Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Office of Tribal Chairperson

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BUILDING CODES ADOPTION REGULATIONS
REG-WOS 2009-007-061418-001

I. Purpose of Regulations. The purpose of these regulations is to protect and promote the health and safety of LTBB and its citizens through adoption of various building, property maintenance, mechanical and safety codes.

II. Definitions:

A. **Building Code Administrator:** means an individual appointed by the Executive Office, and charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by LTBB Statute. Synonymous with Building Official.

B. **Building Inspector:** means any of those contractors or employees of the Tribe or Federal agencies with building construction regulation responsibilities who themselves conduct inspections of building construction, erection, repair, addition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by LTBB statute.

C. **Building Permit**: means a legal document issued by the Planning, Zoning, and Building Department allowing building construction, erection, repair, addition, or alteration projects to commence.

D. **Civil Infraction**: means an act or omission that is prohibited by this code or any regulation of the Tribe, and for which sanctions may be ordered as authorized by WOS 2009-007.

E. **Civil Infraction Correction Notice:** means a written notice, prepared by the Building Official, instructing the responsible party to correct listed violations before a specific date. If correction is not made on or before specified date, fines will be assessed per the fee schedule defined in the regulations for WOS 2009-007.

F. **Construction Project:** means an organized non-continuous undertaking to complete a specific set of predetermined objectives for the planning, environmental determination, design, construction, repair, improvement, or expansion of buildings or facilities.

G. **Contractor**: means an independent contractor, a person whose conduct is not subject to an employer's control and direction.

H. **Department**: means the LTBB Planning, Zoning, and Building Department.

I. **Employee**: means any person engaged in any employment under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed and includes, but is not limited to, aliens and minors.

J. **International Code Council:** means a membership association dedicated to building safety and fire prevention. They develop codes used to construct residential and commercial buildings, including schools. LTBB has chosen to adopt a variation of the codes developed by the International Code Council when preparing the tribal regulations.

K. **LTBB:** means the Little Traverse Bay Bands of Odawa Indians or the "Tribe".

L. **Most recent version:** means the version of the relevant code currently in use by the State of Michigan, or in the case of NFPA 70, the National Fire Protection Association.

M. **NFPA:** means "National Fire Protection Association", an advocate of fire prevention and an authoritative source on public safety. NFPA develops, publishes, and disseminates more than three-hundred (300) consensus codes and standards intended to minimize the possibility and effects of fire and other risks.

N. **Plan Reviewer**: means a person who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other applicable construction codes. A person may be qualified in building, mechanical, gas, electrical, or a combination of the four.

O. **Michigan Building Code**: means the most recent International Building Code adopted by reference by the State of Michigan with amendments. Michigan's building code contains the following separate codes:

   a. Michigan Building Code

   b. Michigan Residential Code

   c. Michigan Mechanical Code

   d. International Fuel Gas Code

   e. State of Michigan Electrical Code

   f. Michigan Rehabilitation Code for Existing Buildings

g. International Fire Code

h. NFPA

i. Michigan Energy Code

P. **"International Building Code or IBC"**- means A model building code developed by the International Code Council (ICC). It has been adopted for use as a base code standard by most jurisdictions in the United States.

III. LTBB Planning Department Codes. The Little Traverse Bay Bands of Odawa Indians herein adopts the Michigan Building Code with amendments as Tribal law with the jurisdiction in each code inserted as Little Traverse Bay Bands of Odawa Indians, and any reference to Michigan Public Law, or local laws being stricken or replaced with applicable LTBB Tribal Law.

IV. Regulations pertaining to all Code Adoptions:

A. Civil Infractions.

1. When a violation of the building code is brought to the attention of the Building Official, a Civil Infraction Correction Notice shall be issued. If the violation is not corrected within the defined timeline then a Civil infraction fee will be issued according to the fee schedule defined below.

2. Appeals of Civil Infractions may be made to the Zoning Board of Appeals per WOS 2009-007

B. **General Fee Schedule.**

1. The fee schedule for permits, plan review, inspections and occupancy shall be based on the actual cost charged to LTBB plus any applicable indirect expenses, to be billed directly to the department/entity responsible for the work.

2. The fee schedule for Civil Infractions shall be as follows:

   a. First offense $100.00
   b. First repeat offense (within a 12-month period) $200
   c. All subsequent offenses (within a 12-month period) $500
   d. Each day that a civil infraction continues constitutes a separate offense and shall be subject to fines and costs as a separate offense.

C. **Amendments and Redactions to Specific Code Sections of the Michigan Building Code.**

Replace section (A) 101.1- labeled Title to read: These rules shall be known as the Little Traverse Bay Bands of Odawa Indians Tribal Building Code, hereinafter referred to as "the code"

Add (A) 101.4.8 Appendix Q- Tiny Houses of the 2018 International Residential Code for One- and Two-Family Dwellings

Replace (A) 102.2 to read: The provisions of this code shall not be deemed to nullify any provisions of LTBB Tribal Law

Remove Section (A) 103 DEPARTMENT OF BUILDING SAFETY in its entirety:

Remove section (A) 105.1 .1 Annual Permit and Annual Permit Records(A) 105.1.2

Add Section 105.2 (a) (XIV) Temporary structures used for cultural activities

Remove section (A) 105.2.3 Public Service Agencies

Amend section (A) 105.3 to read: To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department.

1. Identify and describe the work to be covered by the *permit* for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by *construction documents* and other information as required by the *code*
5. Be signed by the applicant, or the applicant's authorized agent.
6. Give such other data and information as required by the *building official.*

Remove section 107.1 titled Submittal Documents

Remove section 109.1 titled Payment of fees

Remove section 113 titled BOARD of APPEALS in its entirety

Remove section 114.4 titled Violation penalties

Remove section 115.2 titled Issuance

Remove section 202 definition of: ACT, BUILDING OFFICIAL

Add Appendix Q of the 2018 International Building Code, "Tiny Houses" (attached)

CERTIFICATION

As Chairperson, I approve these Building Code Adoption Regulations.

Date: 6-14-18

Regina Gasco-Bentley, Tribal Chairperson

Received by the Tribal Council Office on: 06.14.18 by

As the Legislative Leader and Tribal Council Secretary, we certify that this Building Code Adoption Regulations were approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 28, 2018 at which a quorum was present, by a vote of 5 in favor, 0 opposed, 0 abstentions, and 4 absent.

Date: 07.03.18

Fred Harrington, Legislative Leader

Date: 06-29-18

Tamara Kiogima, Secretary

APPENDIX Q
TINY HOUSES

These provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

User note:

About this appendix: *Appendix Q relaxes various requirements in the body of the code as they apply to houses that are 400 square feet in area or less. Attention is specifically paid to features such as compact stairs, including stair handrails and headroom, ladders, reduced ceiling heights in lofts and guard and emergency escape and rescue opening requirements at lofts.*

SECTION AQ101
GENERAL

AQ101.1 Scope.

This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this appendix.

SECTION AQ102
DEFINITIONS

AQ102.1 General.

The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the emergency and rescue opening requirements of Section R310.2.

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.

LOFT. A floor level located more than 30 inches (762 mm) above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

TINY HOUSE. A dwelling that is 400 square feet (37 m^2) or less in floor area excluding lofts.

SECTION AQ103
CEILING HEIGHT

AQ103.1 Minimum ceiling height.

Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

Exception: Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

SECTION AQ104
LOFTS

AQ104.1 Minimum loft are and dimensions.

Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3.

AQ104.1.1 Minimum area.

Lofts shall have a floor area of not less than 35 square feet (3.25 m^2).

AQ104.1.2 Minimum dimensions.

Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AQ104.1.3 Height effect on loft area.

Portions of the loft with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roots with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a loft with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AQ104.2 Loft access.

The access to and primary egress from lofts shall be of any type described in Sections AQ104.2.1 through AQ104.2.4.

AQ104.2.1 Stairways.

Stairways accessing lofts shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.5.

AQ104.2.1.1 Width.

Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20 inches (508mm).

AQ104.2.1.2 Headroom.

The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

AQ104.2.1.3 Treads and risers.

Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.
2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

AQ104.2.1.4 Landing platforms.

The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.

AQ104.2.1.5 Handrails.

Handrails shall comply with Section R311.7.8.

AQ104.2.1.6 Stairway guards.

Guards at open sides of stairways shall comply with Section R312.1.

AQ104.2.2 Ladders.

Ladders accessing lofts shall comply with Sections AQ104.2.1 and AQ104.2.2.

AQ104.2.2.1 Size and capacity.

Ladders accessing lofts shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8 inch (9.5 mm).

AQ104.2.2.2 Incline.

Ladders shall be installed at 70 to 80 degrees horizontal.

AQ104.2.3 Alternating tread devices.

Alternating tread devices accessing lofts shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AQ104.2.4 Ships ladders.

Ships ladders accessing lofts shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

AQ104.2.5 Loft Guards.

Loft guards shall be located along the open side of lofts. Loft guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

SECTION AQ105
EMERGENCY ESCAPE AND RESCUE OPENINGS

AQ105.1 General.

Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings.

> **Exception:** Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.