

TRIBAL CODE

CHAPTER 64

CODE COMPLIANCE ORDINANCE

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HISTORY NOTE:

Adopted March 27, 1967, Resolution No. 24(67), effective immediately.

Current Ordinance:

Resolution No. 121(04) authority for the Tribe's Green Sheet Process and Procedure, amending Section 64.105 Permits, Sub. (2) and 64.107 Enforcement, Sub (3).

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CHAPTER 64

CODE COMPLIANCE ORDINANCE

64.101 Purpose and Policy.

- (1) The purpose of this ordinance is to provide fair and efficient means of enforcing the various zoning, building, electrical, plumbing and related codes, including the Community Improvement Ordinance, which have been or may be hereafter adopted for the reservation.
- (2) It shall be the duty of the persons charged with the administration of this ordinance to attempt at all times to attain compliance with the various codes through education, explanation, and persuasion. Every effort will be made to have people understand that fair code enforcement is for the benefit of themselves and their neighbors. Compulsion and penalties for noncompliance shall be used only when all efforts of persuasion have failed.

64.102 Application.

This ordinance shall control the administration of the zoning code, Tribal Code Ch. 62; electrical code, Tribal Code Ch. 52; the plumbing code, Tribal Code Ch. 54; the building code, Tribal Code Ch. 61; the community improvement code, Tribal Code Ch. 63; the basic housing code, Tribal Code Ch. 55; the fire prevention code, Tribal Code Ch. 53; and such other codes as may be added from time to time.

64.103 Code Supervisor.

- (1) There is hereby created the position of code supervisor. The position shall be filled in accordance with the administrative and operating procedures of the tribal governing body. the position may be held on a part-time basis.
- (2) The person selected as code supervisor shall be knowledgeable in the field of building construction. He shall possess or be able to acquire a basic knowledge of sanitation. He shall be the type of person who is able to work effectively with people, and to explain the value of codes and code compliance.

- (3) Responsibilities:
- (a) The code supervisor shall be the person primarily responsible for the administration and enforcement of all codes subject to this ordinance.
  - (b) He shall keep informed the new construction and alterations of the reservation.
  - (c) He shall maintain records concerning code compliance adequate to meet the annual reporting requirements of the Department of Housing and Urban Development.
  - (d) He shall provide technical assistance to persons planning or constructing any building or facility to which the various codes subject to this ordinance apply.

64.104 Assistant Code Supervisors.

The tribal governing body is hereby authorized to deputize as Assistance Code Supervisors such other persons as it may determine necessary. Selected persons in various districts may be given supervisor jurisdiction for their village or district; all such persons working under the supervision of the code supervisor.

64.105 Permits.

- (1) A permit shall be required in the following cases:
- (a) Prior to the construction or major alteration of any dwelling unit located in a community improvement area, as defined in sec. 63.102(2), or in an area designated in sec. 62.102(2) of the Zoning Code, Tribal Code Cp. 62.
  - (b) Prior to the installation or major alteration of electrical service, as defined in the Electrical Code, Tribal Code Ch. 52.
  - (c) Prior to the installation or major alteration of any water or sewer facility, as defined in the Plumbing Code, Tribal Code Ch. 54.
  - (d) Prior to the construction of any non-dwelling unit, other than a barn, farm shed or related farm structure.

- (2) In every case in which a permit is required, the owner or occupant, tribal employee, or individual or contractor on behalf of the owner or occupant, shall obtain and follow the “green sheet” procedure that has been established by contracting the Land Management office for the forms. This procedure must then be followed and all necessary permits must be properly obtained before any undertaking can begin. Any contractor must verify that the procedure has been followed and that all necessary permits have been properly obtained before commencing any project.
- (3) Every application for a permit shall state the type of structure or facility to be built or altered, the approximate cost, the location, the method of construction or alteration, and the name of the proposed contractor, if any. The code supervisor may require the applicant to submit such plans, drawings and specifications as are necessary for him to determine whether the application should be approved.
- (4) If the application shall show to the satisfaction of the code supervisor that the proposed alteration or construction will be in accordance with all outstanding codes and ordinances, he shall approve the application and issue the necessary permit.
- (5) if the application is denied, the applicant may modify the application as necessary to secure approval, or he may file an action against the tribal governing body to require the code supervisor to issue a permit. If, after a hearing, it is found that the application is in conformity to all outstanding codes and ordinances, the code supervisor shall issue a permit.

#### 64.106 Rental Units.

- (1) The owner of every building on the reservation which is leased or subleased for the purpose of human habitation, where the monthly rental exceeds \$20 per month, shall within twelve months from the date of this ordinance:
  - (a) Provide such building with water and sewage facilities and electrical service equivalent to that required in community improvement areas.
- (2) Every building on the reservation which is leased or subleased for the purpose of human habitation where the monthly rental is \$20 or less,

shall be repaired and reconditioned as necessary to provide a safe, sound structure, resistant to the weather.

- (3) If the owner of any building shall fail to comply with this section within the time specified, and the building is located on tribal land, the building shall automatically be forfeited and become the property of the reservation. If the building is located on individually-owned land, the reservation shall bring appropriate injunctive action to enforce compliance.

#### 64.107 Enforcement.

- (1) If it appears that a person is violating any of the codes subject to this ordinance, or has begun any construction or major alteration for which a permit is required without first having obtained a permit, the tribal governing body, and code supervisor, any assistant code supervisor designated under sec. 64.104 or any person aggrieved may file a complaint in a court of appropriate jurisdiction in the name of the reservation to require such person to cease and desist from the alleged violation, and to take such corrective action as may be necessary.
- (2) If the action is brought in Court, the Court shall promptly give notice to all interested parties and hold a hearing upon such complaint. If it appears that the defendant is violating one or more of the codes or is building without a permit, the Court shall enter an order requiring such person to cease and desist and to take such corrective action as may be necessary within a specified time.
- (3) The Tribal Court is authorized to hear all allegations of violations of this code. A violation of Section 64.105 shall be punishable by a fine of not to exceed \$5000. Each day may be considered a continuing offense.