



NCA 17-149

CLASSIFICATION: #28. LANDS AND MINERALS

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 28, CHAPTER 8 ENTITLED "Building Code"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. AMENDMENT. This amendment shall be codified in Title 28 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

TITLE 28. LANDS AND MINERALS

CHAPTER 8. BUILDING CODE

§ 8-101. Purpose

The purpose of this chapter is to provide enforceable quality standards for building construction and improvement and for the electrical, plumbing and mechanical systems in such buildings so as to protect the health and safety of Muscogee (Creek) Nation citizens and the general public.

§ 8-102. Adoption of Building Code

The Muscogee (Creek) Nation hereby adopts the 2015 International Building Code, 2015 International Existing Building Code, 2015 International Fire Code, 2015 International Mechanical Code, 2015 International Plumbing Code, 2015 International Electrical Code and the 2015 International Fuel Gas Code (hereinafter referred to collectively as "Building Code") as promulgated and as may thereafter be amended.

§ 8-103. Applicability

The Building Code shall apply to all construction of any size, cost, type or purpose that occurs within the jurisdiction of the Muscogee (Creek) Nation, regardless of whether it is new construction, addition or renovation.

A. This chapter shall not apply to the mere repair or maintenance of an existing commercial building or accessory structure.

B. This chapter shall not apply to residential structures.

§ 8-104. Building Official

Within the Tribal Construction Services Department there shall be a qualified building and safety expert to fill the position of Inspector/Building Code Reviewer. The Inspector/Building Code Reviewer is hereby appointed as the "Building Official" as designated in the Building Code and referenced in this Chapter.

§ 8-105. Compliance and Enforcement

A. The Building Official shall administer, enforce and render interpretations of provisions of the Building Code.

B. The Building Official shall have the authority to issue permits and licenses for the construction or improvement of any building or structure and any associated work within the jurisdiction of this Chapter and the Building Code.

C. The Building Official shall have the authority to enter upon any private or public property within the Nation's jurisdiction to enforce the provisions of this Chapter and the Building Code or for the purpose of making any inspection, re-inspection or test of any work performed pursuant to this Chapter and the Building Code to determine that such work meets all applicable standards and thereby does not endanger the health or safety of occupants. If the Building Official is refused entrance to property or to a structure covered under this Chapter, penalties may be assessed in accordance with § 8-106.A. and the Nation may obtain an order from the District Court of the Muscogee (Creek) Nation compelling the landowner to allow the Building Official access to the property or structure for purposes consistent with this Chapter.

D. Any structure in violation of this Chapter shall be, and the same is declared to be, unlawful and a public nuisance and shall be subject to abatement by injunction or as otherwise provided by law.

- E. The Building Official shall have the following responsibilities and authority:
1. The Building Official may deny any permit required by this Chapter or the Building Code if he/she finds that the applicant has failed to comply with the conditions established thereby for the issuance of a permit. Denials shall be in writing, shall state the reason therefore and shall be sent by certified mail, return receipt requested, to the applicant at the address given in the permit application.
 2. The Building Official may revoke any permit issued pursuant to this Chapter and the Building Code if he/she finds that the permittee is in violation of any substantial provision thereof; provided that a stop work order for the violation has first been issued to the permittee in accordance with this Chapter and the permittee has failed to correct the violation as specified in the order. Permit revocations shall be in writing, shall state reason therefore and shall be sent by certified mail, return receipt requested, to the permittee at the address shown on the permit.
 3. The Building Official shall have the authority to issue a notice to correct in order to notify the responsible party of a violation of any permit condition or provision of this Chapter or the Building Code and to order that the violation be corrected within a reasonable time.
 4. The Building Official shall have the authority to issue a stop work order for any work in progress within the jurisdiction of this Chapter that he/she finds to be in violation of this Chapter or the Building Code. Stop work orders shall be in writing, shall state the reason therefore, shall be posted at the job site, shall state a deadline for correcting the violation and shall be sent by certified mail, return receipt requested, to the permittee at the address shown on the permit.

§ 8-106. Violations; Penalties

A. Any person who does any of the following is guilty of a civil infraction punishable by a civil penalty not to exceed \$1,000.00 and is guilty of a crime that shall be punishable by incarceration for up to one (1) year in jail and up to five thousand dollars (\$5,000) in fines or both:

1. Knowingly violates this Chapter or the Building Code.
2. Knowingly constructs or builds a structure or building in violation of a condition or building permit issued pursuant to this Chapter or the Building Code.

3. Knowingly fails to comply with an order issued by the Building Official pursuant to this Chapter or the Building Code.
4. Knowingly makes a false or misleading written statement or knowingly omits required information to the Building Official related to the Official's permitting, inspection or enforcement authority under this Chapter and the Building Code.
5. Refuses entry or access to the Building Official to inspect any property, building or structure related to the Building Official's duties under this Chapter and the Building Code.
6. Unreasonably interferes with an authorized inspection.
7. Knowingly issues, fails to issue, causes to be issued or assists in the issuance of a certificate, permit or license in violation of this Chapter or the Building Code.
8. Having a duty to report violations of this ordinance or other applicable law, knowingly conceals a violation.


B. A person is guilty of a separate offense for each separate violation of this Section. With respect to violations that persist for more than one calendar day, each day for which the violation persists shall be a separate offense.

§ 8-107. In the event of any conflict between this Chapter and the Building Code, the provisions of this Chapter shall control.

SECTION TWO. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution. Any construction commenced but not completed at the time this Act becomes effective shall be subject to the requirements of this law, provided that the Building Official shall have the discretion to apply the standards of the Building Code or other requirements to the construction.

ENACTED by the Muscogee (Creek) National Council on this 29th day of July, 2017.

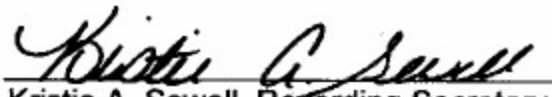
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Lucian Tiger III, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

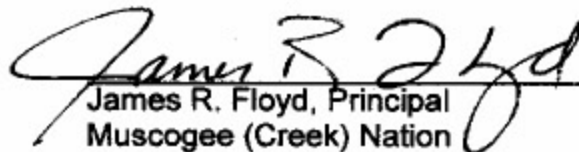
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with Twelve members attending this meeting on the 8th day of August, 2017 and that the above is in conformity with the provisions therein adopted by a vote of 11 in favor, 0 against, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



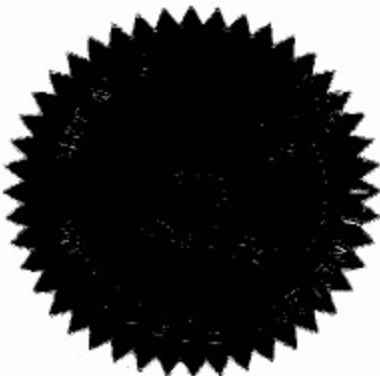
Kristie A. Sewell, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 8th day of August, 2017 to the above Law, **NCA 17-149** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



James R. Floyd, Principal
Muscogee (Creek) Nation





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TITLE 28. LANDS AND MINERALS

CHAPTER 8. BUILDING CODE

§ 8-101. Purpose

The purpose of this chapter is to provide enforceable quality standards for building construction and improvement and for the electrical, plumbing and mechanical systems in such buildings so as to protect the health and safety of Muscogee (Creek) Nation citizens and the general public. ~~adopt construction codes for all construction or renovation projects of the Nation that occur on the Nation's property and to ensure that all construction projects or renovations occur in a uniform manner throughout the Nation's property.~~

§ 8-102. Adoption of Building Code

The Muscogee (Creek) National Council hereby adopts the 2015 International Building Code, 2015 International Existing Building Code, 2015 International Fire Code, 2015 International Mechanical Code, 2015 International Plumbing Code, 2015 International Electrical Code and the 2015 International Fuel Gas Code (hereinafter referred to collectively as "Building Code") as promulgated and as may thereafter be amended.

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~~The Tribal Construction Engineer~~ Within the Tribal Construction Services Department there shall be a qualified building and safety expert to fill the position of Inspector/Building Code Reviewer. The Inspector/Building Code Reviewer is hereby appointed as the "Building Official" as designated in the construction Building eCode and referenced in this Chapter.

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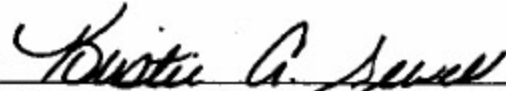
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Lucian Tiger III, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

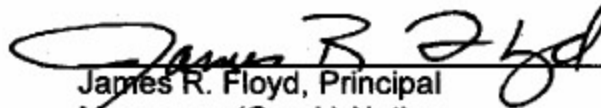
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Kristie A. Sewell, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **8th** day of **August**, 2017 to the above Law, **NCA 17-149** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



James R. Floyd, Principal
Muscogee (Creek) Nation

