

**RINCON BAND OF LUISEÑO MISSION INDIANS
RINCON INDIAN RESERVATION, CALIFORNIA**



**RINCON ELECTRICAL SERVICES ORDINANCE
RINCON TRIBAL CODE § 15.800**

Adopted on April 2, 2009

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§ 15.800 **DEFINITIONS**

The following terms, when used in this Ordinance, shall have the following meanings:

- (a) **“Band Member”** means any individual enrolled in the Rincon Band.
- (b) **“Environmental Enforcement Ordinance”** shall mean the Environmental Enforcement Ordinance, RTC § 8.300 of the Rincon Band.
- (c) **“International Electric Code or (“IEC”)** shall mean the International Electric Code, 2012 Edition, as amended from time to time by the International Code Council.
- (d) **“Motion for Emergency Order”** shall mean that certain motion referred to in Section 15.803(b) of this Ordinance.
- (e) **“Non-Band Member Indian”** means an Indian individual not enrolled in the Rincon Band.
- (f) **“Notice of Suspension”** shall mean that certain notice referred to in Section 15.804(a)(1) of this Ordinance.
- (g) **“Ordinance”** means this Electrical Services Ordinance.
- (h) **“Person”** means any Rincon Band Member, Non-Band Member Indian or non-Indian individual, trust, firm, partnership, association, corporation, company, business, political subdivision, governmental entity or agency, municipality, industry, public or private corporation, or any entity whatsoever.
- (i) **“Rincon Band”** means the Rincon Band of Luiseno Indians, a sovereign Indian tribal government that is recognized as such by the United States Secretary of the Interior.
- (j) **“Rincon Business Committee” or “Business Committee”** is the five-member committee established under Section 3(a) of the Rincon Band’s Articles of Association governing body of the Rincon Band of Luiseno Indians. The Business Committee means the same as Tribal Council.

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(k) **“Rincon Environmental Department”** or **"RED"** is a department of the Rincon Band that is responsible for the implementation of the Rincon Band’s environmental ordinances unless otherwise specified.

(l) **“Rincon Reservation”** means all land, including fee lands, allotted lands, assigned lands, tribal lands, roads, bridges, and rights-of-way, within the exterior boundaries of the Rincon Reservation, Valley Center, California, and any lands that may be added to the Rincon Reservation from time to time after the date of enactment of this Ordinance.

(m) **“San Diego Gas and Electric”** or **"SDG&E"** means San Diego Gas and Electric Company, a publically-regulated utility corporation in California, that provides electrical services on and near the Rincon Reservation.

§ 15.801 RULES OF CONSTRUCTION

(a) This Ordinance shall be liberally construed to affect its purposes.

(b) Words in the present tense include the future and past tenses.

(c) Words in the singular include the plural and words in the plural number include the singular.

§ 15.802 VIOLATIONS OF THIS ORDINANCE

Any of the following acts or omissions by any Person shall constitute a violation of this Ordinance:

(a) Failure by any Person to comply with any term or provision of this Ordinance; or

(b) Failure by any Person to comply with rules or regulations promulgated pursuant to this Ordinance; or

(c) Obtaining electrical service to any property, including structures located thereon, in such a manner as to constitute a safety hazard that threatens the health, safety or welfare of the occupants of the property, surrounding properties, the Rincon Reservation or the Rincon Band; or

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(d) Failure of any Person to comply with the provisions of the International Electric Code, 2012 Edition, regarding activities that occur, or conditions that exist, from the date of the enactment of this Ordinance; or

(e) Failure of any Person to comply with the provisions of the National Electric Code, 1987 ed., published by the National Fire Protection Association, for activities that have occurred, or conditions that did exist, prior to April 2, 2009.

§ 15.803 ENFORCEMENT

(a) **Environmental Enforcement Ordinance; Applicability.** This Ordinance shall be considered an "Environmental Ordinance" under Section 8.307(a) of the Environmental Enforcement Ordinance, RTC § 8.300. Any violations of this Ordinance shall be enforced and adjudicated pursuant to the provisions of the Environmental Enforcement Ordinance, RTC § 8.300.

(b) Emergency Powers.

(1) Notwithstanding any other provision of this Ordinance or of the Environmental Enforcement Ordinance, the Rincon Environmental Department is empowered to take immediate action, including termination of electric service to any property located within the exterior boundaries of the Rincon Reservation, if the RED determines that such action is necessary to correct, remedy or prevent an immediate, clear, and present danger which threatens the health, safety or welfare of the occupants of the property, surrounding properties, the Rincon Reservation or the Rincon Band.

(2) If the RED invokes emergency powers pursuant to this Subsection (b), the RED shall immediately file a Motion for an Emergency Order under Section 8.308(c) of the Environmental Enforcement Ordinance to determine whether the action taken by RED pursuant to this Subsection (b) should remain in effect or be modified.

§ 15.804 PENALTIES

(a) **Additional Penalties and Remedies for Violation of this Ordinance.** In addition to the penalties set forth in Section 8.308 of the Environmental Enforcement Ordinance, the following penalties may be imposed for violation of this Ordinance:

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(1) If a Person in violation of this Ordinance has not performed the remedial action(s) required, the RED may suspend electric service until outstanding fines and any other fees due and owing are paid to the Rincon Band and compliance with this Ordinance is obtained.

(A) If the RED determines to suspend electric service, the RED shall send by certified mail a Notice of Suspension of electrical service to the Person determined to have violated this Ordinance.

(B) The Notice of Suspension shall advise the Person in violation of this Ordinance of the outstanding fines and any other fees and the remedial action that must be taken to become compliant.

(C) If the RED issues a Notice of Suspension, the RED shall concurrently provide notice to San Diego Gas & Electric to terminate electric services until such time as there is compliance with this Ordinance.

§ 15.805 MISCELLANEOUS

(a) **Severability.** In the event that any provision of this Ordinance or implementing regulations is determined to be invalid or unenforceable, the remaining provisions of this Ordinance and regulations shall continue in full force and effect and their validity shall be unimpaired.

(b) **Sovereign Immunity.** Nothing in this Ordinance shall be deemed to have waived the Rincon Band's, its departments, officers, employees, agents or other tribal entities' sovereign immunity from unconsented suit.

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