



The Grand Traverse Band of Ottawa and Chippewa Indians

Legal Department

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7601 • FAX 231-534-7600

MANDATORY 30-DAY POSTING

MEMORANDUM

TO: Tribal Membership
FROM: GTB Legal Department
RE: 30-day posting re: amendments to GTB's Fire Code, 14 GTBC Chapter 2
DATE: July 24, 2017

Please post the attached proposed amendments to the above referenced ordinance that was approved for posting by Tribal Council at a Tribal Council Regular Session on June 21, 2017. Please post the above referenced ordinance in an area where GTB tribal members can review it for 30 days. This is an opportunity for tribal members to provide comments, if any, about this proposed ordinance. Your comments will be provided to Tribal Council prior to the adoption of this ordinance. This posting will end on August 24, 2017 and can be removed at that time.

Any comments regarding the above referenced should be directed to the GTB Legal Department either by writing to the GTB Legal Department, 2605 N.W. Bayshore Dr., Peshawbestown, MI 49682, or by telephone (231) 534-7601, or by e-mail, to Mary.Kelley@gtbindians.com.

Posting Sites:

| | |
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| Administration Building | EDC Building |
| Accounting Department Annex | |
| Annex II – Human Resources Building | Leelanau Sands Casino – |
| Benodjehn Child Care Center | Employees/Supervisors' Break-room |
| Clinic | |
| Elder's Complex | |
| Housing | |
| SBR Plant | Leelanau Sands "The Lodge" – |
| Natural Resources/Conservation | Employees/Supervisors' Break-room |
| Maintenance Department | |
| Benzie Satellite Office – via e-mail | Turtle Creek Casino – Employees/Supervisors' |
| Charlevoix Satellite Office – via e-mail | Break-room |
| Traverse City Satellite Office - via e-mail | |
| Strongheart Center | |
| Library/Yo Building/Youth Center | |
| Tribal Court | |

Attachments

2.01. Title; Purpose; Authority

- (a) This ordinance shall be known as the Grand Traverse Band Fire Code.
- (b) The purpose of this ordinance is to establish a Fire and Rescue Department, to prescribe regulations governing conditions that present the risk of fire or explosion to the detriment of life and property, to provide for the issuance of permits and the collection of fees, and to provide enforcement of this Code and penalty for violations.
- (c) The Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians adopts this ordinance pursuant to its powers under Article IV, Section 1, of the Constitution of the Grand Traverse Band of Ottawa and Chippewa Indians.

History: Enacted by Tribal Council on August 16, 2017.

2.02. Establishment of Fire and Rescue Department

The Tribal Council, pursuant to Article IV, Sections 1(a) and (b) of the Tribal Constitution, hereby establishes a Fire and Rescue Department to be known as the "Peshawbestown Fire and Rescue Department."

History: Tribal Act #93-11.51, enacted by Tribal Council on June 22, 1993.

2.03. Fire Chief

- (a) The Peshawbestown Fire and rescue Department shall be headed by a Fire Chief, to be appointed by the Tribal Council, and who shall be under the direction and supervision of the Tribal Manager.

History: Tribal Act #93-11.51, enacted by Tribal Council on June 22, 1993.

- (b) The authority of the Fire Chief shall include the authority to issue directives to individuals employed by the Grand Traverse Band, its enterprises, businesses, and subsidiaries, to act in compliance with this fire code. Individuals responsible for compliance with this code fail or refuse to comply with directives issued under this section shall be issued a citation pursuant to Section 2.06 of this ordinance.

History: Enacted by Tribal Council on August 16, 2017.

2.04. Adoption of the National Fire Protection Association *Fire Code*.

This ordinance adopts by reference the NFPA 1, *Fire Code* 2015 edition, and documents listed in Chapter 2 thereof, except to the extent that its contents are modified in this Code.

History: Enacted by Tribal Council on August 16, 2017.

2.05. NFPA 1 – Insertions, Deletions, Modifications; Interpretation and Application

- (a) For purposes of adopting the NFPA 1, the Tribal Council replaces certain phrases for applicability to the Band:
- (1) "Governing Authority" shall mean the Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians.
 - (2) "Authority Having Jurisdiction" or "AHJ" shall mean the office of the Fire Chief of the Peshawbestown Fire and Rescue Department.
 - (3) "A court of law" or "Court" shall mean the Tribal Court of the Grand Traverse Band of Ottawa and Chippewa Indians.
- (b) Interpretation and application of the NFPA 1 pursuant to its adoption by this ordinance shall be to give full effect to its terms and provisions and full exercise of self-regulation and self-governance by the Grand Traverse Band.

History: Enacted by Tribal Council on August 16, 2017.

2.06. Civil and Criminal Penalties

- (a) A person may be liable for:
- (1) Violating or failing or refusing to comply with any provision of this code or standard adopted hereby;
 - (2) Failing or refusing to comply with an order issued under the authority of this code;
 - (3) Building in violation of this code, or of any detailed statement of specifications or plans submitted and approved under this ordinance;
 - (4) Failing or refusing to operate in accordance with any certificate, permit, or approval issued under the authority of this ordinance, and from which no appeal has been taken;
 - (5) Failing to comply with an order following appeal to the Tribal Court as may affirm, amend, or modify a certificate, permit or approval issued under the authority of this ordinance.
- (b) A person who is not subject to the criminal jurisdiction of the Grand Traverse Band shall be liable for a civil penalty of up to \$5,000.00 for engaging in the activity described subparagraphs (a)(1)-(5) above. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue, nor shall it be held to prevent the enforced removal of prohibited conditions. Each day that prohibited conditions or violations are maintained shall constitute a separate infraction subject to a separate civil penalty.

- (c) A person who is subject to the criminal jurisdiction of the Grand Traverse Band may be subject to civil liability as described in paragraph (b) above or may be prosecuted for a misdemeanor for engaging in the activity described in subparagraphs (a)(1)-(5). The imposition of a penalty for any violation shall not excuse the violation or permit it to continue, nor shall it be held to prevent the enforced removal of prohibited conditions. Each day that prohibited conditions or violations are maintained shall constitute a separate infraction or misdemeanor subject to a separate penalty.
- (d) An action for civil or criminal liability under this ordinance shall be brought in Tribal Court by the Office of the Tribal Prosecutor, at the discretion of the prosecutor.

History: Enacted by Tribal Council on August 16, 2017.

2.07. Modification of Prior Resolutions and Policies

Adoption of this ordinance modifies Resolution 83-120 and Resolution 01-19.1006 to the extent that the provisions herein are in conflict or supersede the provisions of those resolutions addressing fire safety. The provisions of those resolutions not in conflict with this ordinance remain in full force and effect.

History: Enacted by Tribal Council on August 16, 2017.

2.08. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Tribal Council declares that it would have passed this ordinance, and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

History: Enacted by Tribal Council on August 16, 2017.

2.09. Effective Date

This ordinance shall be effective upon the date of its adoption by the Tribal Council.

History: Enacted by Tribal Council on August 16, 2017.