



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 regarding Residential Leasehold Trust Land and Tribal Lot
Assignments-Public Nuisance Ordinance
DATE: May 30, 2024

Please post the attached proposed ordinance that was approved for a 30-day posting by Tribal Council at the Tribal Council Special Session on May 29, 2024. 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 June 30, 2024 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 page.paul2@gtb-nsn.gov

Posting Sites: sent via email

Administration Building
Accounting Department Annex
Annex II – Human Resources Building
Benodjehn Child Care Center
Clinic
Elder’s Complex
Housing
SBR Plant
Natural Resources/Conservation
Maintenance Department
Benzie Satellite Office
Charlevoix Satellite Office
Traverse City Satellite Office
Strongheart Center
Library/You Building/Youth Center
Tribal Court

EDC Building

Leelanau Sands Casino –
Employees/Supervisors’ Break-room

Leelanau Sands “The Lodge” –
Employees/Supervisors’ Break-room

Turtle Creek Casino – Employees/Supervisors’
Break-room

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33

34 **Section 1. Title**

35 This Ordinance may be cited as the **Residential Leasehold Trust Land and Tribal**
36 **Lot Assignment- Public Nuisance Ordinance of the Grand Traverse Band of**
37 **Ottawa and Chippewa Indians.**

38

39 **Section 2. Interpretation**

40 This Ordinance shall be deemed as an exercise §1 Art. IV Powers of the Tribal
41 Council, of the GTB Constitution “(a) To promote and protect the health, education,
42 and general welfare of the Band and its members; (c) To make all laws, not
43 inconsistent with [GTB Constitution], which shall be necessary and proper to carry
44 out the sovereign powers of the Tribe, and to implement and enforce the same”[.]
45 All provisions of this Ordinance will be liberally construed for the accomplishment
46 the purposes of this Ordinance.

47

48 **Section 3. Definitions**

- 49 a) Public Nuisance: an unauthorized condition that is disagreeable to community
50 standards and injurious by the creation of unsafe conditions that cause undue
51 unsafe conditions and annoyance to the public at large, or a condition thereof
52 that endangers public safety.
- 53 b) Lessee: a member of the GTB Tribe of Michigan who currently is a party to a
54 residential lease or lot assignment on GTB trust land.

- 55 c) Lessor: The Grand Traverse Band of Ottawa and Chippewa Indians acting in
56 its governmental capacity.
- 57 d) Tribal Land: the area over which the GTB exercises criminal or civil
58 regulatory jurisdiction, and includes the following:
- 59 1) all lands within the exterior boundaries of the of the 1836 Reservation
60 and the 1855 Reservation; and
- 61 2) all lands held in trust for the GTB by the United States; and
- 62 3) all lands owned by the GTB which are 'dependent Indian communities'
63 under 18 U.S.C 1151.
- 64 e) Residential Leasehold Trust Land: Property that is held in trust for the GTB
65 and is subject to a residential lease between the GTB and a qualified member
66 of the GTB.
- 67 f) Tribal Lot Assignment: The assignment granted to an individual tribal
68 member of a specific lot upon tribal lands for residential use.
- 69 g) Respondent: a Lessee who is the subject of a citation issued pursuant to this
70 Ordinance.
- 71 h) Vegetation: Shall include any vegetation other than those defined under
72 "accepted vegetation."
- 73 i) Accepted Vegetation: Shall mean the agricultural crops, cultivated trees,
74 cultivated shrubs, flowers, and other decorative ornamental plants under
75 cultivation, wildflowers, vegetation on woodlands or wetlands, and cultivated
76 meadows.
- 77 j) Abandoned Home: A residential structure that is not occupied for more than
78 180 days. Abandoned homes does not mean property that is unoccupied for
79 less than 6 months while the residents are away on vacation, personal matters
80 or business, or is not intended by the owner to be left vacant.

- 81 k) Junk Motor Vehicle: Any motor vehicle, motorcycle, RV, or trailer which is
82 not licensed with the State of Michigan for use upon the highways of the state
83 for a period more than 90 days and, whether so licensed or not, any motor
84 vehicle which is inoperative for any reason more than 90 days.
- 85 l) Junk: Includes parts of machinery or motor vehicles, construction machinery
86 or parts thereof, unused stoves, refrigerators, freezers, or other appliances
87 store in the open, metal or any other material or other castoff material of any
88 kind whether or not same could be put to any reasonable use.
- 89 m) Housing Official means the Tribal Designated Housing Entity under the
90 NAHASDA and the public housing inventory stock of the TDHE which shall
91 be subject to existing TDHE/NAHASDE rules and regulations.

92

93 **Section 4. Prohibited Conduct**

94 a) Grass and Weed growth prohibited.

- 95 1) It shall be the duty of every Lessee holding a residential lease or lot
96 assignment on GTB trust land to maintain the residential lot in a
97 manicured manner consistent with community standards.
- 98 2) It shall be the duty of the Lessee to cut and remove or destroy by lawful
99 means all such grass and weeds as often as may be necessary to comply
100 with the provisions of Section 4(a)(1).
- 101 3) If the Lessee, upon notification by the Land Title/Realty Specialist, fails
102 to comply with the provisions of Section 4 (a)(1), the Lessee shall then
103 be subject to the penalties for violation as set out in Section 6 of this
104 Ordinance.

105 b) Blight/Property Decay

- 106 1) It is hereby determined that the following structures, uses, and activities
107 are causes of blight or are blighting factors which, if allowed to exist,

108 will result in blighted neighborhoods, and will harm the economic
109 structure upon which the tribal membership depends. No Lessee shall
110 maintain or permit to be maintained any of the following blights or
111 blighting conditions upon any residential leasehold trust land:

- 112 i. The existence of any junk motor vehicle, except in a completely
113 enclosed area, is expressly prohibited.
- 114 ii. The storage or accumulation of junk, trash, rubbish or refuse of
115 any kind, except domestic refuse stored in such manner as not to
116 create an annoyance for a period not to exceed 30 days.
- 117 iii. Any structure or part of structure which, because of fire, wind or
118 other natural disaster, or physical deterioration, is no longer
119 habitable as a dwelling, nor useful for any other purpose for
120 which it may have been intended.

121 c) Abandoned Homes

- 122 1) The purpose of this section is to help protect the health, safety, and
123 welfare of the tribal community by preventing blight, protecting
124 property values and neighborhood integrity, avoiding the creation and
125 maintenance of nuisances, and ensuring the safe and sanitary
126 maintenance of residential dwelling.
- 127 2) A Lessee shall not leave their residence unoccupied for a period of
128 longer than 180 days. A Lessee found to have abandoned his/her home
129 will be subject to the penalties set out in Section 6 of this Ordinance.
- 130 3) Evidence of vacancy shall include any condition that on its own, or
131 combined with other conditions present, would lead a reasonable
132 person to believe that the property is vacant. The conditions include,
133 but are not limited to:
 - 134 i. overgrown and/or dead vegetation;

- 135 ii. accumulation of newspapers, flyers and/or mail;
- 136 iii. past due utility notices and/or disconnected utilities;
- 137 iv. accumulation of trash, junk and/or debris.

138

139 Further evidence of vacancy will be provided by confirmation from the GTB Tribal
140 Manager and the GTB Realty Officer that the Lessee no longer shows the property
141 as his/her residential address.

142

143 **Section 5. Duties of Planning and Housing Departments**

144 The Land Title/Realty Specialist, or the Housing Manager's designee and the Tribal
145 Public Safety officials (Fire Chief or Tribal Police Officer) shall have the authority
146 to do the following:

- 147 a) Implement this Ordinance.
- 148 b) Enforce the provisions and carry out the duties provided by this Ordinance.
- 149 c) Develop or promulgate such rules and procedures as are necessary to
150 implement this Ordinance.
- 151 d) The Housing Department may promulgate rules consistent with Ordinance
152 and the requirements of NAHASDA regulations that are designed to fill the
153 same purposes of this Ordinance and to meet the unique federal regulatory
154 requirements of federal program funding. All Housing Department rules are
155 subject to the approval of the Tribal Council consistent with the applicable
156 federal rule or rules that may apply.
- 157 e) Promulgated rules and procedures will become valid and binding laws of the
158 Tribe upon approval of the Tribal Council and shall be filed as a regulation
159 under this ordinance in the GTB Code.
- 160 f) Undertake any other activity that is reasonable and necessary to administer
161 this Ordinance. The Tribal Realty Officer or the Public Safety (Fire and

162 Police) Department shall have the authority to collect and be the repository of
163 all fees or fines issued pursuant to this Ordinance which fees shall be subject
164 to expenditure of a governmental purpose consistent with the intent, aims and
165 provisions of maintaining real property of the Tribe either held in Trust or
166 held as a housing development under the TDHE.

167

168 **Section 6. Penalties for Violation**

169 a) This Ordinance shall be administered by the Tribal Realty Officer, Public
170 Safety officials (Fire and Police), Housing Manager's appointee and enforced
171 by:

172 1) The Public Fire Safety Official

173 2) The Tribal Police

174 3) The Realty Officer

175 4) A Tribal citizen by filing a written complaint to the Tribal Managers
176 Office to be reviewed by the Realty Officer, Safety Official, or the
177 Housing Manager of the TDHE.

178 b) The Housing Manager's appointee for public assistance housing will review
179 all properly filed complaints, and upon verification of said complaint shall
180 issue a written warning notice consistent with the existing procedures of the
181 TDHE for public housing or housing stock managed by the TDHE. The
182 written warning notice shall be delivered to the Lessee via certified mail as
183 well as US first-class mail.

184 c) The Lessee(s) shall then have 3 weeks from date of written warning notice to
185 comply with this Ordinance. Failure to do so will result in the TDHE
186 complaint being provided to the Tribal Realty Officer for enforcement under
187 this ordinance in addition to the remedies that the TDHE has available under
188 NANASDA programs.

- 189 d) Upon receipt of a valid complaint, the Tribal Realty Officer shall review the
190 factual basis for the complaint and determine, in the discretion of the Tribal
191 Realty Office, whether to issue a citation to the Lessee(s) who are the subject
192 of the complaint.
- 193 e) A citation shall be made on a form approved by the Tribal Manager's Officer
194 and shall provide, at a minimum, the nature of the violation and whatever
195 action necessary by the Lessee to abate or correct the violation.
- 196 f) Citations shall be served by personal service or by certified mail and shall be
197 deemed served upon receipt. Personal service shall be effective upon receipt
198 by the Lessee or by posting such citation in a conspicuous location at the
199 residence of the Lessee.
- 200 g) Lessees shall have 1 week to comply with a citation issued absent a showing
201 of good cause to the Tribal Realty Officer.
- 202 h) A citation shall include a civil assessment against the Lessee, said amount will
203 vary dependent upon the violation.
- 204 1) Violations to Section 4(a) Grass and Weed Growth Prohibited shall be:
- 205 i. First Violation: \$25 + cost to remedy the violation.
- 206 ii. Second Violation: \$50.00 + cost to remedy the violation.
- 207 iii. Third or additional Violations: \$100.00 + cost to remediate the
208 violation.
- 209 Violations will be determined as incurred in the calendar year and will re-set
210 on January 1st of each year.
- 211 2) Violations to Section 4(b) Blight/Property Decay shall be:
- 212 i. \$50.00 citation + cost to remediate the violation.
- 213 3) Violations to Section 4(c) Abandoned Homes
- 214 i. \$200.00: Vacant 6 months, but less than 2 years
- 215 ii. \$500.00: Vacant 2 years, but less than 3 years

- 216 iii. \$750.00: Vacant 3 years, but less than 5 years
217 iv. \$1,000.00: Vacant at least 5 years, plus an additional \$100.00 for
218 each year more than 5 years. Failure to pay the fine shall result
219 in a collection action against the violator with a lien filed on any
220 tribal resource that the violator may be entitled to. (That is
221 gaming per capita or elder's per capita).
222

223 **Section 7. Violations, Jurisdiction**

- 224 a) The Grand Traverse Band Tribal Court shall have exclusive jurisdiction over
225 all causes of action under this Ordinance.
- 226 b) The Tribal Realty Officer or other designee of the Tribal Manager approved
227 by Council, through the Tribal Legal Department, shall have the authority to
228 bring actions in the name of the Grand Traverse Band Tribe in the Grand
229 Traverse Band Tribal Court for the enforcement of the provisions of this
230 Ordinance. The Tribal Realty Officer or other designee of the Tribal Manager
231 through the Tribal Legal Department may seek any appropriate civil remedy
232 in such actions. The GTB Tribal Court shall have the authority to enforce the
233 Ordinance and the requirements of any citation issued pursuant to this
234 Ordinance.
- 235 c) A lawsuit filed pursuant to this section shall comply with procedures of the
236 Grand Traverse Band Tribal Court Rules and other, where applicable and
237 expressly found by the GTB Court, other provisions of the GTB Code.
- 238 d) There shall be no private cause of action or third-party action to enforce the
239 provisions of this Ordinance or its implementing regulations.

240
241 **Section 8. Severability of Provisions**

242 If any provision under this Ordinance is later found to be unconstitutional under the
243 Tribe's Constitution or the United States Constitution, it shall be considered null and
244 void, but the rest of the provisions in this Ordinance shall remain in effect.

245

246 **Section 9. Sovereign Immunity**

247 Nothing in this Ordinance shall be construed as a waiver of the sovereign immunity
248 of the Tribe or its departments or any subordinate government unit or official except
249 to the extent such immunity is explicitly waived in such Ordinance or by resolution
250 of the Tribal Council. No enforcement action taken by the Housing Department, or
251 Tribal Manager designee shall be construed as a waiver of sovereign immunity.
252 Nothing in this Ordinance shall be construed as a waiver of sovereign immunity
253 regarding any counterclaim or similar assertion relating to an enforcement action of
254 the Housing Department or Tribal Realty Department.

255

256 **Section 10. Effective Date**

257 This Ordinance shall become effective upon an implementation motion of the Tribal
258 Council after a 30 day posting.