

TITLE 22
LUMMI NATION CODE OF LAWS
BUILDING CODE

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**TITLE 22
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Chapter 22.01 Jurisdiction and Purpose

22.01.001 Jurisdiction

The provisions of this Title and all rules and regulations under it shall apply within the exterior boundaries of the Lummi Reservation and within the exterior boundaries all lands held in trust for the Lummi Nation by the United States regardless of location. For purposes of this Title, "Trust Lands" shall mean all lands held in trust for the Lummi Nation by the United States regardless of location.

22.01.010 Purpose

This Title is adopted to protect the public safety, health and welfare by insuring that homes and other buildings within the Lummi Reservation and trust lands are installed and constructed in a safe manner.

Chapter 22.02 Building Permits

22.02.010 Permits Required

A building permit issued by the Lummi Planning Department is required prior to the commencement of any construction project, or prior to the installation of any modular, manufactured or mobile building or home within the Lummi Reservation or trust lands.

(a) Issuance. The applications, plans and specifications and other data and pertinent materials as may be required by the Planning Department filed by an applicant for permit shall be reviewed by the Planning Director or his designee. The plans and other data may be reviewed by other departments of the Lummi Nation to check compliance with the laws and ordinances under their authority. If the Planning Director is satisfied that the work described in an application for a permit and the plans and specifications and other data filed therewith conform to the requirements of this Code and other pertinent codes, laws and regulations of the Lummi Nation, and that the fees specified in this Title and other fees and charges have been paid as required by other Lummi Nation codes and regulations, the

Director shall issue a building permit to the applicant.

When issuing a permit the Planning Director shall endorse in writing or stamp on both sets of plans and specifications "Approved". Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Planning Director, and all work shall be done in accordance with the approved plans and specifications and conditions placed thereupon.

22.02.020 Exemptions from Permit Requirements

The following construction does not require a building permit:

- (a) Unoccupied, detached, one story accessory buildings less than one hundred twenty (120) square feet in size, separated from other structures by a minimum of five (5) feet, and meeting the setback requirements in Title 15 and regulations issued thereunder.
- (b) Platforms, walkways and decks not more than thirty (30) inches above grade and not over any basement or story below.
- (c) Interior remodeling or repairs that do not alter or remove any load bearing walls or other structural framing.
- (d) Exterior remodeling or repairs that do not increase or decrease the footprint of a building and do not alter or remove any load bearing walls or other structural framing.
- (e) Storage of unoccupied mobile homes, travel trailers or campers.
- (f) Cultural and ceremonial facilities, including smokehouses, sweat lodges, family and organizational ceremonial buildings, churches, cemeteries, and other constructions used solely for cultural activities shall be subject to permit and inspection procedures and design standards to be developed by the Lummi Planning Department and promulgated by the Lummi Planning Commission. Such procedures and standards must be sufficient to protect the health and safety of users of the facilities and neighboring properties. Such

facilities shall not otherwise be subject to this Title.

22.02.030 Permit Expiration

Building permits are valid for a period of two (2) years. An automatic one (1) year extension is available if applied for before the expiration date of the original permit.

22.02.040 Inspections Required

Progress inspections conforming to the following criteria are required:

- (a) As required by the uniform codes adopted in LCL §22.03.010.
- (b) As required on the Building Permit.
- (c) The Lummi Planning Department shall receive twenty-four (24) hours advanced notice prior to any required inspections.

22.02.050 Permit Fees

The following building permit fees will be charged:

- (a) Site-built houses, other site-built buildings and modular or manufactured buildings without a steel frame:
 - (1) \$0 to and including \$1,000 value.....\$10.00
 - (2) \$1001 and above.... 1% of the total cost of the building or structure.
- (b) Modular, manufactured or mobile buildings or homes with a steel frame:
 - (1) \$0 to and including \$1000 value.....\$5.00
 - (2) \$1001 and above....1/2 of 1% of the purchase price or appraised value of the modular, manufactured or mobile building or home.

Chapter 22.03 Uniform Building Codes

22.03.010 Uniform Codes Adopted

Except where the terms of the following Uniform Codes are in conflict with the specific terms of this Title, the following Uniform Codes are hereby adopted as a reference to govern all construction projects within the Lummi Nation:

(a) Uniform Building Code, Volumes 1, 2 and 3, 1997 Edition, together with the 1988 and 1991 Editions of the Uniform Building Code Standards, published by the International Conference of Building Officials, together with supplements and amendments thereto.

(b) Uniform Mechanical Code, 1997 Edition, published by the International Conference of Building Officials, together with supplements and amendments thereto.

(c) Uniform Plumbing Code, 2000 Edition, published by the International Association of Plumbing and Mechanical Officials, together with supplements and amendments thereto.

(d) The Uniform Fire Code Volumes 1 and 2, 1997 Edition, published by the International Fire Code Institute with Part IX Appendices, Divisions I, IIA, IIC, III, V, VI, together with supplements and amendments thereto.

(e) Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, together with supplements and amendments thereto.

(f) 2001 Washington State Energy Code and Reference Standard 29, Chapter 51-11 WAC, developed by the State Building Code Council, together with supplements and amendments thereto.

(g) The Washington State Ventilation and Indoor Air Quality Code, Chapter 51-13 WAC, together with supplements and amendments thereto.

(h) Installation of factory built housing and commercial structures, RCW 43.22.460, together with WAC 296-150C-0540, 296-150F-0540 and the installation of manufactured and mobile homes, RCW 43.22.440 and WAC 296-150M-0650, together with supplements and amendments thereto.

22.03.020 Modifications and Amendments

The Lummi Planning Department is hereby authorized and directed to prepare modifications and amendments to the above codes, as needed, to tailor the codes to the unique and specific needs of the Lummi Nation.

Chapter 22.04 Enforcement and Penalties

22.04.010 Enforcement.

The Lummi Planning Department shall have the authority to enforce this Ordinance.

22.04.020 Stop Work Orders

In the event any person, firm or corporation violates any of the provisions of this Title, the Planning Director shall cause a notice of violation to be delivered to a person of suitable age at the site and order all work to cease until authorized to proceed. Failure to comply with the order to stop work shall be a civil infraction subject to a minimum fine of five hundred dollars (\$500) up to a maximum fine of one thousand dollars (\$1,000). Each day or part thereof of noncompliance with an order to stop work shall constitute a separate violation.

22.04.020 Penalties

Any person, firm, corporation, or governmental entity violating any of the provisions of this Chapter, or of the codes adopted by reference by this Chapter, shall be deemed guilty of a civil offense and each day during which such violation is continued or committed shall constitute a separate offense, and shall be fined not more than one thousand dollars (\$1,000) for each offense.

The penalties provided in this Chapter shall be imposed by a notice in writing from the Lummi Planning Director; either by certified mail with return receipt requested or by personal service, to the person, firm, or corporation incurring the same from the Lummi Planning Department. The notice shall include the amount of the penalty imposed and shall describe the violation with reasonable particularity in ordering the acts or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

Within thirty (30) days after the notice is received, the person incurring the penalty may apply in writing to the Planning Director for remission or mitigation of such penalty. Upon receipt of the application, the Director may remit or mitigate the penalty upon whatever terms the Director in his or her discretion

deems proper. The Planning Director's final decision on mitigation or revision shall be reviewed by the Lummi Planning Commission if the person being penalized files a written appeal with the Planning Department of the decision within ten (10) days of its issuance. The decision of the building official shall be affirmed if supported by substantial evidence. The decision of the Planning Commission regarding the penalty imposed shall be final.

In addition to civil penalties described above, the Tribal Prosecutor may in his or her discretion bring such injunctive, declaratory or other actions as deemed necessary to ensure that violations of this Chapter are prevented or cease, and to otherwise enforce the provisions of this Title.

If construction has occurred on a site without a valid permit as required by this Title, any and all permits or approvals issued by the Lummi Nation may be denied for that site until the issue has been resolved. In addition, prompt restoration of the site to its original condition will be required.

Chapter 22.05 General Provisions

22.05.010 Severability

If any section, clause, or provision of this Code, or its application to any person or circumstance, is declared invalid for any reason by a court of competent jurisdiction, the remaining provisions of the Code and application to any other person or circumstance shall still be valid and in effect.

22.05.020 Effective Date

This Title shall take effect thirty (30) days after the date of its enactment by LIBC Resolution.

22.05.030 Repeal of Existing Tribal Building Codes

Other building codes in effect on the effective date of this Title are repealed.

Title22.Res2016-014