



**Little River Band of Ottawa Indians
Tribal Council
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288**

Resolution #18-0321-098

Permanent Adoption of Building Regulations

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the legislative powers of the Tribe are vested in the Tribal Council according to Article IV, Section 1 of the Constitution; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(a)(1) and (2) to exercise the inherent powers of the Tribe by establishing laws through the enactment of ordinances and adoption of resolutions to govern the conduct of Tribal Members and others within the Tribe's jurisdiction and to promote, protect and provide for the public health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, the executive powers of the Tribe are vested in the Tribal Ogema according to Article V, Section 1 of the Constitution; and

WHEREAS, the Ogema is authorized by Article V, Section 5(a)(1) to enforce and execute the ordinances, resolutions and motions adopted by the Tribal Council consistent with the Constitution; and

WHEREAS, the Tribal Council adopted Amendments to the Building Ordinance #02-550-01; and

WHEREAS, Section 8.02 of the Building Ordinance provides for Building Regulations to be promulgated by the Planning Department and approved by Tribal Council prior to their implementation.

NOW THEREFORE IT IS RESOLVED, that the Tribal Council permanently adopts the Building Regulations.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on March 21, 2018, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.



Gary Di Piazza, Acting Council Recorder



Sandra Lewis, Acting Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Legal Department

BUILDING REGULATIONS

R800-01:BO

Chapter 1. Building Regulation

Section 1. Authority; Purpose

1.1. *Authority.* These regulations are in accordance with Resolution #02-0529-04 which approved the Building Ordinance, which was amended by Resolution #18-0314-088.

1.2. *Purpose.* These regulations are intended to provide guidance and direction regarding building permits, building inspections, and certificates of occupancy.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word shall is always mandatory and not merely advisory.

2-2. *Applicant.* The person, or his/her designee, who is responsible for submitting an application for a Building Permit, and who is responsible for carrying out the requirements of the Tribal Building Ordinance and these regulations.

2-3. *Building Official.* The individual, within the Tribe's Planning Department, who is responsible for the administration and enforcement of the Building Ordinance and these regulations.

2-4. *Building Inspector.* The individual employed or retained by the Tribe to perform building, construction or land development inspections as required.

2-5. *Building Permit.* A document issued by the Building Official pursuant to the provisions of the Building Ordinance and these regulations that allows the Applicant to build, construct, renovate or remove structures on Tribal Land.

2-6. *Certificate of Occupancy.* The form issued by the Building Official that certifies that no violations of the provisions of the Building Ordinance or these regulations have been found. The form also certifies that the building may be used and occupied as intended by the application for a Building Permit.

Section 3. Building Permit Application and Plan Review Process

3-1. *Application submittal.* The applicant is responsible for submitting a signed and completed Building Permit Application. The application is available from the Tribal Building Official within the Tribal Planning Office.

3-2. *Plan Review.* The applicant is also responsible for submitting **three (3) sets** of design plans/construction documents that includes drawings for all work that is to be done. The plan must be in compliance with the Tribal Building Ordinance. If additional information is necessary, the applicant will be contacted and the additional information will be requested.

3-3. *Building Permit Fees.* No fee is required to process a Building Permit application.

3-4. *Plan Review Fees.* The Plan Review Fee is \$250.00. The fee will be assigned per building and must be paid before a Building Permit Application will be approved. All LRBOI residential and non-residential construction projects are subject to the Plan Review Fee.

3-5. *Plan Review Fee Waiver.* The Plan Review Fee is waived for LRBOI Tribal Citizens.

3-6. *Building Permit Issued.* The Tribal Planning Department will review the Building Permit Application for completeness. Once all requirements are met and applicable plan review fees are paid, the permit will be issued by the Building Official.

Section 4. Posting of Building Permit

4-1. *Building Permit Posting Required.* It is the responsibility of the Applicant to post the Building Permit in a conspicuous location on the development or construction site, which must be visible from the road or street. The permit shall remain posted until a final inspection has been completed and a Certificate of Occupancy is issued by the Building Official.

Section 5. Inspection Requirements

5-1. *Applicable Building Inspections.* All construction projects will require all necessary inspections. The types and frequency of inspections for each construction project will be determined by the Building Official, in consultation with the Building Inspector. New construction projects will require the following inspections.

- (a) Three (3) building inspections: foundation, rough and final
- (b) Two (2) electrical inspections: rough and final
- (c) Two (2) plumbing inspections: rough and final
- (d) Two (2) mechanical inspections: rough and final

Additional special inspections (e.g., poured wall inspection) will be scheduled as needed.

5-2. *Scheduling Inspections.* All inspections are made through the LRBOI Planning Department and conducted by the Tribal Building Inspector. It is the responsibility of the Applicant to schedule an inspection when it is necessary. It is also the responsibility of the Applicant to have the Tribal Building Inspector (or authorized representative) affix his/her signature to the posted Building Permit as each inspection is completed.

5.3. *Inspection Fees.* The fee per inspection is \$150.00. Payment for inspections is required once the building project is completed. All inspection fees must be paid before a Certificate of Occupancy will be issued.

5.4. *Inspection Fee Waiver.* Any LRBOI Tribal Member will not be required to pay inspection fees. This waiver does not apply to any LRBOI construction project.

Section 6. Certificate of Occupancy

5.5 *Certificate of Occupancy Required.* A new building or a building that is altered shall not be used or occupied until a Certificate of Occupancy is issued by the Building Official.

5.6 *Certificate of Occupancy Requested and Issued.* The Applicant must request a Certificate of Occupancy upon completion of the building project. The request must include evidence that all required inspections, including a final inspection, have been completed by the Building Inspector. Upon successful completion of the final inspection, the Certificate of Occupancy will be issued by the Building Official.