

TITLE 8 - PROPERTY

CHAPTER 8-4 CTCLUSI BUILDING CODE

8-4-1 General Provisions

- (a) This code shall be known as the CTCLUSI Building Code.
- (b) The purpose of the CTCLUSI Building Code is to govern the construction, reconstruction, alteration and repair of buildings and other structures and installation of devices and equipment therein and to require the correction of unsafe conditions in existing buildings. The CTCLUSI Building Code establishes uniform performance standards providing reasonable safeguards for health, safety, welfare, comfort and security for all persons who occupy and use buildings on tribal lands. The CTCLUSI Building Code creates a system for permit and development fees and enforcement of building standards.

8-4-2 Uniform Building Code

- (a) The following Oregon and NEC codes, as periodically amended by the Building Codes Division of the State of Oregon, the Oregon Fire Marshall or the NEC, are hereby adopted and made a part of this Section the same as though the codes were specifically set forth herein:
- (1) The Oregon Boiler and Pressure Vessel Specialty Code
 - (2) The NEC Electrical Code and Oregon Electrical Specialty Code
 - (3) The 2011 Oregon Elevator Specialty Code
 - (4) The Oregon Fire Code
 - (5) The Oregon Manufactured Dwelling Installation Specialty Code
 - (6) The Oregon Manufactured Dwelling and Parks Specialty Code
 - (7) The Oregon Mechanical Specialty Code
 - (8) The Oregon Plumbing Specialty Code
 - (9) The Oregon Residential Specialty Code
 - (10) The Oregon Structural Specialty Code
 - (11) The Oregon Energy Code
 - (12) The Oregon Solar Installation Code

(b) Each succeeding edition of each Oregon or NEC code, including all revisions thereto, shall automatically supersede all editions thereof and all revisions thereto. Copies of each current Oregon or NEC code shall be maintained and available to the public in an office of the tribe as determined by the Tribal Administrator.

(c) Where there are differences between administrative provisions of an Oregon or NEC code (as currently provided in Chapter 1 of each state code), and the administrative provisions of the CTCLUSI Building Code, (as provided herein in Articles I, III and IV), the specific administrative provisions of the CTCLUSI Building Code shall apply.

8-4-3 Administration and Enforcement

(a) Building Inspector

(1) The tribal administrator, or designee, shall hire, on an as-needed basis, a Building Inspector, or multiple Building Inspectors, to issue permits and enforce compliance with the provisions of the CTCLUSI Building Code and any permit issued under its terms.

(2) Each Building Inspector shall possess an Oregon Building Officials Certificate with endorsements particular to the appropriate specialty codes necessary to carry out the inspection.

(3) The Building Inspector shall interpret and enforce the Uniform Building Code established in Article II herein and provide final approval by issuing a Certificate of Occupancy.

(4) The Building Inspector shall provide technical assistance, if requested, to persons planning or constructing any building or facility to which the CTCLUSI Building Code applies. The person or entity requesting assistance, not the CTCLUSI, shall pay for the cost charged by the Building Inspector for the provision of technical assistance.

(b) Permits

(1) Any owner or authorized agent who intends to construct, enlarge, repair, move, change the character or structure or use of the occupancy, or change the occupancy of a building or structure which is regulated by this code, or cause any work to be done, shall first make application to the Tribal Administrator or designated Building Inspector and obtain the required permits.

(2) Exceptions and exemptions shall be allowed by the Building Inspector only as permitted by the applicable Oregon Code adopted under Article II.

(3) Application for permit: To obtain a permit the applicant shall file an application on a form furnished by the CLCLUSI Tribal Administrator or Building Inspector. All other provisions relating to permits under the Oregon codes

adopted in Article II apply, including but not limited to: content of application, construction documents, approval, phased approval, design professional in responsible charge, and fire life safety plan review.

(c) Fees

(1) A permit shall not be valid until fees prescribed by the CTCLUSI Building Code have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(2) The Tribal Administrator or designee shall establish a fee schedule to provide for fees as may be necessary and reasonable to provide for administration and enforcement of the Uniform code adopted under Article II.

(3) Permit Fees: A fee shall be established for each permit issued.

(4) Plan Review Fees: The Tribe will charge the applicant a plan review fee in addition to building permit fees when the tribe or Building Inspector has required submission of construction documents and plan review as a condition of obtaining a permit as provided by the Uniform Code adopted in Article II.

(5) Investigation Fees: Any person who begins work before obtaining the necessary permits shall be charged an investigation fee equal to twice the amount of the permit fees.

(6) Supplemental Inspection Fee: At the time of issuing the permits, the Building Inspector shall give a written estimate of the number of inspections needed to monitor compliance for each permit issued. If the Building Inspector determines that, due to the fault or negligence of the person or entity being inspected, that a greater number of inspections than the estimate is required, the Building Inspector shall impose a supplemental inspection fee as established in the schedule to cover the additional costs.

(7) Waiver of fees: The Tribal Administrator or may waive fees established under this section for work performed by a member of the CTCLUSI, a tribal entity or wholly-owned tribal subsidiary.

(d) Contracts: All contracts, leases and agreements regarding construction on tribal lands shall contain a provision requiring agreement to abide by the CTCLUSI Building Code.

(e) Tribal Council Waiver of Code Requirements: The Tribal Council may waive the requirements of the CTCLUSI Building Code for needs relating to cultural or ceremonial practices but only upon a showing of appropriate fire, life, safety substitutions and protections.

(f) Violations and Civil Penalties:

(1) Violation of the CTCLUSI Building Code is a violation of tribal law under CLUSITC 3-3-29 and punishable upon conviction by the fine provided therein.

(2) Any person who violates a provision of the CTCLUSI Building Code or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, may be prosecuted by the tribe under the provisions and procedures provided in CLUSITC Chapter 3-3.

(A) The Building Inspector is authorized to serve a notice of a violation or order on the person responsible for the violation. Such order shall direct the discontinuance of the action or condition and the abatement of the violation.

(B) If the notice is not complied with promptly, the Building Inspector shall refer the matter to the Tribal Police for issuance of a citation by providing a sworn affidavit of the violation as provided in CLUSITC 3-3-5.

(g) System Development Fees (“SDS”)

(1) To the extent that the CTCLUSI develop and maintain tribal systems for the provision of the infrastructure listed in subparagraph ii, the Tribal Administrator may develop and charge system development fees for new construction on tribal lands to cover the costs of growth-related tribal capital improvements. The Tribal Administrator or designee will structure SDS fees on a project-specific basis in consultation with the affected developer and in a manner consistent with ORS 223.297-223.314.

(2) SDS fees may apply to:

(A) Water supply, treatment and distribution;

(B) Wastewater collection, transmission, treatment and disposal;

(C) Drainage and flood control;

(D) Transportation;

(E) Parks and recreation.

8-4-4 Appeals: Any person aggrieved by a decision made by a Building Official may appeal the decision.

- (a) The individual or entity must first submit a written complaint to the Building Official within 5 days of the decision or determination of the Building Official. The building official shall make a good faith effort to resolve the issue and reach a resolution within 15 days.
- (b) If the matter is not resolved, the complainant may pursue an appeal to the Tribal Administrator who shall assemble a Building Code Review team to resolve the matter. The review team shall consist of:
- (1) An inspector with an Oregon Building Officials Certificate with an endorsement particular to the appropriate specialty code at issue;
 - (2) A tribal or Indian licensed contractor; or other reputable contractor when no Indian contractor is available; and
 - (3) The Tribal Administrator or designee.
- (c) No member of the Review team shall have a conflict of interest with or interest in the matter being reviewed.
- (d) The Review Team shall hold a hearing and may receive testimony from the parties to the dispute or other witnesses and require production of any documents or information the Review Team deems relevant to the dispute. The Building Official and the aggrieved party have a right to be present at all times
- (e) The Review Team may seek advice from additional building officials, fire marshals or reputable contractors as the team deems appropriate as long as that advice is obtained openly at the hearing or in advance of the hearing by written request and response and made available to the parties for review.
- (f) The Review team shall issue a decision affirming, modifying or vacating the Building Official's decision within 10 working days. The decision of the Review team is final.

APPENDIX A
LEGISLATIVE HISTORY AND EDITORIAL CHANGES

CTCLUSI BUILDING CODE

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians repealed Chapter 8-4 Conformity with International Building Codes and enacted the Chapter 8-4 CTCLUSI Building Code by Ordinance No. 054B in a Tribal Council meeting on July 8, 2012. Vote was 7 (for), 0 (against), 0 absent and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved and enacted the amended "Conformity with International Building Codes" Ordinance, Resolution No. 06-104, Ordinance No. 054A, at a Special Tribal Council meeting on August 16, 2006. Vote was 4 (for), 0 (against), and 0 (abstaining). With this resolution, the title will be changed to "Conformity with Designated Building Codes."

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved and enacted the Conformity with International Building Codes Ordinance, Resolution No. 04-007, Ordinance No. 054, at a regular Council Meeting on January 11, 2004. Vote was 5 (for), 0 (against), and 0 (abstaining).

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