

ROUND VALLEY INDIAN TRIBES
A Sovereign Nation of Confederated Tribes

TRIBAL COUNCIL OFFICE
POST OFFICE BOX 448
COVELO, CALIFORNIA 95428
PHONE: 707-983-6126
FAX: 707-983-6128



LOCATION: ON STATE HWY 162
ONE MILE NORTH OF COVELO
IN ROUND VALLEY
TRIBAL TERRITORY SINCE TIME BEGAN

ROUND VALLEY RESERVATION ESTABLISHED 1856

ORDINANCE RV- 95 - 1

Of the

ROUND VALLEY INDIAN TRIBES

**SOLID WASTE MANAGEMENT
ORDINANCE**

APPROVED: July 13, 1995

ROUND VALLEY INDIAN TRIBES

INTERIM ORDINANCE NO. RV – 95-1

SOLID WASTE MANAGEMENT ORDINANCE

PURPOSE

To preserve and secure the health, comfort, welfare and safety of the general public by regulating the uncontrolled disposal of solid waste within the boundaries of the Round Valley Indian Reservation.

DEFINITIONS

For the purpose of this chapter the following definitions shall apply:

1. “Approved site” means a site permitted and approved by the Round Valley Tribal Council of the Round Valley Indian Reservation as a site for disposal of solid waste.
2. “Permitted contractor” is a person who has a valid permit from the council to recover and transport solid waste.
3. “Person” means any public or Private Corporation, company, partnership, firm, association or society of persons, or entity, including governmental entities, as well as a natural person.
4. “Solid Waste” means all putrescible and non-rescible solid and semi-solid wastes, including any garbage, trash, rubbish, sludge, ashes, dead animals, abandoned vehicles, infectious waste, hazardous waste, manure, street and parking lot cleanings, industrial waste, and other described material, but not including domestic sewage.

SECTION 1

RESPONSIBILITY FOR STORAGE AND DISPOSAL OF SOLID WASTE

- A. ANY person generating, producing, storing, or any person who has received any solid waste shall be responsible for the proper storage, removal, transport and disposal of solid waste. Solid waste, while being transported, shall be covered, tied or otherwise secured so waste will not be blown or dropped from the transport vehicle.
- B. WHERE solid waste is generated, produced, stored, or received upon a leased premises; both the landlord and the tenant are responsible for compliance with the provisions of this chapter regardless of the provisions of the tenancy, except that neither party is responsible for action outside the

scope of their actual or constructive knowledge which were conducted by the other party in violation of this chapter.

- C. IN addition to other persons who may be responsible as set forth in this section, for the purpose of this chapter, a person generating solid waste is responsible for the lawful storage, removal, transport and disposal of that solid waste until it is legally deposited in an approved site or collected by a permitted contractor.
- D. WHEN solid waste is dumped or deposited in violation of this chapter and three or more items in the solid waste identify the same person as the owner or recipient of that item, there shall be a rebuttal presumption that the person is responsible for the unlawful dumping of solid waste.
- E. ANY person who by contract, agreement or otherwise arranges for the recovery, transport, disposal or dumping of solid waste is responsible for complying with the provisions of this chapter regarding that solid waste.

SECTION II

UNLAWFUL STORAGE OF SOLID WASTE

- A. IT is unlawful to store or accumulate solid waste in a manner that is a hazard to the public health and safety, as determined by the Tribal council and continues to be stored or accumulated in such a manner for more than fifteen days after receipt of written notice from the Tribal Council of the hazardous condition.
- B. IT is unlawful to collect and transport solid waste unless the person is responsible for that waste pursuant to the provision the person is responsible for that waste pursuant to the provision of # _____ or the person is a permitted contractor.
- C. IT is unlawful for a person to dump, deposit or dispose of solid waste any place within the boundaries of the Round Valley Indian Reservation other than at an approved site.

SECTION III

RECOVERY OF DISPOSAL COST

- A. IF a person violates section # _____ and the Tribal Council arranges for or executes the lawful disposal of the solid waste, that person shall be responsible to the Tribal Council for all reasonable costs and expenses associated with the transportation and disposal of the solid waste.

- B. IF the Tribal Council files suit to collect their reasonable costs and expenses as provided in subsection A and B of this section, the court may award a reasonable amount as attorney's fees to the prevailing party.

SECTION IV

PENALTY

- A. ANY person who violates subsection A and B of section II shall be guilty of a class two misdemeanor and in addition shall be subject to a civil penalty in an amount not to exceed \$500.00 as provided in A.R.S. # _____

Section 2. Effective date. The provisions of this ordinance will be effective after the expiration of thirty days from date of enactment.

CERTIFICATION

I certify that the aforementioned Interim Ordinance was adopted by the Round Valley Tribal Council at which a quorum was present at a special meeting duly called and held on July 13, 1995, Council Members, John Azbill, Elaine Jordan, James Bettega Sr., Gerald Britton Sr., voted four (4) "for", none (0) "against" and Council member, Joseph A. Russ Sr., "abstained".

Joseph A. Russ Sr.

President Round Valley Tribal
Council

ATTEST:

Alberta J. Azbill

Executive Secretary Assistant
Round Valley Tribal Council

File-002-FORM D#1