

## **CHITIMACHA TRIBE OF LOUISIANA**

### **TITLE XXIII – ESTABLISHMENT OF THE CHITIMACHA FIRE PREVENTION BUREAU**

#### **Section 1. Authority.**

As the governing body of the Chitimacha Tribe of Louisiana (“Tribe”) established by Article V of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana, the Chitimacha Tribal Council (“Tribal Council”) adopts this Title XXIII, “Establishment of the Chitimacha Fire Prevention Bureau” (“Title XXIII”), as an exercise of its inherent sovereign authority.

#### **Section 2. Findings.**

The Tribal Council finds that: Tribe’s members live both On-Reservation and on Off-Reservation lands that are adjacent and proximate to the Reservation of the Chitimacha Tribe of Louisiana; the Tribe and its members hold property located both On-Reservation and on Off-Reservation lands that are adjacent and proximate to the Reservation of the Chitimacha Tribe of Louisiana; accordingly, it is in the Tribe’s best interests to protect the life and property of the general public from the hazards of fire and from the panic that may arise from fire, the threat of fire, or from explosion.

#### **Section 3. Purpose and Scope.**

The purpose of this Title XXIII is to protect the life and property of the general public from the hazards of fire and from the panic that may arise from fire, the threat of fire, or from explosion. To further this purpose, the Tribal Council adopts this Title XXIII to establish the Chitimacha Fire Prevention Bureau so that it may be certified by the State Fire Marshall as a “local fire prevention bureau” under La. R.S. 40:1563. The Tribal Council reaffirms that the Tribe exercises its jurisdiction On-Reservation exclusive of the State of Louisiana. Accordingly, the scope of this Title XXIII is limited to authorizing the Chitimacha Fire Prevention Bureau, once certified by the State Fire Marshall as a “local fire prevention bureau”, to perform those Off-Reservation duties that could otherwise be performed by the State Fire Marshall pursuant to La. R.S. 40:1563.

#### **Section 4. Definitions.**

(a) **“Movable”** means any movable facility or enclosure in which fifty or more people may assemble.

(b) **“One- or two-family dwelling”** means a building containing not more than two dwelling units in which one or each dwelling unit is occupied by members of a single family with not more than three outsiders, if any, accommodated in rented rooms.

(b) **“On-Reservation”** means situated within the exterior boundaries of the Reservation of the Chitimacha Tribe of Louisiana.

(b) **“Off-Reservation”** means situated outside of the exterior boundaries of the Reservation of the Chitimacha Tribe of Louisiana.

(c) **“Reservation of the Chitimacha Tribe of Louisiana”** means Indian Country, as that term is defined in 18 U.S.C. § 1151, in which the Tribe holds an interest.

(d) **“State Fire Marshal”** means the fire marshal of the State of Louisiana as identified in La. R.S. 40:1561.

(e) **“Structure”** means any building or structure of any nature or kind whatsoever except the interior of a single private and one- or two-family dwelling.

#### **Section 5. Chitimacha Fire Prevention Bureau.**

(a) Establishment: The Tribal Council hereby establishes the Chitimacha Fire Prevention Bureau to protect the life and property of the general public from the hazards of fire and from the panic that may arise from fire, the threat of fire, explosion, or the threat of explosion.

(b) Powers: The Chitimacha Fire Prevention Bureau and its officers may conduct inspections and exercise any other power that may otherwise be exercised by the State Fire Marshall, including the maintenance inspection and supervision of the following:

- (1) The construction and maintenance of exists, including fire escapes, exit doors, and emergency lighting.

- (2) The installation and operation of heating, air conditioning, and ventilating systems.
- (3) The use of flammable materials for decorative purposes in places of public assembly.
- (4) The inspection of all structures, except one- and two-family dwellings and movables, for the purpose of reducing or eliminating fire hazards.

The performance of the powers vested in the Chitimacha Fire Prevention Bureau in this Section 5(b) constitutes a general duty to the public at large. The inspection of any building in connection with the implementation of fire safety codes adopted by the Tribal Council shall constitute a discretionary act.

(c) Conditions for Obtaining Certification from the State Fire Marshall: As an exercise of its inherent sovereign authority, the Tribal Council hereby recognizes the authority of the State Fire Marshal to monitor the performance of the Chitimacha Fire Prevention Bureau in the performance of those Off-Reservation functions which could otherwise be performed by the State Fire Marshal. In addition, the Chitimacha Fire Prevention Bureau is subject to the following requirements:

- (1) The Chitimacha Fire Prevention Bureau shall be headed by the Chief of the Chitimacha Fire Department or by a person that the Chief of the Chitimacha Fire Department designates as the head of the Chitimacha Fire Prevention Bureau;
- (2) The Chitimacha Fire Prevention Bureau's staff must be comprised of qualified individuals whose credentials have been reviewed by the State Fire Marshall. Said staff must have successfully completed, according to criteria established by the State Fire Marshal, special training in fire inspection and fire codes in a course approved by the State Fire Marshal at the Louisiana State University Fire and Emergency Training Institute or a course deemed equivalent or superseding by the State Fire Marshal;
- (3) The Chitimacha Fire Prevention Bureau's staff shall complete the continuing education necessary to maintain standing through a training program recognized by the State Fire Marshall; and

- (4) The Chitimacha Fire Prevention Bureau staff shall file copies of inspection reports with the State Fire Marshal's office on forms acceptable to the State Fire Marshal.

**Section 6. Fire Safety Standards.**

The Tribal Council has adopted and incorporates herein anew as if set out in their entirety the most current version of the safety codes adopted and enforced by the State Fire Marshall, including the Louisiana State Fire Protection Code as adopted by La. R.S. 40:1578.1 and Louisiana Administrative Code Title 55: Part V: Chapter 103, all as may from time to time be amended by the State of Louisiana.

**Section 7. No Waiver of Tribal Immunity.**

The act of adopting this Title XXIII does not operate as a waiver of the Tribe's inherent sovereign immunity. Nothing in this Title XXIII operates as a waiver of the Tribe's inherent sovereign immunity. Nothing in this Title XXIII may be construed as a waiver of the Tribe's inherent sovereign immunity from suit.

(Added by Ordinance #07-18; Adopted: June 21, 2018; Effective: June 21, 2018)