

## RESIDENTIAL BUILDING ORDINANCE

Ordinance # 02-550-01

### Section 1. Purpose; Findings

1.01. *Purpose.* The purpose of this Ordinance is to govern all aspects of building and remodeling residential structures under the jurisdiction of the Little River Band of Ottawa Indians to safeguard life or limb, health and public welfare.

1.02. *Findings.* The Tribal Council, in adopting this Ordinance, makes the following findings.

- a. The Tribal Council has the delegated authority and responsibility to enact ordinances to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members;
- b. The development and adoption of building codes that protect against inferior and dangerous construction and remodeling practices in regards to residential housing is in the best interests of the membership; and
- c. The development of a consolidated and consistent residential building code will enhance the quality of residential housing on the reservation.

### Section 2. Adoption; Amendment; Repeal; Severability

2.01. *Adoption.* This Ordinance is adopted by resolution # 02-0529-04.

2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.

2.03. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

### Section 3. Definitions.

3.01. *General.* For purposes of this Ordinance, certain terms are defined in this Section. The word “shall” is always mandatory and not merely advisory.

3.02. *International Building Code Definitions.* The definitions located in Part II of the 2000 International Residential Code for One and Two-Family Dwellings are incorporated and included in this ordinance to the extent that definitions in this ordinance do not cause conflict.

### Section 4. Residential Building Construction; Remodeling

4.01. *General.* Residential building construction and remodeling shall be governed by the 2000 International Residential Code for One and Two-Family Dwellings as adopted and amended by this Ordinance, including all appendices and attachments thereto.

4.02. *Exclusions and Amendments.* Provided that, the following sections are excluded or amended as follows.

- a. Section R101 is deleted in its entirety.
- b. R102.2, R102.5 and R102.6 are deleted in their entirety.
- c. Section R103 is deleted in its entirety.
- d. R104.8, delete from the first sentence – ..., member of the board of appeals or employee charged with enforcement of this code, ...[.]
- e. R104.10, delete from end of last sentence – ...of department of building safety.
- f. R104.10.1, delete from end of sentence – ...by the board of appeals[;] and add – ...in accordance with R112.2.2.
- g. R105.3.1.1

- h. R106.5, delete from end of sentence – ...,or as required by state or local laws.
- i. R108.2, delete from end of sentence – ...as established by the applicable governing authority[;] and add – adopted by the Tribal Council.
- j. Section R112, delete in sections R112.1, R112.2, and R112.3. Provided that, subsections R112.2.1 and R112.2.2 shall remain in force and effect.

### **Section 5. Office of Building Inspection**

5.01. *Planning Department.* The Planning Department shall be the designated authority and responsibility to issue permits, licenses and approving housing plans as set forth in this ordinance. Such actions shall be carried out in the Office of Building Inspection located within the Planning Department.

5.02. *Building Inspectors.* The authority and responsibilities in this ordinance shall be conducted through a Building Inspector(s)

5.03. *Regulations.* As set forth in section R104, the Building Inspector may promulgate regulations to implement this ordinance in a form or through processes approved by Tribal Council, but shall require that any regulations promulgated be forwarded to the Tribal Council prior to implementation.

5.04. *Fees.* The Building Inspector may create fee schedules as set forth in Section R108, but in all cases, such fee schedules shall be required to be approved by resolution of the Tribal Council prior to application.

### **Section 6. Appeal of Decision of Office of Building Inspection**

6.01. *General.* All decisions made under this ordinance or regulations may be appealed to the Tribal Court. Such appeals shall be limited to appellate review.

6.02. *Appellate Review, Limitations.* An application for appeal shall be based on a claim that the true intent of this ordinance and regulations have been incorrectly interpreted, the provisions of this ordinance or regulations do not fully apply, or an equally good or better form of construction is proposed. The Tribal Court shall have no authority to waive the requirements of this ordinance.

6.03. *Determination of Substantial Improvement in Areas Prone to Flooding.* Sections R112.2.1 and R112.2.2 are hereby adopted, and all references to ‘board of appeals’ shall be replaced with ‘Building Inspector.’ At the end of section R112.2.1, the following sentence shall be added – “The determination and decision of the Building Inspector may be appealed as set forth in this Section.”