

Chapter 10. Fire Protection

Legislative History.

This chapter of the Law & Order Code has the same legislative history as Chapter 9, Landlord and Tenant.

Sec. 1. Legislative Intent.

The Tribal Council of the Fort McDermitt Paiute-Shoshone Tribe of Nevada & Oregon recognizes the importance of creating viable work experience opportunities on the Fort McDermitt Indian Reservation. The Tribal Council also recognizes that many tribal members find seasonal employment as Wildland Fire Fighters through the BIA and BLM. However, the Tribal Council also recognizes that employment and training as Wildland Fire Fighters rarely leads to viable employment opportunities for our tribal members.

In the recent past, the actions of the Tribal Council have gained assurances from the Nevada State Fire Marshal that structure firefighting training will be provided on the reservation at no cost for the instruction to tribal members or the Tribe, allowing tribal members and other to become state qualified fire fighters if the necessary equipment is provided by the Tribe.

The Tribal Council has attempted to locate structure firefighting equipment through federal agencies and through donations by city, county, state and federal firefighting agencies. No equipment has yet been donated.

If our tribal members are to become as employable as other fire fighter candidates for the limited number of city, county, state and federal firefighting positions that become available both within and without the state, training must be provided. Our young people, in greater numbers each month, succumb to the temptation of alcoholic beverages and other stimulants.

To combat alcoholism and instill in our tribal members the pride and sound work ethic our people possessed before the non-Indian introduced our people to the destructive effects of alcoholic beverages and other intoxicants, we, the Tribal Council of the Fort McDermitt Paiute-Shoshone Tribe of Nevada & Oregon enact the Fire Protection Assessment Fee.

Sec. 2. Authorization to Organize Fire Department.

By separate Ordinance, the Tribal Council shall create a Fire Department headed by the Tribal Fire Marshal (herein also "Fire Marshal") and authorize said Fire Marshall to organize a volunteer Fire Department hereinafter to be named the "Fort McDermitt Fire Department".

Sec. 3. Training.

The Fire Marshal shall, in conjunction with the Tribal Council and other tribal and state entities establish a training program that not only provides for the health and safety of fire fighters but also provides fire fighters with educational opportunities guaranteeing them training and experience as Wildland and Structure Fire Fighters. Such training shall be designed to prepare the fire fighter for off-reservation employment

Sec. 4. Staffing.

The Fire Marshal shall organize his staff in a manner that not only provides for the safe and efficient delivery of firefighting services to the reservation but also prides for easy delegation of duties. To that extent the following ranks are established: Fire Marshall, Captain, Lieutenant, Engineer, Fire Fighter II, Fire Fighter I, Basic Fire Fighter.

Sec. 5. Fire Protection Assessment Fee.

Each of the following tribal entities and every business doing business on the Fort McDermitt Indian Reservation, which does a significant amount of business on this reservation, as determined by the Tribal Council, shall pay yearly a Fire Protection Assessment Fee of ONE THOUSAND DOLLARS (\$1,000.00): Fort McDermitt Tribe; Fort McDermitt Development Corporation; and, Fort McDermitt Housing Authority.

Sec. 6. Payment of Fire Protection Assessment Fee.

The Fire Protection Assessment Fee shall be paid, upon the enactment of this chapter, by the 3rd day of June, 1988, and thereafter by the 15th day of each January, for fire protection whether or not the entity or business provides its own fire protection services. Said Assessment Fee to be paid in the name of the "Fort McDermitt Tribe".

Sec. 7. Use of Fire Protection Assessment Fee.

The Fire Protection Assessment Fee shall be deposited into a bank account reserved for the "Fort McDermitt Fire Department". Said monies so deposited shall only be used for training and upgrade of structure firefighting equipment and the eventual construction of a Fire House. No salaries shall be paid from the fund.

Sec. 8. Penalties for Failure to Pay Fire Protection Assessment Fee.

The Fire Marshal is hereby empowered to seek an immediate ex parte Temporary Restraining Order ("TRO") and Injunction against the operation of the entity or business that does not pay the Fire Protection Fee by the date established in this chapter. Such TRO or Injunction to cause the shut-down of business operations immediately.

In enforcing this section, the Fire Marshal shall determine and take steps to ensure that payment has not been made or that through no fault of the business or tribal entity that such payment has not been made prior to seeking a TRP and/or Injunction.

By enactment of this section, the Tribal Council demands that the Fire Marshal use sound judgment in applying this provision and take extreme care not to abuse discretion.

Sec. 9. Fire Marshal to Seek Outside Donations of Equipment.

The Fire Marshall is authorized to seek and obtain donations of safe, usable structure firefighting equipment from businesses and agencies whether they be private, federal, state, city or county.