



AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL

JEFF L. GRUBBE CHAIRMAN • LARRY N. OLINGER VICE CHAIRMAN • VINCENT GONZALES III SECRETARY/TREASURER
ANTHONY J. ANDREAS III MEMBER • REID D. MILANOVICH MEMBER

ORDINANCE NO. 17
AMENDMENT NO. 1

PROPERTY MAINTENANCE STANDARDS

I. INTRODUCTION

- A. Title.** This Ordinance shall be entitled "Property Maintenance Standards."
- B. Purpose.** The purpose and intent of this Ordinance is to establish standards for the maintenance of "Tribal Property," as defined below, and to require the removal of trash, debris, abandoned equipment, hazards and other conditions which are offensive to the sight of a reasonable person, and which may deter development and diminish the value of such Tribal Property.
- C. Definitions.** For the purpose of this Ordinance, the following words or phrases shall have the following definitions:
1. "Agua Caliente Indian Reservation" or the "Reservation" shall mean all land within the exterior boundaries of the Agua Caliente Indian Reservation as established by Presidential Executive Order, federal patent, and/or deed plus any other land held in trust by the United States for the benefit of the Agua Caliente Band of Cahuilla Indians.
 2. "Graffiti" shall mean the unauthorized inscribing, painting, spraying of paint, or marking of ink, chalk, dye or other similar substances on Tribal Property or buildings and structures on Tribal Property.
 3. "Tribe" shall mean the Agua Caliente Band of Cahuilla Indians, a federally recognized Indian tribe, acting through its duly constituted Tribal Council.
 4. "Tribal Council" shall mean the Tribal Council of the Agua Caliente Band of Cahuilla Indians.
 5. "Tribal Property" means, for the purposes of this Ordinance, all land on the Reservation as well as land owned by the Tribe in fee or held in trust by the United States for the benefit of the Tribe but outside the Reservation; provided, however, "Tribal Property" does not include lands that are the subject of an existing land use agreement, unless the Tribe and the applicable jurisdiction agree that this Ordinance shall apply to such lands.



D. Relationship to Existing Ordinances. The Tribal Council has adopted Ordinance No. 16 (Indian Canyons) and Ordinance No. 14 (disposal, storage or treatment of waste), either or both of which may apply to actions covered by this Ordinance. In that case, the standard(s) of the more restrictive ordinance shall apply. Tribal Council reserves the right, in its sole and absolute discretion, to bring enforcement proceedings under any Tribal ordinance or regulation.

II. STATEMENT OF FINDINGS

The Tribal Council hereby finds, determines, and declares the following facts:

- A.** The Agua Caliente Indian Reservation was established for the exclusive use and benefit of the Tribe and its members.
- B.** Certain trust lands of the Agua Caliente Indian Reservation, including the Indian Canyons, are of a substantial cultural and economic value to the Tribe.
- C.** The economic welfare, attractiveness, and community character of all Tribal Property is attributable to its unique aesthetic features and setting. The Tribal Council of the Agua Caliente Band of Cahuilla Indians finds that proper maintenance of Tribal Property is necessary to protect the economic welfare, attractiveness, and character of the community. A standard of maintenance guards against unsafe and unhealthy conditions which can cause the deterioration of the natural resources of Tribal Property.
- D.** The Tribal Council intends, in the enactment and enforcement of this Ordinance, to exercise the following powers stated in the Constitution and By-laws of the Tribe:
 - 1.** To administer the affairs and manage the business of the Tribe; to regulate the uses and disposition of Tribal Property; to protect and preserve the Tribal Property, including wildlife and natural resources, and the rights of its members; and to protect the security and general welfare of the Tribe and its members.
 - 2.** To enact ordinances and resolutions pertaining to Tribal affairs and to take all proper means to enforce the same.
 - 3.** To manage, repair, rebuild, remodel or reconstruct all Tribal Property, including Tribal office buildings, mineral springs, bath house, Palm Canyon buildings and tollgate house, and to manage, lease or otherwise operate Tribal Properties; and to set aside, reserve and designate Tribal Property for use as parks, schools, public buildings, Tribal monuments, churches, and hospitals.



4. To plan, construct, repair, and otherwise manage streets, highways, flood control and other utilities on Tribal Property.

III. DEFINITIONS AND STANDARDS OF A PUBLIC NUISANCE

- A. No person or entity owning, leasing, occupying, using, or having charge or possession of Tribal Property or any building or structure located on Tribal Property shall maintain, permit, cause or allow to exist on such Tribal Property, building or structure located on Tribal Property any condition that the Tribal Council declares a public nuisance as set forth herein. Any person or entity who owns, leases, occupies, uses, or has charge or possession of Tribal Property or any building or structure located on Tribal Property has the right and obligation to take any lawful action necessary to promptly abate any public nuisance set forth herein.
- B. Any of the following conditions are hereby declared a public nuisance:
 1. Buildings or structures, or portions thereof, that are damaged, dilapidated, or inadequately or improperly maintained such that they are structurally unsafe, or do not provide adequate egress, or which constitute a fire hazard, or that are otherwise dangerous to human life or that in relation to existing use constitute a hazard to the public health, safety, or general welfare. Such buildings or structures shall include those that are abandoned, hazardously or inadequately boarded up, partially destroyed, or in a state of partial construction.
 2. Buildings or structures, or portions thereof, which contain or depict graffiti.
 3. Other conditions related to buildings, structures, walls, fences, or landscaping that are of a hazardous nature and require immediate correction, repair, or adequate and proper maintenance, including but not limited to the existence of broken glass in doors or windows that are located in an area of public access, surfaces showing evidence of dry rot, warping, or termite infestation; doors, aisles, passageways, stairways, or other means of exit that do not provide a safe and adequate means of exit; any wall or other vertical structural member that lists, leans, or is buckled; or any other condition that because of a lack of proper sanitation or soundness, or as a result of dilapidation, decay damage or faulty construction or arrangement, is likely to cause sickness, disease, or threat to the public health, safety, or general welfare.



4. Land, the topography, geology, or configuration of which, whether in a natural state or as a result of grading operations, causes erosion, subsidence, or surface water runoff problems of such magnitude to be injurious or potentially injurious to the public health, safety, or general welfare.
 5. Vegetation, including but not limited to trees, shrubbery, or grass, cultivated or uncultivated, that is overgrown, dead, decayed, or diseased such that it is likely to harbor rats, vermin, insects, or other living things which are considered to be pests that are dangerous to the public health, safety, or general welfare.
 6. Any materials, equipment, vehicles, broken or discarded furniture, boxes, lumber, junk, trash or debris that is stored in any yard area in such a manner or in such condition as to be detrimental to the public health, safety, or general welfare.
 7. Trash or garbage cans, bins, boxes, or other such containers that are unclean, uncovered, or damaged and that are stored in a front or side yard such that they may be visible from the public street and may be detrimental to the public health, safety, or general welfare.
 8. Excavations, ponds, pools, or unenclosed or empty swimming pools that may be an attractive nuisance to children or in such other condition as may be detrimental to the public health, safety, or general welfare.
 9. Failure to comply with the property maintenance standards set forth herein
- C. Any person or entity owning, leasing, occupying, using, or having charge or possession of Tribal Property (including all areas between the extensions of side property lines to the centerline of adjacent streets) or any building or structure located on Tribal Property shall comply with the following property maintenance standards to ensure a proper standard of maintenance and the elimination and prevention of public nuisances:
1. All Tribal Property, including vacant Tribal Property, shall be kept free of trash, hazardous or toxic materials, building materials or the storage of other goods which are visible from the street or adjacent properties.
 2. Buildings, including accessory structures, trellises, awnings, and other similar features, shall be maintained in a condition free of the following abuses including, but not limited to: loose roofing and siding materials, broken or cracked windows, any unsafe structural element or other items which would degrade the appearance and/or safety of the structure.



3. Site improvements shall be maintained in a condition to guarantee safety and quality appearance and shall include, but not be limited to: parking and walking areas free of weeds and excessive sand and dirt, paving materials (including walkways), which provide a smooth, unbroken surface, unbroken curbs and gutters, litter free trash and loading areas, walls and fences in a sturdy condition and free of graffiti or the like, fountains or other water uses which are free of potential health dangers, lighting, signs, bicycle racks, internal traffic control items which are maintained in safe repair.
4. Natural or man-made drainage ways such as creeks, canyons, washes, channels, culverts, etc. shall be kept free of any man-made debris which may obstruct the normal flow of water, change water courses and/or may cause a hazard.
5. Any other prohibitions or regulations established by the Tribal Council by resolution to insure proper maintenance of properties and to protect the health, safety and welfare relating to conditions on Tribal Property.

IV. COMPLIANCE/ENFORCEMENT

- A. The Tribal Council shall determine the existence of violations to this Ordinance as listed in Section III and, by certified or registered mail, shall promptly notify the owner, allottee, tenant or other responsible persons or entity of the date by which compliance with this Ordinance will be required. The person or entity thereupon receiving said notice shall comply with said notice by abating the public nuisance. The first notification shall precede the date by which abatement is required by not less than ten (10) days.
- B. Within ten (10) days of receiving said notice such property owner, allottee, tenant, and/or person or entity determined to be responsible for said public nuisance, shall be entitled to request, in writing a hearing before the Tribal Council. The appellant and other interested parties shall present facts relating to the public nuisance. The Tribal Council, after hearing testimony, may affirm or modify the abatement procedures provided that specific findings shall be made, based on the evidence submitted, and that the public nuisance is not an immediate threat to persons or property.



- C. If the public nuisance is not abated, the Tribal Council shall reserve the right to impose any of the following penalties:**
- 1. Enter the applicable Tribal Property to abate the public nuisance, and charge the responsible party with all actual expenses of such abatement. In such case, the Tribal Council reserves the right to collect any unpaid expenses by use of any or all of the following procedures:**
 - a. Place a lien in the amount of the unpaid expenses upon any development proposal.**
 - b. Apply for payment from the IIM account of the responsible party pursuant to 25 C.F.R. 115.9 or other applicable law or procedure.**
 - c. Seek repayment and/or attach a lien on any per capita payments through the Tribal Debt Repayment Policy.**
 - d. Any other means allowed under Federal law.**
 - 2. Fine the responsible party a sum up to \$5,000; provided, however, the Tribal Council reserves the right to reduce the fine by the amount of any actual expenses incurred by the responsible party in abating the public nuisance.**

V. EFFECTIVE DATE

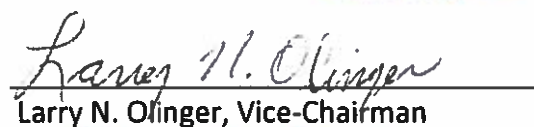
- A. This amended Ordinance shall take effect upon its adoption by the Tribal Council. A summary of the amendment shall be published once in a newspaper of general circulation in Riverside County within five (5) days of the adoption of this amended Ordinance by the Tribal Council.**
- B. This Ordinance may be amended by a majority vote of the Tribal Council at a duly called Tribal Council meeting at which a quorum is present.**



BE IT ADOPTED AND ENACTED by the Tribal Council of the Agua Caliente Band of Cahuilla Indians, this 13th day of September, 2016.



Jeff L. Grubbe, Chairman



Larry N. Olinger, Vice-Chairman



Vincent Gonzales III, Secretary/Treasurer



Anthony J. Andreas III, Member



Reid D. Milanovich, Member

I, the undersigned, the Secretary-Treasurer of the Agua Caliente Band of Cahuilla Indians, hereby certify that the Tribal Council is composed of five members of whom 5, constituting a quorum, were present at a meeting whereof, duly called, noticed, convened and held on this 13th day of September 2016; that the foregoing ordinance was duly adopted at such meeting by the affirmative vote of 4-0-0 and that said ordinance has not been rescinded or amended in any way.



Vincent Gonzales III, Secretary/Treasurer