

ORDINANCE NO. 7

STEWARTS POINT RANCHERIA, KASHIA BAND OF POMO INDIANS

PROHIBITING THE DISCHARGE OF ANY POLLUTANT INTO THE WATERS OF THE RANCHERIA

The Community Council of the Stewarts Point Rancheria does hereby ordain as follows:

SECTION 1 - Findings and Declaration:

The Community Council for the Stewarts Point Rancheria, Kashia Band of Pomo Indians finds and declares that:

- I. It wishes to eliminate all discharges of pollutants into the waters of the Stewarts Point Rancheria Indian Rancheria.
2. Elimination of all discharges of pollutants into the water of the Stewarts Point Rancheria is necessary at this time in order to maintain water quality for consumption and other domestic purposes by residences of the Rancheria.
3. This ordinance is being enacted at this time as an emergency measure to maintain the quality of Rancheria waters until such time as the Stewarts Point Rancheria Community Council can enact a new water ordinance comprehensively regulating water quality and the discharge of pollutants on the Rancheria.

SECTION 2 - Definitions:

For the purposes of this ordinance, the following words shall have the following meanings:

- A. 'Band' shall mean the Indians.
- B. "Council" shall mean the Tribal Council of the Stewarts Point Rancheria.
- C. "Person" shall mean any individual, corporation, firm, partnership, joint venture, association, social club, estate, trust, the United States, Tribe, State, County, City, District or other political subdivision of any state, or any other group or combination acting as a unit.
- D. "Pollutant" means any substance that will alter the quality of the waters of the Rancheria
- F. 'Quality of the water or waters' means any chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affect its use.
- F. "Rancheria" means all land, air, and water located within the exterior boundaries of the Stewarts Point Rancheria.
- G. "Water or Waters" means any water, surface or underground located on or running through the Rancheria.

SECTION 3 - Prohibited Discharges:

No person shall discharge any pollutant into the waters of the Rancheria.

SECTION 4 - Civil Penalty:

Any person discharging any pollutant into the waters of the Rancheria shall pay a civil fine in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs. The Civil fine required by this section shall be imposed by any court of competent jurisdiction in accordance with Sections 5 and 6 of this ordinance

SECTION 5 - Clean Up and Abatement:

Any person that discharges any pollutant into the waters of the Rancheria shall immediately, but in any case not less than twenty-four (24) hours from the time of the discharge, notify the Council of said discharge and shall fully disclose to the Council any and all information regarding the discharge, including but not limited to time type of pollutant discharged and any other information required by the Council Any person who discharges any pollutant into the water of the Rancheria shall be liable for all costs associated with or necessary to clean up, abate, or remove said pollutants from the waters of the Rancheria and restore the quality of the waters of the Rancheria to their condition as they existed immediately prior to the discharge.

SECTION 6 - Court Action and Injunctions:

Upon failure of any person to comply with any of the provisions of this Ordinance, the Council, by and through its attorney, shall petition a court of competent jurisdiction for the issuance an injunction requiring such person to comply therewith. In any such suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, and to levy such fines in accordance with Section 4 of this ordinance, as the facts may warrant.

SECTION 7- Effective Date:

This ordinance shall take effective immediately upon passage.

CERTIFICATION

This is to certify that the foregoing Ordinance was duly enacted by the vote of the membership of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria by a vote _____ for, _____ against, _____ abstaining, at a duly held community meeting on the 10th day of September, 2000, and that this Ordinance has not been amended in any manner.

DATE: _____

Lynn A. Silva, Tribal Chairwoman

ATTEST: _____
Betsy Cobarrubia, Tribal Secretary

APPROVED:

DATE: _____

Bureau of Indian Affairs