



LEECH LAKE RESERVATION TRIBAL COUNCIL

RESOLUTION NO. 2006-75

RESOLUTION AMENDING ORDINANCE No. 98-02 (OPEN BURNING RESTRICTIONS AND PERMITTING REQUIREMENTS)

WHEREAS, the Leech Lake Band of Chippewa Indians is a Federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, and operating under the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe; and

WHEREAS, the Leech Lake Reservation Tribal Council is the duly elected and authorized governing body of the Leech Lake Reservation; and

WHEREAS, the Leech Lake Tribal Council is charged with the responsibility of protecting and advocating for the health and welfare of Leech Lake Band members within the Leech Lake Reservation boundaries; and

WHEREAS, the Leech Lake Tribal Council has determined that in order to protect the natural resources and air quality of the Leech Lake Reservation as well as to protect the health and welfare of the people, it is necessary to prevent fires by regulating open burning and the use of burn barrels; and

WHEREAS, the Leech Lake Tribal Council previously adopted Ordinance No. 98-02 (Open Burning Restrictions and Permitting) to regulate open burning; and


WHEREAS, Ordinance No. 98-02 must be amended to include provisions for regulation of burn barrels and to provide a fair and consistent process for permitting burning activities; and

WHEREAS, an amended Open Burning, Burn Barrel, and Fire Prevention Ordinance has been drafted which provides the necessary protection to both the resources and the rights of the people of the Leech Lake Reservation;

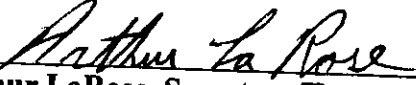
NOW THEREFORE BE IT RESOLVED, that the Leech Lake Tribal Council hereby amends Ordinance No. 98-02 (Open Burning Restrictions and Permitting Requirements) and retitles it as the Leech Lake Band of Ojibwe Open Burning, Burn Barrel, and Fire Prevention Ordinance.

CERTIFICATION

WE DO HEREBY CERTIFY that the foregoing Resolution was duly presented and acted upon by a vote of 4 for, 0 against and 0 silent at a Special Meeting of the Leech Lake Tribal Council, a quorum being present, held on February 23, 2006 at Cass Lake, Minnesota.



George Goggeye, Jr., Chairman
Leech Lake Tribal Council



Arthur LaRose, Secretary/Treasurer
Leech Lake Tribal Council

Leech Lake Band of Ojibwe
Ordinance NO. 2006-02
OPEN BURNING, BURN BARREL AND FIRE PREVENTION ORDINANCE

Section 1. Purpose and Scope

1. **Purpose.** The burning of household and other waste can cause severe health problems, pollute the air, soil, and water, and pose a fire danger to the surrounding area. The purpose of this ordinance is to control and monitor the setting of fires and open or barrel burning within the exterior boundaries of the Leech Lake Reservation by any person in order to protect the welfare, peace, safety, environment, and property of the Leech Lake Reservation and its Tribal Membership. In order to protect and preserve the natural and trust resources of the Leech Lake Reservation, the regulation of "open burning" is hereby adopted: Except as provided, no individual within the jurisdiction of the Leech Lake Reservation shall "open burn" without a valid permit issued by the Leech Lake Division of Resource Management (DRM), by the State of Minnesota Division of Natural Resources (DNR), and by the US Forest Service (USFS).
2. **Scope.** This ordinance applies to all open and burn barrel fires within the exterior boundaries of the Leech Lake Reservation.

Section 2. Definitions.

- a. **Acceptable Burn Barrel** shall mean a metal drum of at least 55 gallon volume, which:
 1. Has been placed upon blocks made of a material that will not cause the barrel to tip or cause the ground to burn,
 2. Has air vents of approximately "pea size" on the sides and bottom,
 3. Is covered by a screen of not to exceed 1/4 inch mesh, and
 4. Has been inspected by the Division of Resource Management Air Quality Program personnel or LLBO Conservation Officer.
- b. **Band** shall mean the Leech Lake Band of Chippewa Indians/Leech Lake Band of Ojibwe.
- c. **Burn Barrel Fire** shall mean any fire contained in a barrel or other type of containment where the products of combustion are emitted directly into the outdoor atmosphere and are not directed through a stack or chimney, incinerator or other similar device and the purpose of the fire is not for cooking or to provide heat to a dwelling.
- d. **Brush** shall mean woody debris commonly associated with land clearing of all types such as landscaping, trail clearing and general yard maintenance. Additional

- materials, which may fall into this category, are clean lumber from demolition (containing no paint, stain, or preservative i.e. green treated), leaves, bark and other woody scraps from various activities.
- e. Burning Permit shall mean a permit issued by the Division of Resource Management or Department of Natural Resources to an individual that allows the burning of certain materials, for specified purposes, as stated in the Ordinance.
 - f. Burn Barrel Permits shall mean a permit issued the by the Director of the Division of Resource Management for the purposes of burning yard waste. Permittee must comply with this ordinance and any additional restrictions placed on the permit.
 - g. Special Burning Permits shall mean a permit issued by the Director of the Division of Resource Management or a designated fire warden for the purposes of construction, utility work, management of forests, prairie or wildlife habitats. All Special Permits shall be issued pursuant to an approved burn plan.
 - h. Burn Plan shall mean a specific plan with the Director of the Division of Resource Management when an application for a Special Burning Permit is requested. The Burn Plan must state the purpose of the burn, the duration of the burn, the places and sites of the burn, and name a responsible individual in whose name the permit is to be issued.
 - i. Ceremonial Fires shall mean fires that are set for traditional Native purposes such as for Pow Wows, the heating of rocks for sweat lodges, and for other traditional ceremonial purposes. Any person who lights a fire for ceremonial purposes shall ensure that precautions are taken to prevent the spread of the fire outside the intended area and that the fire is attended at all times until it has extinguished itself.
 - j. Forestry and Air Quality Program employees shall mean agents empowered to oversee and protect the natural resources and work for the Division of Resource Management.
 - k. Construction/Demolition Material shall mean wood and non-wood products commonly associated with the demolition of structures, including but not limited to shingles of all types, insulation of all types, gypsum board, tar paper, metal plumbing, ductwork, wiring, and chemically-treated wood of all types.
 - l. Defined Area shall mean a specific area intended to extend at least 10 feet around the material to be burned. The defined area may be encompassed by rocks, snow cover, other non-combustible materials or contained within a burn barrel.
 - m. Department of Natural Resources shall mean the Minnesota State Department of Natural Resources.
 - n. Division of Resource Management (DRM) shall mean the Division of Resource Management a Division of the Leech Lake Tribal Government.
 - o. Fire Warden shall mean a volunteer commissioned by the DRM Director, by the Minnesota DNR, or by the USFS to issue open burning permits.
 - p. Forest Fire shall mean uncontrolled, wild, or running fires occurring on forest, marsh, field, cutover, or other lands within the exterior boundaries of the Leech Lake Reservation.
 - q. Hazardous Waste shall mean any commercial chemical substance designated pursuant to the Federal Water Pollution Control Act, under 33 U.S.C. Section

- 1321(b)(2)(A); any hazardous air pollutant listed pursuant to the Clean Air Act, under 42 U.S.C. Section 7412; any hazardous waste defined under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 *et seq.*, as amended, and any other substance which constitutes a hazardous waste under Leech Lake Tribal, State of Minnesota, or Federal law.
- r. Individual or Persons shall mean any individual, organization or entity that conducts activities governed by this Ordinance, or owns property, or possesses an interest in property affected by activities governed by this Ordinance.
 - s. Kitchen Garbage shall mean animal and vegetable waste resulting from the handling, preparation, cooking, and/or consumption of foods.
 - t. Jurisdiction shall mean the authority granted the Tribal Court to exercise power and authority over specific subject matter and persons within the jurisdictional boundaries of the Leech Lake Reservation. Law Enforcement Officers shall mean authorized Officers empowered to enforce this Ordinance on the Leech Lake Reservation, which shall include but not limited to Tribal Police, Tribal or State Conservation Officers, County Sheriffs, or others.
 - u. Leech Lake Reservation shall mean all lands and waters within the exterior boundary lines described in the Memorandum of Settlement and Agreement entered into between the State of Minnesota and the Leech Lake Band of Chippewa Indians as determined by the Federal District Court case of Leech Lake Band of Chippewa Indians vs. Robert L. Herbst et al.
 - v. Local Authority shall mean authorized agents of Township, County, City, State, or Federal Government. For the purposes of the Ordinance “Local Authority” shall include Fire Wardens, State Department of Natural Resources Personnel, US Forest Service Personnel and Law Enforcement Personnel.
 - w. Non-recyclable Material shall mean Pyrex glass, window glass, light bulbs, mirrors, china, Styrofoam and melamine type plastics, waxed paper, waxed cardboard, soiled paper, household garbage, bottle or jar caps and any material for which there is no destination point for reclamation or processing.
 - x. Noxious shall mean harmful to health, injurious.
 - y. Nuisance shall mean any burn that endangers life or health, give offense to the senses, or obstructs reasonable and comfortable use of property.
 - z. Open Burning shall mean any fire wherein the products of combustion are emitted directly into the outdoor atmosphere and are not directed through a stack or chimney, incinerator or other similar device. “Open burning” includes, but is not limited to: brush pile burning, burning in pits/depressions, in any open container, and in fire rings.
 - aa. Owner shall mean the person(s) or entity(ies) which hold legal or beneficial title to real property. Owner also means landlord and lessee.
 - bb. Permitee shall mean an adult over the age of 18 who obtained and signed for the permit. This person is the responsible party for the burn or burn barrel.
 - cc. Recyclable Material shall mean brown, clear, and green container glass, aluminum cans, steel containers, bi-metal containers, plastic containers with #1 thru #7 inside a triangle on the bottom, corrugated cardboard, newspaper, magazines, mixed

- paper, office paper, used motor oil, vehicle tires, and any other material for which there is a destination point for reclamation or processing.
- dd. Recreational Fires shall mean fires set for recreational, food preparation, or social purposes including fires set for survival and warmth. The size of the fire can be no greater than three feet in diameter and three feet high and has had the ground five feet from the base of the fire cleared of all combustible material.
 - ee. Responsible Party shall mean the individual who obtained and signed the burning permit or for non-permitted fires the landowner or lessee.
 - ff. Running fire shall mean a fire that is spreading along the ground and unconstrained.
 - gg. Snow Cover shall mean continuous snow-covered ground with an average depth of three inches of snow. For the purposes of burning the snow cover must extend at least ten feet around the material to be burned.
 - hh. Special Burning Restriction/Ban shall mean a restriction or ban issued at the discretion of the Director of Resource Management when the conditions warrant such a restriction or ban in order to protect the natural and trust resources of the Band.
 - ii. Tended Fires shall mean a fire that is continuously attended by an individual and not left to burn or smolder without constant monitoring.
 - jj. Tribal Court shall mean the Leech Lake Tribal Court that is authorized to hear and determine cases where violations of Tribal laws, Codes, and/or Ordinances are at issue.
 - kk. United States Forest Service shall mean an agency of the Department of Agriculture of the United States Government.
 - ll. Warming and Food Preparation Fires shall mean fires set for cooking/preparation or warming purposes, which is not more than three feet in diameter by three feet high, and has had the ground five feet from the base of the fire cleared of all combustible material. Any person who lights or allows someone to light a fire under these circumstances shall extinguish such fire before leaving it, and upon failure to do so will be in violation of this Ordinance. This also includes fires contained in a charcoal/gas grill, camp stove, or other device designed for the purpose of cooking, or heating.

Section 3. General Provisions

Within the exterior boundaries of the Leech Lake Reservation, it shall be unlawful for any person to set any fire unless it shall be attended at all times and he/she has first obtained a Burning Permit. Only exceptions are:

- a) Warming and Food Preparation Fires.
- b) Ceremonial Fires.

Section 4. Permit Application and Issuance

Permit Application. Permits may be obtained from the Leech Lake DRM (during normal

business hours 8am to 4:30pm) or from a designated Fire Warden. Burn Barrel permits may be available after filing out an application that can be picked up at the Leech Lake DRM and passing certification.

Open burn permit for a burn other than a burn barrel:

- a) Name, physical address, and phone number of person responsible for the burn.
- b) Responsible parties who may be attending the burn.
- c) Location of the burn (DRM Director may require an inspection of the site by the Conservation Officers or the Air Quality Department).
- d) The signature of the applicant stating the following:
 - i. that he or she has been given educational material regarding the environmental and health hazards of open burning,
 - ii. has read and understood the material, and
 - iii. has had an opportunity to ask questions of the issuing agent about the burning regulations.
- e) Permit Issuance. Permits issued pursuant to this Section shall include but not be limited to restrictions concerning: time of day, location, minimum required precautionary measures, and the length of the burning period of the permit.
- f) Burn permits for open burns expire upon completion of the open burn, but in no case beyond 3 days from the date of issuance of the permit. Subsequent burns at the same location require separate permits.
- g) No fee shall be charged for a burn permit.

The application shall contain at least the following information for a burn barrel permit:

- h) A burn barrel permit shall follow the same as stated above a-e with the following provisions:
 - i) If the permit is for a burn barrel, the burn barrel must be inspected and approved by the Air Quality Program or by a Conservation Officer prior to issuance of the permit. Once issued the permit is valid for one year. This permit is only available from the DRM offices.
 - j) Burn permits for burn barrels shall expire on April 1st of each year.
 - k) The permit cost is \$50.00 for one year.

Section 5. Permit Considerations

Burning permits shall be issued only after a determination by the DRM, DNR, or USFS fire wardens that allowing the permittee to burn if he or she complies with the conditions of the permit and takes all reasonable precautions to prevent the escape of the fire will minimize the danger to the resources.

1. Open burning for which an open burning permit may be issued are:
 - a) Elimination by fire of health hazards that cannot be abated by any other practical means;
 - b) Ground thawing for utility, water, and sewer repair or minor construction;
 - c) Disposal of loped and limbed trees, brush, leaves, grass, and other vegetation;
 - d) For the disposal of burnable building materials such as unpainted or untreated lumber, wood shakes or other unpainted, unstained, untreated wood products generated by construction where recycling, reuse, chipping or other alternative disposal methods are not

practical.

2. A Special Burning Permit may be issued by the DRM Director for:
 - a) Major construction;
 - b) For the creation and maintenance of firebreaks and right of ways;
 - c) For the disposal of vegetative matter of the purposes of managing forests, prairies, and/or wildlife habitats;
 - d) Disposal of trees, brush, grass, and other vegetative matter in the development and maintenance of land and rights of ways where chipping, composting or other alternative methods are not practical.
 - e) When large piles of debris, including by not limited to slash piles, are to be burned, the permittee should notify the Leech Lake DRM, local fire departments, and DNR of the location and duration of the burn. This is to notify the appropriate authorities and assist in communications.
 - f) Fireworks displays

Section 6. Permitted Burning

Windy Conditions. No burning shall occur when wind speeds exceed 10 miles per hour or when wind conditions are such that sparks or embers from the fire may be spread outside the parameters of the burn plan. The only exception is for ceremonial fires for which all reasonable precautions are taken to prevent the spread of the fire.

1. Open Burning
 - a) Adequate provision shall be made to prevent fire from spreading (garden hose or other sufficient source of water, shovels, dirt, etc.).
 - b) Fires shall be constantly attended by the permit holder, or by responsible designee (18 years of age or older), from commencement of the burn until the fire is completely extinguished (fire remains are cold).
 - c) Fires must not be allowed to smolder with no flame present, except when conducted under Special Permit issued by the DRM Director or fire wardens in accordance with an approved burn plan.
 - d) Brush burning shall be limited to wood products only, which includes only twigs, brush, leaves, grass, and untreated, unpainted sawn wood or those items defined as brush.
 - e) No construction/demolition materials may be burned.
 - f) No household garbage may be burned.
 - g) No chemically or creosote treated wood may be burned.
 - h) No woody materials which may be contaminated with other construction materials or have attached to them other construction materials, including but not limited to: tar paper, insulations of all types, shingles, gypsum board, paint, stain, and other wall treatments may be burned.
 - i) No recyclable materials as defined in this ordinance may be burned.
 - j) No materials such as rubber, roofing, or any similar material or petroleum product is may be burned.

- k) No open fires shall be kindled within fifty feet (50') of any property line, public right-of-way, structure/building, fence, or combustible growth or material other than what is intended to be burned.
- l) Burn piles may be no larger than five feet by five feet by five feet (5' by 5' by 5').
- m) Burning of uncut grass, brush, or vegetation (running fire) is prohibited, except by special permit issued for exceptional circumstances only after inspection of the proposed burn site and agreement with the proposed burn by the DRM, DNR, USFS fire warden or DRM Director.
- n) Burning may only be conducted between the hours of 6:00 PM and 8:00 AM or as specified by the permit.
- o) The prevailing wind at the time of the burn must be such that no imminent danger is posed to nearby residences, occupied buildings, trust or natural resource land, wildlife or endangered, threatened or protected species.
- p) The burn must be kept at distance from airports, landing strips and roadways so as to prevent smoke drifting near or onto and be conducted under conditions and controls that minimize the creation of any air or motor vehicle traffic hazard.
- q) Burning is prohibited at all times when a general fire ban is in effect, as declared by the DRM Director. Information regarding the restrictions and bans can be obtained at the DRM office or by calling 218-335-7400.

2. Barrel Burning

- a) Barrel burning shall be limited to burning of small woody debris, leaves, and grass clippings in an acceptable burn barrel.
- b) No household garbage may be burned.
- c) No recyclable materials as defined in this ordinance may be burned.
- d) No demolition materials as defined in this ordinance may be burned.
- e) No chemically or creosote treated wood may be burned.
- f) No materials such as rubber, roofing, or any other such material, or petroleum product may be burned.
- g) Barrels must be covered with a screen while burning, which will hold down flying ash. The screen must be in sound condition and have a mesh size no larger than one-quarter inch (1/4").
- h) The barrel must not be contaminated with paint, oil, gasoline, or other potentially harmful or noxious substance.
- i) Barrels must be continually observed by a responsible individual, over the age of 18, during the burning process and completely extinguished before being left. It is a violation of this ordinance to leave a burn barrel unattended while burning or smoldering.
- j) Barrel burning may be conducted between the hours of 6:00 PM and 8:00 AM.
- k) Burn barrels must be located in a ten-foot (10') clear area, a minimum of twenty-five feet (25') from buildings and combustibles.

Section 7. Open Burning Restrictions and Prohibitions

No person shall conduct, cause or permit the burning of any prohibited materials. The burning of any prohibited materials shall be deemed a violation. Prohibited materials and

restrictions are as follows:

Materials prohibited from burning are:

- a) Any Plastics (including but not limited to Styrofoam, "pop" bottles, melamine type plastics)
- b) Recyclable material as defined in Section 2 (aa)
- c) Household trash or garbage (including kitchen garbage)
- d) Industrial solid waste
- e) Disposable Diapers
- f) Oil
- g) Gasoline
- h) Paint
- i) Cardboard
- j) Non-recyclable paper containing plastic, paint or other matter that is noxious when burned
- k) Dead animals not being processed or cooked as food products
- l) Any material that emits dense smoke or noxious odors
- m) Thermometers containing mercury
- n) Any item known to contain mercury or lead (including batteries)
- o) Tires or any rubber materials
- p) Any petroleum products
- q) Construction/Demolition material, except for wood scraps with no paint, stain, chemical treatment or other contaminants
- r) Hazardous Wastes
- s) Motor vehicles
- t) Salvage materials

Section 8. Special Authority to Restrict Burning

The DRM Director has the authority to restrict and forbid the setting of any type of fire or burning within the exterior boundaries of the Leech Lake Reservation, by any person, when fire danger is high or extreme. For purposes of this section setting of fires will include, but will not be limited to, the burning of leaves, campfires, outside cooking units, etc. The only exceptions will be those homes where a stove or appliance is located outside the home which is needed in the preparation of food or for heat and for ceremonial uses when the DRM is notified of the general location of the fire and can assure that proper fire safety precautions have been met. Notice will be given to the public when this restriction goes into effect by posting of notices at each Community Center, the RTC Tribal Office, and the Division of Resource Management.

Section 9. Permits

The following conditions and terms shall apply to the issuance of a burning permit within the boundaries and jurisdiction of the Leech Lake Reservation:

A. Permits

1. Burning Permit Issuance: the DRM Director, DRM fire wardens, DNR fire wardens, or USFS fire wardens may issue burning Permits.
2. Recognized Valid Burning Permits: Burning Permits issued by Federal, State, or Local Authorities, or their authorized licensing agents, shall be recognized. Violations of the terms and conditions of such permit on the Leech Lake Reservation are actionable under this Ordinance.
3. Special Burning permits: only the DRM Director can issue Special Burning Permits to individuals representing construction and/or utility companies, to conservation personnel, or to other individuals who the Director of Resource Management deems eligible for a Special Burning Permit. These permits are also issued for any burn to take place between the hours of 8 AM and 6 PM. A Special Burning Permit may only be issued upon the submission and approval of an acceptable Burn Plan and shall be issued only to an individual who shall be responsible to assure that all relevant provisions of this Ordinance are complied with. An individual must end all burning and extinguish all existing burns should the Director of the DRM issue a "Special Burning Restriction/Ban" during the lifetime of the Special Burning Permit.

B. Cost of Open Burning Permits

An open burning permit shall be issued to an individual at no cost.

C. Cost of Special Burning Permits

A special burning permit shall be issued to an individual at a cost of \$25.

D. Cost of Burn Barrel Permits

A burn barrel permit may be issued only after a barrel has passed inspection by a designated DRM burn barrel inspector. The cost of the burn barrel permit is \$ 50.00.

E. Duration of Burning Permits

A Permit issued to an individual under this Ordinance may be issued for a period of time not to exceed three (3) days. A Special Burning Permit may be issued for a period of time longer than three (3) days and shall require an approved Burn Plan. All burning permits shall be subject to any "Special Burning Restriction/Ban" issued by the DRM Director. It shall be the responsibility of the holder to know if, and when, Burn Restrictions or Bans have been issued.

F. Revocation of a Burning Permit

Any permit issued under this Ordinance is subject to revocation by the DRM Director if:

- a) An alternative practical method of disposal of the material is identified;
- b) A fire hazard exists or develops during the course of the burn;
- c) The permit holder violates terms and conditions of this Ordinance or the permit;
- d) A nuisance condition has resulted from the burning, or;
- e) The DRM Director issues a Special Burning Restriction or Ban.

G. Denial of a Permit

A permit may be denied if:

- a) An alternative practical method of disposal of the material is available;
- b) The burning cannot be conducted according to the requirements of this ordinance;
- c) A nuisance or hazard condition will result from the burning; or
- d) The individual applying for a permit has a history of violating this ordinance.

H. Posting of Special Burning Restrictions/Bans

When conditions warrant, as determined by the DRM Director, a Special Burning Restriction and /or Ban may be declared. The Leech Lake Conservation Officers shall post Restriction/Bans at the DRM office and each Community Center on the Leech Lake Reservation. In addition, Conservation Officers, Law Enforcement Officers of the Leech Lake Reservation, and fire wardens will be notified in order to enforce the Restriction/Ban. The Director shall specify dates and times to the best of his/her ability, and has the option of lifting the restriction/ban before its expiration, or may extend the restriction/ban if conditions warrant. When this occurs, existing permits are canceled and new permits will not be issued. In addition, all open burning may be prohibited depending on the fire danger.

I. Responsibility of the Permit Holder to Control Fire

It is the responsibility of the permit holder to have at his/her disposal the necessary equipment and resources to contain and control any fire set in accordance with this Ordinance.

Section 10. General Responsibility and Liability/Negligent Handling of any Materials That Might Cause a Forest Fire.

General responsibility and liability lies with the permittee, and any person who starts, kindles, or otherwise encourages a forest fire through the careless use of smoking materials, fireworks, campfires, motorized equipment, flammable substances, or any other material or item of equipment, or other means shall be in violation of this Ordinance.

Section 11. Enforcement/Evidence

Violators of any provision of this Ordinance may be cited by any Law Enforcement Officer of a recognized jurisdiction and ordered to appear in Tribal Court.

1. The above-mentioned Law Enforcement Officers may issue immediate cease and desist orders for suspected violations, when a fire poses a nuisance, or when burning appears to create an unsafe condition. Such cease and desist orders may be issued regardless of whether a permit has been issued or whether a citation has been issued. The cease and desist order shall expire within 36 hours of issuance if a citation is not issued.
2. The above mentioned Law Enforcement Officers are authorized to enter private property, tribal, trust, allotted, or leased property at all times to inspect all outdoor fires.
3. Citations for violations shall include, but not be limited to the following: an affidavit by the above mentioned Law Enforcement Officers stating the conditions occurring during the burn or the manner of material being burned; or photographs/videos of the burn site and

material being burned when accompanied by an affidavit describing the date, time, location of the fire, the ownership, if known, of the barrel/open burning site, and any other relevant conditions.

4. Any authorized law enforcement officer, fire warden, or DRM designated inspector can order an immediate permanent or temporary stop to burning or may limit the conditions for the continuation of the burn.

Section 12. Tribal Court - Jurisdiction/Penalties

Individuals who are cited for violations of this Ordinance shall be issued a citation ordering them to appear before a Judge of the Leech Lake Tribal Court.

Section 13. Effective Date and Severability

Effective Date. This Ordinance shall be effective upon the date of adoption by resolution of the Leech Lake Tribal Council.

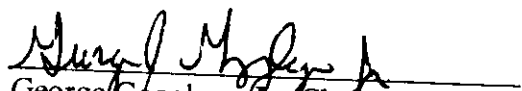
Severability :


a. General application. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

b. Specific application. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, use, building, or other structure, such judgment shall not affect the application of said provision to any other property, use, building or other structure not specifically included in said judgment.

CERTIFICATION

We do hereby certify that the foregoing Leech Lake Ordinance entitled "Open Burning, Burn Barrel, and Fire Prevention Ordinance" was duly presented and adopted by a vote of 4 For, 0 Against, and 0 Silent, at a Special meeting of the Leech Lake Tribal Council, a quorum being present, held on February 23, 2006 at Cass Lake Minnesota.


George Goggeye, Jr., Chairman
LEECH LAKE TRIBAL COUNCIL


Arthur "Archie" LaRose, Secretary/Treasurer
LEECH LAKE TRIBAL COUNCIL



LEECH LAKE BAND OF OJIBWE OPEN BURNING FINE BAIL SCHEDULE

The following shall constitute the fine schedule for violations of the Leech Lake Open Burning, Burn Barrel and Fire Prevention Ordinance.

VIOLATION	SECTION	FINE AMOUNT
Burning prohibited materials	7(a-t)	\$250.00
Open burning/burn barrel without a permit	6.1 6.2	100.00
Use of unauthorized incinerator		250.00
Unattended fire	6.1(b)	250.00
Failure to extinguish campfire or open burn	6.1(c)	50.00
Failure to prevent a fire from spreading	6.1(a)	100.00
Failure to provide equipment for extinguishing a fire	9.1	50.00
Failure to comply with terms and conditions of valid permit or approved burn plan or have permit on your person	9.A.2 9.A.3	50.00
Allowing a fire to smolder	6.1(c)	50.00
Burning during a burning ban	6.1(q)	250.00
Careless or negligence resulting in fire or spread of a permitted fire	6.1(a)	\$150.00

The Court shall have discretion to increase the usual and customary fines based upon severity of damage, risk of harm to persons or property, and repeat offenses.

Dated: 3/10/06

Korey Wahwassuck
Korey Wahwassuck, Chief Judge

LEECH LAKE BAND OF OJIBWE
OPEN BURNING FINE BAIL SCHEDULE

The following shall constitute the fine schedule for violations of the Leech Lake Open Burning, Burn Barrel, and Fire Prevention Ordinance.

<u>VIOLATION</u>	<u>FINE AMOUNT</u>
Burning prohibited materials	\$250
Open burning/burn barrel without a permit	\$100
Use of unauthorized incinerator	\$250
Unattended fire	\$250
Failure to extinguish campfire or open burn	\$50
Failure to prevent a fire from spreading	\$100
Failure to provide equipment for extinguishing a fire	\$50
Failure to comply with terms and conditions of a valid permit or approved burn plan or have permit on your person	\$50
Allowing a fire to smolder	\$50
Burning during a burning ban	\$250
Careless or negligent resulting in a fire or spread of a permitted fire	\$150


The Court shall have discretion to increase the usual and customary fines based upon severity of damage, risk of harm to persons or property, and repeat offenses.

Dated: 3/3/06

Kay Wahwassuck
, Chief Judge

MEMORANDUM

TO Leech Lake Legal Department
Leech Lake Tribal Courts
Leech Lake Conservation Officers
Leech Lake Department of Public Safety
Rich Robinson, DRM Director

FROM Brandy Toft, Air Quality Specialist 

DATE March 6, 2006

RE Open Burning, Burn Barrel, and Fire Prevention Ordinance

Enclosed you will find a copy of the recently passed Open Burning, Burn Barrel, and Fire Prevention Ordinance, accompanying Resolution, and other support documentation. The ordinance was structured similar to the State of Minnesota language with a few differences. Leech Lake will be certifying and permitting burn barrels at a cost of \$50 per year. Please review the last page of the ordinance containing the fee schedule, as the fines for illegal actions concerning open burning are different from the State's fines. The Leech Lake Division of Resource Management will be issuing burn barrel certifications, burn barrel permits, and special permits. Individual, three-day permits for open burning can be obtained at fire warden stations located across the Reservation (a list can be provided).

With your help we can reduce the occurrence of burning household garbage, a major contributor to air pollution in our area. We propose to work with the Brownfield's Program, the Solid Waste Department, and the enforcement agencies to prevent dumping, increase awareness of our solid waste issues, and provide better services to the Leech Lake communities.

If you have any questions please contact me at 7429 or air@lldrm.org.



Leech Lake Band of Ojibwe

George Goggeye, Jr., Chairman
Archie LaRose, Secretary/Treasurer

District I Representative
Burton "Luke" Wilson

District II Representative
Lymon L. Losh

District III Representative
Donald "Mick" Finn

115 6th Street NW, Suite E, Cass Lake, MN 56633
(218) 335-8200 * Fax (218) 335-8309

MEMORANDUM

TO: Tribal Council
FROM: Brandy Toft, Air Quality Specialist *BT*
CONCURRENCE: Rich Robinson, DRM Director *R.R.*
RE: Open Burning, Burn Barrel, and Fire Prevention Ordinance
DATE: February 21, 2006

In the EPA 103 Air Quality Grant workplan, the Leech Lake Air Program identified burn barrels as a significant source of pollution to the Leech Lake Reservation, its residents, and its resources. In an effort to reduce and hopefully eliminate this unnecessary local pollution source, the Air Program identified that outreach to the local community and the revision of the previous Open Burning Ordinance and Permitting Requirements (98-02) was required.

Tribal Council passed the Open Burning Ordinance and Permitting Requirements in 1998. Since then language and perceptions have changed and warranted updated, more descriptive wording. We added a burn barrel section that requires the user to receive certification of their barrel, obtain a permit, and to pay a usage fee. Along with outreach, this is an effort to curb the use of burn barrels for the disposal of household waste. Burning household waste has been illegal in the State of Minnesota since 1969. To put burn barrel emissions into perspective, one pound of household waste burned in a burn barrel equals the emissions from burning one TON of household waste at an incinerator. Liability is also a concern with burn barrels and open burning in general as 40% of Minnesota wildfires are caused by careless debris burning. (This Spring the Air Program will be operating a burn barrel exchange program where one can turn in their burn barrel and ashes for two recycling bins.)

In an effort to minimize the confusion concerning open burning, the Leech Lake Open Burning, Burn Barrel, and Fire Prevention Ordinance was structured to use language that is similar to the State of Minnesota's rules and regulations. However, we are more stringent concerning the permitting of burn barrels, enforcement, and the ordinance's fee schedule for all aspects of open burning to highlight a few key points.

As a courtesy, we have extended the review of the Ordinance to the State of Minnesota and the US Forest Service. Both agencies had minor comments and support the Ordinance with the State acclaiming the Ordinance as setting a positive precedent for burn barrel control.

LEECH LAKE BAND OF OJIBWE
TRIBAL COUNCIL AGENDA ITEM REQUEST

Date Submitted: 2-15-06 Meeting Date: _____

Division and Program: DRM - Air Program

Division Director Signature: [Signature]

Subject: Open Burning, Buen Barrel, & Fire Prevention Ordinance

Executive Summary:
Amendment to 98-02 Open Burning Restrictions & Permitting Regulations
Changes made to reflect updated language and new
issue ie: buen barrels

- Type of Action:
- RESOLUTION
 - INFORMATIONAL
 - APPROVAL
 - NO ACTION NECESSARY
 - OTHER (explain)

In the event that the Division Director is unable to attend a delegate must be sent to the meeting.

Date Received by Administration: _____

Deputy Director Signature: _____

Accounting Signature: N/A
 (required on budget agenda items)

Council Action: _____

Following each meeting Sharon Brown will return copies indicating action to:

Deputy Director Date Sent: 2/15/06
 Division Director Date Sent: _____
 Accounting (if required) Date Sent: _____

5/22/01

Division Directors may reformat this form provided all of the information is included.