

ORIGINALLY ADOPTED: 9/8/2010  
DATE AMENDED:  
SUBJECT: Tribal Building Code  
RESOLUTION NUMBER: 109-10

**THE CONFEDERATED TRIBES OF THE  
GRAND RONDE COMMUNITY OF OREGON**

**TRIBAL BUILDING CODE ORDINANCE**

TABLE OF CONTENTS

(a)	TITLE .....	1
(b)	AUTHORITY .....	1
(c)	JURISDICTION .....	1
(d)	PURPOSE.....	1
(e)	ADOPTION OF CODES.....	1
(f)	APPOINTMENT OF A TRIBAL BUILDING OFFICIAL.....	2
(g)	PERMIT REQUIRED.....	3
(h)	CONTRACTS FOR CONSTRUCTION .....	3
(i)	WAIVER.....	3
(j)	DISPUTES.....	3
(k)	SEVERABILITY.....	4

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**Tribal Building Code Ordinance**

- (a) TITLE. This Ordinance shall be known and titled as the Grand Ronde Tribal Building Code.
- (b) AUTHORITY. The authority for this Ordinance is found in the Grand Ronde Constitution, Article III.
- (c) JURISDICTION. The provisions of this Ordinance shall apply to all structures which are located on Tribal lands to the maximum extent permitted by law. Tribal lands shall include all Reservation and trust lands of the Tribe, as well as all Indian allotments that Indian title to which has not been extinguished, including any rights of way running through such land.
- (d) PURPOSE. The purpose of this Ordinance is to:
- (1) Safeguard life and property by (i) regulating all construction-related activities on Tribal lands, including the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, and maintenance of all buildings and structures on Tribal lands, (ii) providing for the issuance of permits and collection of fees therefore; and (iii) providing penalties for violations of this Ordinance.
  - (2) Encourage the use of innovative materials and techniques consistent with cultural, historic or indigenous designs and methods.
- (e) ADOPTION OF CODES. Except as otherwise provided in this Section, the codes below are hereby adopted and incorporated as Tribal law:
- (1) As periodically amended by the Building Codes Division of the State of Oregon or the Oregon State Fire Marshal (as applicable):
    - (A) The Oregon Structural Specialty Code (2010 Edition).
    - (B) The Oregon Mechanical Specialty Code (2010 Edition).
    - (C) The Oregon Plumbing Specialty Code (2008 Edition).
    - (D) The Oregon Electrical Specialty Code (2008 Edition).
    - (E) The Oregon Residential Specialty Code (2008 Edition).
    - (F) The Oregon Manufactured Dwelling and Parks Specialty Code (2002 Edition).
    - (G) The Oregon Manufactured Dwelling Installation Specialty Code (2010 Edition).
    - (H) The Oregon Boiler and Pressure Vessel Specialty Code (2004 Edition).

- (I) The Oregon Elevator Specialty Code (2005 Edition).
- (J) The Oregon Fire Code (2010 Edition).

As of the time of the adoption of this Ordinance, the editions referenced in parenthesis above are current. *See* Or. Rev. Stat. Chapters 446, 455 and 479; and Or. Admin. R. Chapters 837 and 918.

- (2) As periodically amended by the National Fire Protection Association (“NFPA”):
  - (A) The NFPA 909: Code for the Protection of Cultural Resources Properties – Museums, Libraries, and Places of Worship (2010 Edition).
- (3) All construction on Tribal lands shall be in accordance with these codes as set forth herein, provided, however, that Tribal public works projects involving the construction of utility or transportation infrastructure are not subject to the requirements of this Ordinance and project manager of any such project must provide notice to the Tribal Building Official prior to beginning construction.
- (4) All references in the listed codes to “building official,” “code official,” or similar shall be replaced with “Tribal Building Official.”
- (5) Each succeeding edition of the codes, including all amendments and revisions thereto, shall automatically supersede all previous editions thereof and revisions thereto. These codes shall apply except where this Ordinance or other Tribal or federal law imposes other requirements. Where a code provision is not directly applicable to activities on Tribal lands, it should be disregarded by the Tribal Building Official.
- (6) Public Access to Code. An official copy of the Grand Ronde Building Code shall be placed on file in the Office of Public Works and the Office of the Director of Development, where it shall be available for public review and copying during regular business hours, subject to reasonable administrative costs and restrictions.
- (f) APPOINTMENT OF TRIBAL BUILDING OFFICIAL. Tribal Council shall, by resolution, appoint a Tribal Building Official to administer the codes, enforce compliance with this Ordinance, and to issue permits.
  - (1) Qualifications of the Tribal Building Official. An individual appointed to serve as Tribal Building Official must possess an Oregon Building Officials Certificate with endorsements for administration of the structural, mechanical, plumbing and electrical codes and certification for Fire and Life Safety plans examiner.
  - (2) Duties of the Tribal Building Official. The Tribal Building Official is hereby charged with administration, interpretation and enforcement (including imposing penalties for violations) of each of the codes adopted by this Ordinance.

- (3) Inspections. The Building Official may engage certified inspectors to carry out inspections pursuant to this Ordinance. Any individual performing inspections pursuant to this Ordinance must be certified for the appropriate specialty codes for those inspections.
- (g) PERMIT REQUIRED. No building or construction under the jurisdiction of the Grand Ronde Tribe shall begin unless all building plans are drawn and construction implemented in conformance with this Ordinance and the Tribal Building Official has issued all applicable permits. Applicant must show compliance with the Tribe's Environmental Protection Ordinance and any other applicable environmental protection requirements prior to permit issuance. This Section does not preclude preliminary design or initiation of early construction packages where the requisite plan approvals have been completed for that portion of the work.
- (h) CONTRACTS FOR CONSTRUCTION ON TRIBAL LANDS. All contracts, leases, and agreements regarding construction entered into by the Tribe, by a Tribal entity, or any other entity or individual under the Tribe's jurisdiction shall have incorporated therein an agreement to abide by this Ordinance.
- (i) WAIVER. Upon a showing of good cause, appropriate substitutions, and equivalent protections, Tribal Council may waive the requirements of this Ordinance. Good cause may include, but is not limited to, the needs related to cultural or ceremonial practices.
- (j) DISPUTES. If an individual or entity believes that a decision of or action taken by the Tribal Building Official was in error, the individual or entity must submit a written complaint to the Tribal Building Official within fifteen (15) calendar days of the date of the Tribal Building Official determination. The Tribal Building Official shall discuss the matter with the complainant and make a good faith effort to reach an informal settlement of the dispute. If the dispute is not settled within five (5) business days, the Tribal Building Official shall prepare a written decision outlining his or her findings and conclusions and refer the matter to the Executive Officer.
- (1) Building Code Review Team. For each Building Code dispute referred to the Executive Officer, the Executive Officer shall assemble a Building Code Review Team to hear the matter. The Review Team shall be assembled and hear the matter within ten (10) business days following the Executive Officer's receipt of the dispute.
- (A) The Review Team shall consist of a minimum of three persons from the following positions: Tribal Engineer, Director of Development, Public Works Director, Director of Operations, Executive Director of Housing, Spirit Mountain Facilities Director, and the Spirit Mountain Risk Manager. No member of the Building Code Review Team shall have a conflict with or interest in the matter being reviewed.

- (B) The Review Team may hear statements and require the production of books, papers, contracts, agreements or other documents or information the Review Team deems relevant or material to the inquiry. The Tribal Building Official and all parties to the dispute have the right to be present when statements are given and to respond to any statements or other documentation submitted by the other party.
- (C) The Review Team may seek advice from Building Officials, Fire Marshalls, or reputable area contractors as they deem appropriate.
- (D) The Review Team is authorized to consider cultural considerations as well as code compliance in rendering its decision.
- (E) The Review Team shall issue a decision affirming, modifying or vacating the Tribal Building Official's order within fourteen (14) days of hearing the matter. The Review Team's decision is final.
- (k) SEVERABILITY. If a court of competent jurisdiction finds any provision of this Ordinance to be invalid or illegal under applicable federal or tribal law, such provision shall be severed from this Ordinance. The remainder of this Ordinance shall remain in full force and effect.

I certify this to be a true copy of the Confederated Tribes of the Grand Ronde Community of Oregon Tribal Building Code Ordinance.

  
Nathaniel Tom  
Tribal Council Secretary