

**RINCON INDIAN RESERVATION
POST OFFICE BOX 68
VALLEY CENTER, CALIFORNIA 92082**

**AN EMERGENCY INTERIM ORDINANCE OF THE TRIBAL
COUNCIL OF THE RINCON, SAN LUISENO BAND OF
MISSION INDIANS ADOPTED AS AN URGENCY MEASURE
ESTABLISHING RESTRICTIONS ON ACTIVITIES WHICH
THREATEN THE HEALTH, SAFETY, AND WELFARE OF
THE RINCON INDIAN BAND AND THOSE LIVING ON THE
RINCON INDIAN RESERVATION.**

The Tribal Council of the Rincon, San Luiseno Band of Mission Indians does ordain as follows:

WHEREAS, the proliferation of unregulated, unauthorized, and unsupervised use of residential rental mobile home, trailer, motor home, camper and similar units within the boundaries of the Rincon Indian Reservation constitutes an immediate and serious threat to the health, safety and general welfare of the Rincon, San Luiseno Band of Mission Indians; and

WHEREAS, the Rincon, San Luiseno Band of Mission Indians has the authority, right and obligation to regulate the proliferation of such residential rental units by both members and non-members within the boundaries of the Rincon Indian Reservation; and

WHEREAS, the Rincon, San Luiseno Band of Mission Indians intends to prepare and adopt comprehensive health and safety and building code ordinances regulating residential development within the boundaries of the Rincon Indian Reservation; and;

WHEREAS, there are currently residential mobile home units, trailers, and campers being used as residential rental units within the boundaries of the Rincon Indian Reservation; and

WHEREAS, some of these rental units lack adequate and proper utilities hookups, running water, sewage and waste disposal, and other basic requirements of habitability and are substandard buildings; and

WHEREAS, the Rincon, San Luiseno Band of Mission Indians adopted a building moratorium on June 11, 1989 and it was extended on January 14, 1990 until a permanent comprehensive land use ordinance is adopted; and

WHEREAS, such rental units which are lacking in such basic amenities constitute an immediate threat to the health, safety and welfare of the residents of the Rincon Indian Reservation; and

WHEREAS, some of these rental units are located upon tribal land without the approval of the Rincon Band; and

WHEREAS, locating such rental units on tribal land constitutes a trespass; and

WHEREAS, it is necessary pending the adoption of such comprehensive health and safety and building code ordinances to impose interim controls on such residential rental development within the boundaries of the Rincon Indian Reservation to insure the public health and safety and welfare are protected; and

WHEREAS, the situation involving such rental units has reached a critical condition which poses an immediate and serious threat to the health, safety and welfare of the residents of the Rincon Indian Reservation, both Indian and non-Indian,

NOW, THEREFORE, the Tribal Council of the Rincon, San Luiseno Band of Mission Indian does ordain as follows:

SECTION 1: During the effective period of this ordinance, no new construction located upon land within the boundaries of the Rincon Indian Reservation or development of any residential rental units involving trailers, mobile homes, motor homes, camper shell,s tents or similar temporary structures shall commence or proceed without the express written approval of the Rincon Business Council.

In granting such approval, the Business Council must make an express finding that any such new construction or development shall be compatible with present surrounding land uses and that such new construction does not have a significant environmental impact upon the Rincon Indian Reservation and that such new construction will not threaten the health, safety or welfare of the residents of the Rincon Indian Reservation.

SECTION 2: No person shall rent, let, lease or use, cause or permit to be used for human habitation or dwelling on a day-to-day basis or for a longer period of time any mobile home, camper, tent, caper shell, trailer or similar structure located within the boundaries of the Rincon Indian Reservation which does not have adequate and safe utilities and utilities hookups, sewage or waste disposal, or running water or which is substandard structure or which is in an unsafe or unsanitary condition.

SECTION 3: Any mobile home, motor home, camper, tent, camper shell, trailer or similar structure which does not have adequate and safe utilities and utilities hookups, sewage or waste disposal or running water or which is a substandard structure is hereby deemed to be a nuisance and shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 4. (a) For purposes of the ordinances, the Uniform Building Code, the Uniform Plumbing Code, the National Electric Code, and the Uniform Housing Code as defined in California Health and Safety Code Section 17922(a) shall determine the adequacy of the services and structures.

(b) For purposes of this ordinances, the provisions of California Health and Safety Code Section 17920.3 are deemed to be the standards by which "substandard structure" is defined as it pertains to mobile homes, motor homes, trailers, camper shells or similar structures which may be used for human habitation within the boundaries of the Rincon Indian Reservation.

(c) For purposes of this ordinances, the term "building" as used in California Health and Safety Code Section 17920.3 shall apply to any structure or dwelling unit used for human habitation within the boundaries of the Rincon Indian Reservation including but not limited to houses, apartments, motor homes mobile homes, camper shells, tents and similar structures.

SECTION 5: No person shall use the tribal water supply or hookups therefrom for the supplying of water to any mobile home, trailer, motor home, tent, camper or similar structure the is prohibited by this ordinance.

SECTION 6: Any use of tribal land for the purposes of renting or leasing any mobile home, motor home, camper shell, trailer, tent or similar unit by an individual partnership, corporation or other entity without the express written consent of the Rincon Band of Mission Indians is expressly prohibited and shall constitute a trespass on tribal land.

SECTION 7: Violation of this ordinance is punishable by a fine of up to \$10,000.00 for each occurrence.

SECTION 8: This interim ordinance is hereby declared to be an emergency ordinance adopted as an urgency measure to protect the public health, safety and welfare and shall take effect immediately upon its adoption. The facts constituting the emergency are set forth above and represent an immediate and serious threat to the public health, safety or welfare of the residents of the Rincon Indian Reservation and of the members of the Rincon Band.

SECTION 9: This ordinance shall be effective immediately upon passage and shall continue to be in full force and effect until rescinded by the Rincon Business Committee or by adoption by the Rincon Band of comprehensive health and safety and building code regulations.

SECTION 10: In the event that the Rincon Band of Mission Indians is required to abate the nuisance or to institute court proceedings in order to enforce this emergency ordinance, the Rincon Band shall be entitled to recover the costs of such abatement and the reasonable attorneys' fees and court costs and expenses incurred by the Rincon Band in enforcing this ordinance.

C E R T I F I C A T I O N

This is to certify that the foregoing resolution was duly adopted at a meeting of the Business Committee of the Rincon Band of Mission Indians on the 11 day of February, 1990 by a vote of '23' for, '0' opposed, '0' abstaining. The above has not been amended or rescinded in any manner.

Edward T. Arviso Edward T. Arviso, Chairman

John Mazzetti John Mazzetti, Vice Chairman

Anita Molly Rounds Anita Molly Rounds, Council

Douglas Calac Douglas Calac, Council

Jack Turner Jack Turner, Council