

Title 14 - Health and Sanitation

Chapter 4. Fire Prevention

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Sec. 401. Closing and posting of areas.

(a) Upon the advice of the Tribal Executive Board, the Chairman of the Tribal Executive Board may order any area of trust land within the Reservation closed to entry by the general public because of the danger of fire.

(b) Whenever an area is closed under subsection (a), such closing shall be announced through available news media, to the extent appropriate, and signs stating that the area is closed to the public, and that campfires and smoking are prohibited, shall be posted in a conspicuous place on each road and trail entering the closed area. However, the validity of any order closing an area shall not be affected by failure to make the announcements or post the signs as provided by this subsection.

Sec. 402. Persons prohibited.

All persons are prohibited from entering or remaining in areas closed under Section 401, except:

(a) Persons who regularly reside within the closed area may go to and from their homes and continue such ordinary activities in and around their homes as do not constitute an unreasonable fire hazard.

(b) Officers and employees of the United States, or the Tribes, in the performance of their official duties.

(c) Lessees, licensees or permittees of the Tribes, and their officers and agents, for the purpose of going to or from their leased, licensed or permitted premises, and conducting activities in such a manner as to not constitute an unreasonable fire hazard.

(d) Grantees of rights of way for the purpose of necessary maintenance of their right-of-way in

such a manner as to not constitute an unreasonable fire hazard, but the closing order may prohibit or restrict the use of any road right-of-way by the general public.

Sec. 403. Removal of unauthorized persons.

(a) It shall be the duty of any authorized law enforcement officer to warn any unauthorized person found in a closed area to leave the closed area at once, and if such person does not comply without delay, to remove such person from the closed area.

(b) (1) Any Indian removed may be detained only long enough to remove him/her, unless he/she is arrested in accordance with the procedures of Title 6 (Criminal Procedure).

(2) Any non-Indian removed shall be delivered to the custody of Federal or State law enforcement officials or reported to such officers for prosecution under applicable Federal or State law, and the Chairman of the Tribal Executive Board shall be so advised. Such person may be thereafter excluded from all trust land within the Reservation for such period of time as the Tribal Court shall determine.

Sec. 404. Campfires and smoking prohibited.

(a) Campfires are absolutely prohibited within any area closed under Section 401.

(b) Smoking is prohibited in any area closed under Section 401, except inside substantial buildings.

Sec. 405. Controlled burning.

A valid burning permit issued by the Superintendent, Fort Peck Agency, or his/her authorized representative, is required for controlled burning on any trust lands within the exterior boundaries of the Fort Peck Indian Reservation.