

ORDINANCE NO. 97-11

AN ORDINANCE OF THE OF BISHOP PAIUTE INDIAN TRIBE
PROHIBITING THE DISCHARGE OF ANY POLLUTANT INTO THE WATERS
OF THE BISHOP PAIUTE INDIAN RESERVATION

The Bishop Indian Tribal Council of the Bishop Paiute Indian Reservation does hereby ordain as follows:

Section 1. Findings and Declaration. The Bishop Indian Tribal Council of the Bishop Paiute Indian Tribe finds and declares that:

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

Section 2. Definitions. For the purposes of this ordinance, the following words shall have the following meanings:

- A. "Council" means the Bishop Tribal Council of the Bishop Paiute Indian Tribe.
- B. "Person" means 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.
- . C. "Pollutant" means any substance that will alter the quality of the waters of reservation.
- D. "Quality of the water or waters" means any chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affect its use.

E. "Reservation" means all land, air, and water located within the exterior boundaries of the Bishop Paiute Indian Reservation.

F. "water or waters" means any water, surface or underground located on or running through the Reservation.

Section 3. Prohibited Discharges. No person shall discharge any pollutant into the waters of the Reservation.

Section 4. Civil Penalty. Any person discharging any pollutant into the waters of the Reservation 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 Reservation 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 the type of pollutant discharged, the amount of pollutant discharged, the location of the discharge and any other information required by the Council. Any person who discharges any pollutant into the waters of the Reservation shall be liable for all costs associated with or necessary to cleaning up, abate, and/or remove said pollutants from the waters of the Reservation and restore the quality of the waters of the Reservation 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 of 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 effect immediately upon the date of passage by the Bishop Indian Tribal Council.

The foregoing ordinance was passed at a special meeting of the Bishop Indian Tribal Council held on April 2, 1997, by the following vote: 4 YEAS, 0 NOES, 0 ABSTAINING, AND 0 ABSENT.

BISHOP INDIAN TRIBAL COUNCIL:



Mervin E. Hess, Chairperson



Yvonne Deming, Vice-Chairperson

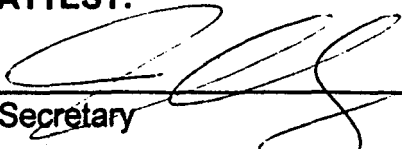


Allen Summers, Councilperson

/s/ Floyd Piper, Sr.
Floyd Piper Sr., Councilperson

/s/ William Vega
William Vega, Council person

ATTEST:



Secretary

4/2/97
Date