

**WAGANAKISING ODAWAK STATUTE 2002-02
ADOPTION OF UPDATED BUILDING CODES**

SECTION I. PURPOSE

The purpose of this Statute is to protect and promote the health and safety of LTBB and its members through adoption of building, property maintenance, mechanical and safety codes. This Statute repeals and replaces Waganakising Odawak Statutes 1997008, 1997009, 1997010, 1997011, 1997012, and 1997013.

SECTION II. ADOPTION OF CODES

A. The following codes are on file in the offices of the Tribal Planning Department:

1. International Building Code 2000
2. International Fire Code 2000
3. International Residential Code 2000
4. International Plumbing Code 2000
5. International Private Sewage Code 2000
6. International Mechanical Code 2000
7. International Fuel Gas Code 2000
8. International Energy Code 2000
9. International Property Maintenance Code 2000

B. General Fee Schedule: The fee for inspections under the Codes adopted hereunder shall be based on 6% of estimated project cost, or actual inspection costs plus indirect costs, whichever is less.

C. The Little Traverse Bay Bands of Odawa Indians adopts these Codes as Tribal law with the jurisdiction in each code inserted as Little Traverse Bay Bands of Odawa Indians, and the following modifications:

1. International Fire Code

Section 109.3 Violations, page 11, paragraph 1, line 6: insert "civil infraction;"
line 7: insert \$2500.00.

Section 111.4, Page 12, paragraph 1, line 5: insert \$250.00 and \$5000.00.

2. International Residential Code

Section R301.2 regarding hurricane wind design standards is not applicable.

3. International Plumbing Code

Section 106.6.2, Paragraph 1, line 3, Appropriate Schedule: insert "This schedule will be determined by the project."

Section 106.6.3, Paragraph 1, Numeral 2, Fee refunds: insert "100%," numeral 3: insert "100%."

Section 108.4, Paragraph 1, line 7, Specify Offense: insert "Civil infraction," line 8: insert "\$2500.00."

Section 108.5, Paragraph 1, line 13, Amount: insert "\$250.00," line 14: insert "\$5000.00"

4. International Private Sewage Disposal Code

Section 106.4.2, Paragraph 1, Fee Schedule: The fee schedule is set out in Section II (B) of this Statute.

Section 106.4.3, Paragraph 1, numeral 2 and 3: insert "100% of the fee returned."

Section 108.4, Paragraph 1, Line 7: insert "civil infraction," line 8: insert \$100.00 for first offense and \$250.00 for second offense.

Section 108.5, Paragraph 1, line 13: insert \$1000.00, line 14: insert \$10,000.00

Section 405.2.5, Paragraph 1, line 2: insert "start of construction," line 3: insert "upon completion of construction."

Section 405.2.6, Paragraph 1, line 6: insert "date of construction."

5. International Mechanical Code

Section 106.5.2, Paragraph 1, line 3, Fee Schedule of Mechanical Work): The fee schedule is set out in Section II (B) of this Statute.

Section 106.5.3, Paragraph 1, Specify Percentage: insert "100%" after numeral 2, and "75%" after numeral 3.

Section 108.4, Paragraph 1, line 7, Violations: insert "Civil infraction," line 8: insert "\$2500.00."

Section 108.5, Paragraph 1, line 13, Stop work orders: insert "\$250.00," line 14: insert "\$5,000.00."

6. International Fuel Gas Code

Section 106.5.2, Paragraph 1, line 13, Appropriate Schedule: The fee schedule is set out in Section II (B) of this Statute.

106.5.3, Paragraph 1, numeral 2 and 3, Fee Refunds: insert "100%"

108.4, Paragraph 1, line 6: insert "Civil infraction," line 7: insert "\$2500.00."

7. International Electrical Code

Section 404.2, Paragraph 1, line 4 (fee schedule) insert The fee schedule is set out in Section II (B) of this Statute.

8. International Property Maintenance Code

Section 103.6, Page 2, Paragraph 1, line 4: insert "Based on 6% of estimated project cost, or actual inspection costs plus indirect costs, whichever is less."

Section 303.14, Page 10, Paragraph 1, line 1 (Date): insert "May 1st through September 31st."

Section 602.3, Page 17, Paragraph 1, Line 5 (Date): insert "September 31st through May 15."

Section 602.4, Page 17, Paragraph 1, line 3 (Date): insert "September 31st through May 15."

SECTION III. SAVINGS CLAUSE

In the event that any phrase, part, provision, paragraph, subsection or section of this Statute or the Codes adopted hereunder is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, part, provision, paragraph, subsection or section shall be considered to stand alone and to be deleted from this Statute or Code adopted hereunder, the entirety of the balance of the Statute or Code to remain in full and binding force and effect.

SECTION IV. EFFECTIVE DATE

This Statute takes effect upon enactment.

Certification

As Tribal Chairman and Tribal Secretary, the undersigned certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on April 21, 2002 at which a quorum was present, by a vote of seven (7) in favor, zero (0) opposed, zero (0) abstentions, and zero (0) absent as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u> x </u>	_____	_____	_____
Gerald Chingwa	<u> x </u>	_____	_____	_____
Fred Harrington	<u> x </u>	_____	_____	_____
Beatrice Law	<u> x </u>	_____	_____	_____
Rita Shananaquet	<u> x </u>	_____	_____	_____
Janet Shomin	<u> x </u>	_____	_____	_____
Alice Yellowbank	<u> x </u>	_____	_____	_____

Date: April 21, 2002

Gerald Chingwa, Tribal Chairman ()

Fred Harrington, Tribal Secretary