, 2009 by Ordinance 09-03.]

### **Section 6-202. Conditions of Permits.**

(A) Permits will be issued only after the Fire Chief has inspected the premises and/or equipment, and is satisfied that they will be operated in a safe and lawful manner.

(B) Permits are non-transferable, shall remain valid until revoked unless a time limit is specified, and are subject to continued compliance with the standards and provisions of this Article.

(C) Permits must be kept on the premises designated, and shown to the Fire Chief and other law enforcement officers of the Colorado River Indian Tribes on request.

(D) A single master permit may be issued for all activities described in section 1-201 conducted by the same persons at the same location.

### **Section 6-203. Revocation of Permits.**

A permit may be revoked if the Fire Chief determines, after giving the permittee reasonable written notice and an opportunity to be heard, that (1) it is being used by different persons or at a different location than those for which it was originally issued, (2) the permittee has violated any of the permit's conditions or limitations, or failed to comply with an order under section 1-121 of this Article, or (3) the application for the permit contained false or misleading statements of material facts.

## **CHAPTER 3. EMERGENCY OPERATIONS**

### **Section 6-301. Authority of Fire Chief.**

(A) In rescue operations and the investigation and control of fires, the Fire Chief has authority to (1) prevent the approach, or remove, any person, vehicle or thing which may interfere with the effective protection of persons and property, and (2) erect barricades across streets and other public or private

property for this purpose.

(B) The Fire Chief has authority to close private and public traffic on any public or private road on the Colorado River Indian Reservation for the purpose of fire prevention and control.

**Section 6-302. Access to Buildings.**

(A) An approved all-weather roadway of not less than 20 feet unobstructed width and 13 feet 6 inches vertical clearance must extend to within 150 feet of all buildings constructed after the enactment of this Article. Adequate turning space for fire vehicles must be provided on all dead-end roads in excess of 150 feet long unless they serve no more than two private dwellings or agricultural buildings. The Fire Chief may require the placement of NO PARKING or similar signs to prevent obstructions.

(B) The requirements of subsection (A) may be waived by the Fire Chief if adequate fire-protection systems as described in Chapter 4 have been installed on the premises.

(C) The Fire Chief may require the installation of a key box if emergency access to a building would be unduly difficult.

**Section 6-303. Obstructing Fire Protection Activities.**

Anyone who (1) obstructs fire-control or rescue operations at the scene of a fire or other emergency, (2) damages or removes any fire-protection apparatus as described in Chapter 4, such as fire alarms, extinguishers and hydrants, without authority from the Fire Chief, or as necessary for their repair or use in fire control, or (3) places any vehicle or other obstruction within 3 feet of any hydrant or water supply control valve so as to hinder its use, is punishable under section 339 of the Law and Order Code in the same manner as for obstructing the performance of police duties.

**CHAPTER 4. FIRE-PROTECTION SYSTEMS**

**Section 6-401. Alarm and Extinguisher Apparatus.**

All buildings and new construction must comply with sections 10.301 through 10-315, UFC, as they relate to the installation of adequate fire alarm and extinguisher systems.

**Section 6-402. Fire Walls and Doors.**

All buildings must have approved fire walls and doors to the extent required by sections 1-401 and 1-402, UFC, and the Uniform Building Code.

**CHAPTER 5. FIRE SAFETY STANDARDS**

**Section 6-501. Application of UFC.**

Except as provided by this Chapter or amended by regulation, the provisions of Articles 11 through 81 and Appendices I through IV, UFC, are applicable to all activities conducted within the Colorado River

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Indian Reservation and will be enforced by the Fire Chief as a part of this Article.

### **Section 6-502. Limits for Storage of Hazardous Materials.**

For the purposes of sections 77.106(b), 79.501, and 82.105(a), UFC, the limits established by law within which the storage of, (1) flammable and combustible liquids in outside above-ground tanks, (2) liquified petroleum gas in excess of 2,000 gallons water capacity, and (3) explosives and blasting agents is prohibited, are: the townsite of Parker, and the town and environs of Poston (defined as the Southeast Quarter of Section 35 and West half of Section 36, Township 8 North, Range 21 West) and MoChem Subdivision (defined as Southeast Quarter of Section 28, Township 9 North, Range 20 West).

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