



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

NOTICE

This notice is being posted January 26, 2018, to request written comments for the following proposed Ordinance (see attached):

Proposed amendments to Chapter 6-4 the Nez Perce Tribal Building Code

STATEMENT OF PURPOSE: The Nez Perce Tribal government is in need of codifying a policy that will provide structure for parties pursuing any electrical project in a commercial or a residential building. Having an official policy will allow the electrical companies, such as Avista and Clearwater Power, to have some standards on when to energize a particular project. It will also provide a threshold safety standard for any proposed electrical project. Adding such language to the Nez Perce Tribal Building Code chapter is the best avenue to have these safety standards apply throughout the reservation.

WRITTEN COMMENT PERIOD:

The Law and Order & Intergovernmental Affairs Subcommittee will be accepting written comments on the proposed amendment being applied to the Code. Please submit written comments to: Shannon Wheeler, Chair, Law and Order Subcommittee, P.O. Box 305, Lapwai, ID, 83540; email to shannonw@nezperce.org, fax to (208) 843-7354 or hand deliver to the NPTEC offices in Lapwai.

The deadline for receipt and consideration of such comments is February 26, at 4:30 p.m.

Proposed amendments-deleted language is struck out and added language is underlined

CHAPTER 6-4
NEZ PERCE TRIBAL ~~COMMERCIAL~~ BUILDING CODE
(adopted 10/26/99)

§6-4-1 Title

This ordinance shall be known and cited as the Nez Perce Tribal ~~Commercial~~ Building Code.

§6-4-2 Jurisdiction

The provisions of this ordinance shall apply to all structures wholly or partially used for commercial purposes which are located on land owned by any member of a federally recognized tribe and which are within the Nez Perce Reservation.

(a) The exception to this provision will be compliance with the National Electrical Code (NEC) which shall be required for residential as well as commercial purposes.

§6-4-3 Adoption of Code

The following code and its amendments, including subsequent revisions and supplements, hereby adopted by reference and made a part of this ordinance as though fully set forth herein:

(a) Uniform Building Code (U.B.C.), 1991 edition, as compiled and published by the International Conference of Building Officials (I.C.B.O.), including all of the appendices.

§6-4-4 Commercial Building Permits When Required

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, substantially alter or repair, move, improve, remove, convert or demolish any building structure or mobile or pre-manufactured structure or any part or mechanical system thereof; or to cause any of the foregoing to be done; without first obtaining a separate building permit from the Building Official for each such building or structure. The required permit shall be obtained before work is initiated, unless other arrangements are approved in advance by the Building Official.

§6-4-5 Fees Electrical Inspection Verification

It shall be unlawful for any person, firm or corporation to energize an electrical installation within the jurisdiction of the Nez Perce Tribe without obtaining a written document, signed by a licensed electrician who has properly inspected the installation, and based on his/her

expertise, certifies that the electrical connection is in compliance with the NEC and is safe to connect and energize.

(a) This verification shall be required for residential, as well as commercial electrical installations.

~~§6-4-5~~ §6-4-6 Fees

All buildings valued at \$3,000 or less shall be charged a permit fee of twenty-five (\$25) dollars. Buildings valued at \$3,000 or more shall be based on those fees as specified in the attached fee schedule.

~~§6-4-6~~ §6-4-7 Issue of Permits

Permits required under the provisions of this ordinance shall be issued by the Nez Perce Tribal Building Official, or his designee, in accordance with applicable provisions of this ordinance, utilizing for the purpose suitable forms to be provided by the Nez Perce Tribe. The Nez Perce Tribal Executive Committee shall employ or contract with a qualified inspector who shall be the Nez Perce Tribal Building Official. Fees shall be paid to the Nez Perce Tribe Finance Department.

~~§6-4-7~~ §6-4-8 Inspection and Enforcement

All of the inspection and enforcement required under this ordinance shall be provided by the Nez Perce Tribe, under authority of the Nez Perce Tribal Executive Committee. Costs of inspections, or of plan reviews shall be paid from permit fees collected by the Tribe

~~§6-4-8~~ §6-4-9 Public Access to Code

One (1) copy of the code adopted by this ordinance, and its supplements and later revisions including the National Electric Code, shall be provided and made available to the public at the ~~office of the Nez Perce Tribal Executive Committee Office of Legal Counsel, Tribal Employment Rights Office~~, and shall be available for inspection to the public during normal business hours, upon request.

~~§6-4-9~~ §6-4-10 Noncompliance

In the event that any person, firm or corporation shall willfully fail to secure a permit before initiation of construction or an Electrical Inspection Verification prior to energizing an electrical installation, as required by ~~§6-4-4~~ of this ordinance, such person may be found to have committed a civil infraction and upon such a finding by the Nez Perce Tribal Court may be fined not more than three hundred dollars (\$300.00), for each violation, and in addition shall be required to pay all costs and expenses involved in the case. Nothing contained herein shall prevent the Nez Perce Tribe from taking such other action as is necessary to prevent or to remedy any violation before or instead of a civil infraction proceeding, including in particular the collection of Investigation fees as provided in the Uniform Building Code.

~~§6-4-10~~§6-4-11 Appeals

The Uniform Building Code adopted by ~~§6-4-3~~ of this ordinance:

(a) ~~The Appeals section is amended to read: “In order to hear and decide appeals of orders, decisions or determinations made by the Building Inspector or Electrical Inspector relative to the application and interpretation of the code, any affected person may appeal to the Nez Perce Tribal Court Tribal Hearing Officer, in writing, within fifteen (15) days of the decision by the Building Inspector. The court may appoint an Appeals Committee to review said appeal who shall, in turn, make recommendations to the court. The Appeals Committee shall consist of persons who are qualified by experience to pass upon matters pertaining to building construction. The Housing Director shall be an ex-officio member and shall act as secretary to the Committee.~~

(b) If the affected person is dissatisfied with the Tribal Hearing Officer’s decision, they may file an appeal of the decision with the Nez Perce Tribal Court within 30 business days of such decision.

(a)(c) ~~The court shall issue its decision within 60 days of the filing of the appeal. All decisions of the Tribal Court in such matters shall be final and not subject to further appeal.~~

~~§6-4-11~~§6-4-12 Severability

If any section, subsection, clause, phrase, or portion of this ordinance shall, for any reason be held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect, invalidate or nullify the remaining portions of this ordinance.