

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

RESIDENTIAL BUILDING CODE

ORDINANCE #06/12

Adopted by the Fond du Lac Reservation Business Committee pursuant to Resolution #1333/12 on October 17, 2012.

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CHAPTER 1

GENERAL PROVISIONS

Section 101 Authority; Purposes; Scope

- a. Authority. This Ordinance is adopted by the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, pursuant to its inherent authority, as recognized under the Treaty of LaPointe, 10 Stat. 1109; as recognized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476; as granted under Article VI of the Minnesota Chippewa Tribe Constitution; and as otherwise established under the laws of the United States of America.
- b. Purposes. The purposes of this Ordinance are to provide minimum standards to safeguard life and limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all residential structures within the Fond du Lac Reservation which are constructed, owned or controlled by the Fond du Lac Band.
- c. Scope. The provisions of this Ordinance shall apply to the construction, alteration, moving, demolition, repair, and use of any building or structure within the Fond du Lac Reservation which is owned or controlled by the Fond du Lac Band, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in this Ordinance, and hydraulic flood control structures.

Section 102 Reservation of Rights

Nothing in this Ordinance shall be construed to constitute consent by the Fond du Lac Band to jurisdiction other than that established herein. The Reservation Business Committee, in establishing this Ordinance, specifically reserves the sovereign immunity of the Fond du Lac Band, its officers and employees, against any claims arising out of the performance of the duties or the enforcement of the standards prescribed herein.

Section 103 Interpretation; Definitions

- a. Interpretation. The provisions of this Ordinance shall be interpreted consistently with the comparative provisions of the Uniform Building Code, as promulgated or revised by the International Conference of Building Officials, Whittier, California.
- b. Definitions. The following terms shall have the meanings assigned:
- (1) Band-owned buildings. "Band-owned buildings" means buildings and structures which are constructed, financed, owned or under the jurisdiction and custodial control of the Fond du Lac Band or a Band subdivision.
 - (2) Building Inspector. "Building Inspector" means a position which is authorized by resolution of the Fond du Lac Reservation Business Committee to administer the provisions of this Ordinance.
 - (3) Fond du Lac Band. "Fond du Lac Band" or "Band" means the Fond du Lac Band of Lake Superior Chippewa, a federally-recognized Indian tribe which occupies the Fond du Lac Reservation pursuant to the Treaty of LaPointe, 10 Stat. 1109, and whose authority is vested in its duly-constituted governing body, the Fond du Lac Reservation Business Committee.
 - (4) International Residential Code or IRC. "International Residential Code" (or "IRC") means the International Residential Code, as promulgated by the International Code Conference, Falls Church, Virginia, and as adopted by reference in Chapter 3 of this Ordinance.
 - (5) Mandatory terms. Mandatory terms include "must" and "shall," which have the same meaning.

- (6) Reservation Business Committee. "Reservation Business Committee" means the governing body of the Fond du Lac Band. Actions and decisions of the Reservation Business Committee are outcomes of that governing body taken in a duly-convened meeting.

CHAPTER 2

APPOINTMENT OF BUILDING INSPECTORS

Section 201 Building Inspector Authorization

The Reservation Business Committee shall by resolution appoint a person or persons who are appropriately certified in accordance with Section 202 of this Ordinance to serve as Building Inspector, and such person(s) shall be authorized to administer the provisions of this Ordinance.

Section 202 Building Inspector Certification

A Building Inspector must be certified in accordance with the requirements of Minnesota Statute § 326B.135, and Minnesota Rules 1301.1300 et seq., or equivalent certification.

CHAPTER 3

REGULATIONS

Section 301 Adoption of the International Residential Code

The International Residential Code (IRC), as promulgated by the International Code Conference, Falls Church, Virginia, are incorporated by reference and made part of this Fond du Lac Residential Building Code.

Section 302 Adoption of the National Electrical Code

All new electrical wiring, apparatus, and equipment for electric light, heat, power, and alarm and communication systems must comply with the regulations contained in the most current edition of the National Electrical Code (NEC) as approved by the American National Standards Institute.

Section 303 Adoption of the International Mechanical Code

The most current edition of the International Mechanical Code, as promulgated by the International Conference of Building Officials, Whittier, California, is incorporated by reference and made part of this Fond du Lac Residential Building Code.

Section 304 Adoption of the Guidelines for Rehabilitation of Existing Buildings

The most current edition of the Guidelines for the Rehabilitation of Existing Buildings, as promulgated by the International Conference of Building Officials, Whittier, California, are incorporated by reference and made part of this Fond du Lac Residential Building Code.

Section 305 Adoption of Certain Regulations of the State of Minnesota By Reference

The following regulations of the State of Minnesota are incorporated by reference and made a part of this Fond du Lac Residential Building Code:

- a. Minnesota Regulations Chapter 1303 (Minnesota Provisions of State Building Code and Window Fall Prevention);
- b. Minnesota Regulations Chapter 1322 (Residential Energy Code);
- c. Minnesota Regulations Chapter 1341 (Minnesota Accessibility Code);
- d. Minnesota Regulations Chapter 1350 (manufactured homes);
- e. Minnesota Regulations Chapter 1360 (prefabricated buildings);
and
- f. Minnesota Regulations Chapter 4715 (Minnesota Plumbing Code).

CHAPTER 4

ADMINISTRATION & ENFORCEMENT

The purpose of this Chapter is to establish procedures for the review of building plans, specifications, and related documents; to authorize the issuance or denial of building permits; and to provide for Code administration and inspection services as authorized under this Ordinance.

Section 401 Review of Project Design & Issuance of Building Permit

The Fond du Lac Building Inspector must review, inspect and approve in writing each stage of construction in a project prior to commencement of that stage of construction as set forth in this section and in accordance with the applicable provisions of this Ordinance.

- a. Submission of Project Design and Building Permit Application. At least 14 days prior to the issuance of a building permit, the following must be submitted to the Fond du Lac Building Inspector:
 - (1) Two complete sets of drawings, specification books, and other relevant documents necessary to evidence code compliance, with appropriate certification on each sheet of the drawings and the title page of the specifications book; and
 - (2) A completed plan review and construction authorization application form provided by the Fond du Lac Building Inspector.
- b. Issuance or Denial of Building Permit. Within 14 days following submission of the design and building permit application under subsection (a), the Building Inspector shall review all materials submitted as to their compliance with the specifications of this Ordinance, and shall issue either a written building permit for the project or a written denial of the permit, citing with specificity the reasons therefore.

Section 402 Inspection Log; Required Inspections

The Fond du Lac Building Inspector shall maintain an Inspection Log on each project for which a building permit has been issued. Each of the following stages shall be inspected by the Building Inspector in accordance with the provisions of this Ordinance, and the Inspection Log for that project shall indicate whether the inspection has occurred and whether the Building Inspector has determined that the work performed complies with the specifications of this Ordinance:

a. Building Inspections:

1. Footing/foundation inspection (site/setback inspection);
2. Concrete slab inspection;
3. Frame inspection;
4. Insulation inspection;
5. Lath and/or gypsum board inspection;
6. Roofing; and
7. Final inspection.

b. Plumbing inspections:

1. Rough-ins;
2. Through wall;
3. Underground; and
4. Final inspection.

c. Mechanical inspection:

1. Rough-ins;
2. Through wall;
3. Underground; and
4. Final inspection.

d. Electrical inspection:

1. Rough-ins;
2. Through wall;
3. Underground; and
4. Final inspection; and/or

e. Special inspection.

Section 403 Injunctive Authority

The Fond du Lac Building Inspector shall issue an Order of Suspension if, at any of the stages identified under Section 402, a project is out of compliance with any requirements of this Ordinance or of any model code adopted by reference pursuant to Chapter 3 of this Ordinance.

Section 404 Corrective Orders

The Fond du Lac Building Inspector shall issue corrective orders for any material noncompliance with the requirements of this Ordinance or of any model code adopted by reference pursuant to Chapter 3 of this Ordinance.

Section 405 Prohibitions on Payment for Noncompliant Work

No payment for work performed on a project which is funded by the Fond du Lac Band shall occur until a copy of the Inspection Log for that project has been provided to the Fond du Lac Construction Project Manager and Fond du Lac Comptroller, and the Inspection Log indicates that the Fond du Lac Building Inspector has inspected the work and determined that the work is in compliance with the provisions of this Ordinance.

Section 406 Citations of Noncompliance

The Fond du Lac Building Inspector shall have the authority to issue citations of noncompliance for any material violation of this Ordinance. Citations of Noncompliance shall be referred to the Reservation Business Committee, with copies to the Tribal Attorney for legal review and recommendation.

Section 407 Inspection of Existing Buildings

The Fond du Lac Building Inspector shall inspect existing buildings in accordance with the standards set forth under Chapter 3 of this Ordinance upon request of the Reservation Business Committee. Reports resulting from such inspections shall be made exclusively to the Reservation Business Committee, and shall include an itemization of violations and corrective recommendations. The Reservation Business Committee shall then determine whether such corrective action shall be taken and shall assign the costs of such corrective work.

Section 408 Appeals

Any party which is subject to adverse action taken by the Fond du Lac Building Inspector may bring an appeal in writing to the Reservation Business Committee within 14 days of the action. Absent reversal by the Reservation Business Committee within 14 days of receipt of the appeal, the action of the Building Inspector shall stand.

CHAPTER 5

SEVERABILITY, AMENDMENT AND RESCISSION

Section 501 Severability

If any provision of this Ordinance, including the codes adopted by reference herein, is held invalid, the invalidity does not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and to this end, the provisions of the Ordinance are declared to be severable.

Section 502 Amendment and Rescission

This Ordinance may be amended or rescinded by Resolution of the Fond du Lac Reservation Business Committee.

CERTIFICATION

This Ordinance was adopted by the Fond du Lac Reservation Business Committee pursuant to Resolution #1333/12, by a vote of 3 for, 0 against, 0 silent, a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee on October 17, 2012 on the Fond du Lac Reservation.



Karen R. Diver
Chairwoman



Ferdinand Martineau, Jr.
Secretary-Treasurer

Fond du Lac Band of Lake Superior Chippewa

Reservation Business Committee

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Cloquet, MN 55720
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RESOLUTION #

1333/12

ENACTING THE FOND DU LAC RESIDENTIAL BUILDING CODE

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enact the following Resolution:

WHEREAS, the Fond du Lac Band of Lake Superior Chippewa are a sovereign people, who occupy the Fond du Lac Reservation and retain their aboriginal rights of self-government and self-determination pursuant to the Treaty of LaPointe of September 30, 1854, 10 Stat. 1109; the Indian Reorganization Act of 1934, 25 U.S.C. § 461 et seq.; the common law of the United States; and as recognized by the United Nations Declaration on the Rights of Indigenous Peoples of September 17, 2007; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the duly-constituted governing body of the Fond du Lac Band, to exercise the responsibilities of self-government and management over the Band's affairs; and

WHEREAS, the Reservation Business Committee has determined it to be necessary and in the best interests of the Fond du Lac Band to enact a residential building code to establish standards for the construction, repair or modification of Band-owned housing on the Reservation;

NOW THEN BE IT RESOLVED, that the Fond du Lac Reservation Business Committee hereby enacts FDL Ordinance # 06/12 entitled the Fond du Lac Residential Building Code, to become effective immediately.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on October 17, 2012 on the Fond du Lac Reservation.



Chairwoman
Karen R. Diver

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. I Representative
Wally Dupuis

Dist. II Representative
Sandra M. Shabliash

Dist. III Representative
Kevin R. Dupuis Sr.

Executive Director,
Tribal Programs
Chuck Walt

Executive Director,
Enterprises
Michael Himango

Karen R. Diver
Chairwoman

Ferdinand Martineau, Jr.
Secretary-Treasurer