AMENDED

TRIBAL ORDINANCE NO. 1-63

Pursuant to the authority vested in the Bay Mills Indian Community by its Constitution, and particularly by Article VI, Section 1 thereof, and its authority to provide for the health, safety, morals and welfare of the Tribe, the General Tribal Council of the Bay Mills Indian Community hereby establishes a public body known as the Michigan Bay Mills Indian Community Housing Authority (hereinafter referred to as the Authority), and enacts this ordinance which shall establish the purposes, powers and duties of the Authority.

In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, the Authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of this ordinance. A copy of the ordinance duly certified by the Secretary of the Council shall be admissible in evidence in any suit, action or proceeding.

ARTICLE I

DECLARATION OF NEED

It is hereby declared:

1. That there exists on the Bay Mills Indian Community Reservation insanitary, unsafe, and overcrowded dwelling accommodations; that there is a shortage of decent, safe and sanitary dwelling accommodations available at rents or prices which persons of low income can afford; and that such shortage forces such persons to occupy insanitary, unsafe and overcrowded dwelling accommodations;

2. That these conditions cause an increase in and spread of disease and crime and constitute a menace to health, safety, morals and welfare; and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety protection, fire and accident prevention, and other public services and facilities;

See footnotes at end of document

3. That the shortage of decent, safe and sanitary dwellings for persons of low income cannot be relieved through the operation of private enterprise;

4. That the providing of decent, safe, and sanitary dwelling accommodations for persons of low income are public uses and purposes for which money may be spent and private property acquired and are governmental functions of Tribal concern;

5. That residential construction activity and a supply of acceptable housing are important factors to general economic activity, and that the undertakings authorized by this ordinance to aid the production of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction and housing supply which will assist materially in achieving full employment; and

6. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

ARTICLE II

PURPOSES

The Authority shall be organized and operated for the purpose of:

1. Remedying unsafe and insanitary housing conditions that are injurious to the public health, safety and morals:

2. Alleviating the acute shortage of decent, safe and sanitary dwellings for persons of low income; and

3. Providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low income dwellings.

ARTICLE III

DEFINITIONS

The following terms, wherever used or referred to in this ordinance, shall have the following respective meanings, unless a different meaning clearly appears from the context:

"Area of Operation" means all areas within the jurisdiction of the Tribe.

"Board" means the Board of Commissioners of the Authority.

"Council" means the General Tribal Council.

"Federal government" includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise of the United States of America.

"Homebuyer" means a person(s) who has executed a lease-purchase agreement with the Authority, and who has not yet achieved homeownership.

"Housing project" or "project" means any work or undertaking to provide or assist in providing (by any suitable method, including but not limited to: rental; sale of individual units in single or multifamily structures under conventional condominimum, or cooperative sales contracts or lease-purchase agreements; loans; or subsidizing of rentals or charges) decent, safe and sanitary dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, leaseholds, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, for streets, sewers, water service, utilities, parks, site preparation or landscaping, and for administrative, community, health, recreational, welfare, or other purposes. The term "housing project" or "project" also may be applied to the planning of the buildings and improvements, the acquisition of property or any interest therein, the demolition of existing structures, the construction, reconstruction, rehabilitation, alteration or repair of the improvements or other property and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

"Obligations" means any notes, bonds, interim certificates, debentures, or other forms of obligation issued by the Authority pursuant to this ordinance.

"Obligee" includes any holder of an obligation, agent or trustee for any holder of an obligation or lessor demising to the Authority property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal government when it is a party to any contract with the Authority in respect to a housing project.

"Persons of low income" means persons or families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use.

ARTICLE IV

BOARD OF COMMISSIONERS

1. (a)[2] (1) The Affairs of the Authority shall be managed by a Board of Commissioners composed of five (5) persons.

(2) The Board members shall be appointed, and may be reappointed, by the Council. A certificate of the Secretary of the Council as to the appointment or reappointment of any commissioner shall be conclusive evidence of the due and proper appointment of the commissioner.

(3) A commissioner may be a member or non-member of the Tribe, and may be a member or non-member of the Tribal Council.

(4) No person shall be barred from serving on the Board because he is a tenant or homebuyer in a housing project of the Authority; and such commissioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or homebuyers, even though such matters affect him as well. However, no such commissioner shall be entitled or permitted to participate in or be present at any meeting (except in his capacity as a tenant or homebuyer), or to be counted or treated as a member of the Board, concerning any matter involving his individual rights, obligations or status as a tenant or homebuyer.

(b)[3] The term of office shall be four years and staggered. When the Board is first established, one member's term shall be designated to expire in one year, another to expire in two years, a third to expire in three years, and the last two in four years. Thereafter, all appointments shall be for four years, except that in the case of a prior vacancy, an appointment shall be only for the length of the unexpired term. Each member of the Board shall hold office until his successor has been appointed and has qualified.

See footnotes at end of document

(c)[4] The Council shall name one of the Commissioners as Chairman of the Board. The Board shall elect from among its members a Vice-Chairman, a Secretary, and a Treasurer; and any member may hold two of these positions. In the absence of the Chairman, the Vice-Chairman shall preside; and in the absence of both the Chairman and the Vice-Chairman, the Secretary shall preside.

(d)[5] A member of the Board may be removed by the appointing power for serious inefficiency or neglect of duty or for misconduct in office, but only after a hearing before the appointing power and only after the member has been given a written notice of the specific charges against him at least 10 days prior to the hearing. At any such hearing, the member shall have the opportunity to be heard in person or by next friend and to present witnesses in his behalf. In the event of removal of any Board member, a record of the proceedings, together with the charges and findings thereon, shall be filed with the appointing power and a copy thereof sent to the appropriate office of the Department of Housing and Urban Development.

(e) The Commissioners shall not receive compensation for their services but shall be entitled to compensation for expenses, including travel expenses, incurred in the discharge of their duties.

(f)[6] A majority of the full Board (i.e., notwithstanding the existence of any vacancies) shall constitute a quorum for the transaction of business, but no Board action shall be taken by a vote of less then a majority of such full Board.

(g) The Secretary shall keep complete and accurate records of all meetings and actions taken by the Board.

(h) The Treasurer shall keep full and accurate financial records, make periodic reports to the Board, and submit a complete annual report, in written form, to the Council as required by Article VII, Section 1, of this ordinance.

2. Meetings of the Board shall be held at regular intervals as provided in the by-laws. Emergency meetings may be held upon 24 hours actual notice and business transacted, provided that not less than a majority of the full Board concurs in the proposed action.

See footnotes at end of document

ARTICLE V

POWERS

1. The Authority shall have perpetual succession in its corporate name.

2. The Council hereby gives its irrevocable consent to allowing the Authority to sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under this ordinance and hereby authorizes the Authority to agree by contract to waive any immunity from suit which it might otherwise have; but the Tribe shall not be liable for the debts or obligations of the Authority.

3. The Authority shall have the following powers which it may exercise consistent with the purposes for which it is established:

(a) To adopt and use a corporate seal.

(b) To enter into agreements, contracts and understandings with any governmental agency, Federal, state or local (including the Council) or with any person, partnership, corporation or Indian tribe; and to agree to any conditions attached to Federal financial assistance.

(c) To agree, notwithstanding anything to the contrary contained in this ordinance or in any other provision of law, to any conditions attached to Federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or operation of projects; and the Authority may include in any contract let in connection with a project stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the Federal government may have attached to its financial aid to the project.

(d) To obligate itself, in any contract with the Federal government for annual contributions to the Authority, to convey to the Federal government possession of or title to the project to which such contract relates, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the Authority is subject; and such contract may further provide that in case of such conveyance, the Federal government may complete, operate, manage, lease, convey or otherwise deal with the project and

funds in accordance with the terms of such contract: Provided, That the contract requires that, as soon as practicable after the Federal government is satisfied that all defaults with respect to the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the Federal government shall reconvey to the Authority the project as then constituted.

(e) To lease property from the Tribe and others for such periods as are authorized by law, and to hold and manage or to sublease the same.

(f) To borrow or lend money, to issue temporary or long term evidence of indebtedness and to repay the same, Obligations shall be issued and repaid in accordance with the provisions of Article VI of this ordinance.

(g) To pledge the assets and receipts of the Authority as security for debts; and to acquire, sell, lease, exchange, transfer or assign personal property or interest therein.

(h) To purchase land or interests in land or take the same by gift; to lease land or interests in land to the extent provided by law.

(i) To undertake and carry out studies and analyses of housing needs, to prepare housing plans, to execute the same, to operate projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any project or any part thereof.

(j) With respect to any dwellings, accommodations, lands, buildings or facilities embraced within any project (including individual cooperative or condominimum units); to lease or rent, sell, enter into lease-purchase agreements or leases with option to purchase; to establish and revise rents or required monthly payments; to make rules and regulations concerning the selection of tenants or homebuyers, including the establishment of priorities, and concerning the occupancy, rental, care and management of housing units; and to make such further rules and regulations as the Board may deem necessary and desirable to effectuate the powers granted by this ordinance.

(k) To finance purchase of a home by an eligible homebuyer in accordance with regulations and requirements of the Department of Housing and Urban Development.

(l) To terminate any lease or rental agreement or lease-purchase agreement when the tenant or homebuyer has violated the terms of such agreement, or failed to meet any of its obligations thereunder, or when such termination is otherwise authorized under the provisions of such agreement; and to bring action for eviction against such tenant or homebuyer.

(m) To establish income limits for admission that insure that dwelling accommodations in a housing project shall be made available only to persons of low income.

(n) To purchase insurance from any stock or mutual company for any property or against any risk or hazards.

(o) To invest such funds as are not required for immediate disbursement.

(p) To establish and maintain such bank accounts as may be necessary or convenient.

(q) To employ an executive director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Authority may require; and to delegate to such officers and employees such powers or duties as the Board shall deem proper.

(r) To take such further actions as are commonly engaged in by public bodies of this character as the Board may deem necessary and desirable to effectuate the purposes of the Authority.

(s) To join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a State or another tribe in the exercise, either jointly or otherwise, of any or all of the powers of the Authority and such other public housing agency or agencies for the purpose of financing (including but not limited to the issuance of notes or other obligations and giving security therefor), planning, undertaking, owning, constructing, operating, or contracting with respect to a housing project or projects of the Authority or such other public housing agency or agencies. For such purpose,

the Authority may by resolution prescribe and authorize any other public housing agency or agencies, so joining or cooperating with the Authority, to act on the Authority's behalf with respect to any or all powers, as the Authority's agent or otherwise, in the name of the Authority or in the name of such agency or agencies.

(t) To adopt such bylaws as the Board deems necessary and appropriate.

4. It is the purpose and intent of this ordinance to authorize the Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal government in the undertaking, construction, maintenance or operation of any project by the Authority.

5. No ordinance or other enactment of the Tribe with respect to the acquisition, operation, or disposition of Tribal property shall be applicable to the Authority in its operations pursuant to this ordinance.

ARTICLE VI

OBLIGATIONS

1. The Authority may issue obligations from time to time in its discretion for any of its purposes and may also issue refunding obligations for the purpose of paying or retiring obligations previously issued by it. The Authority may issue such types of obligations as it may determine, including obligations on which the principal and interest are payable: (a) exclusively from the income and revenues of the project financed with the proceeds of such obligations, or with such income and revenues together with a grant from the Federal government in aid of such project; (b) exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such obligations; or (c) from its revenues generally. Any of such obligations may be additionally secured by a pledge of any revenues of any project or other property of the Authority.

2. Neither the commissioners of the Authority nor any person executing the obligations shall be liable personally on the obligations by reason of issuance thereof.

3. The notes and other obligations of the Authority shall not be a debt of the Tribe and the obligations shall so state on their face.

4. Obligations of the Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes imposed by the Tribe. The tax exemption provisions of this ordinance shall be considered part of the security for the repayment of obligations and shall constitute, by virtue of this ordinance and without necessity of being restated in the obligations, a contract between (a) the Authority and the Tribe, and (b) the holders of obligations and each of them including all transferees of the obligations from time to time.

5. Obligations shall be issued and sold in the following manner:

(a) Obligations of the Authority shall be authorized by a resolution adopted by the vote of a majority of the full Board and may be issued in one or more series.

(b) The obligations shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment and at such places, and be subject to such terms of redemption, with or without premium, as such resolution may provide.

(c) The obligations may be sold at public or private sale at not less than par.

(d) In case any of the commissioners of the Authority whose signatures appear on any obligations cease to be commissioners before the delivery of such obligations, the signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the commissioners had remained in office until delivery.

6. Obligations of the Authority shall be fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any obligation of the Authority or the security therefor, any such obligations reciting in

substance that it has been issued by the Authority to aid in financing a project pursuant to this ordinance shall be conclusively deemed to have been issued for such purpose, and the project for which such obligation was issued shall be conclusively deemed to have been planned, located and carried out in accordance with the purposes and provisions of this ordinance.

7. In connection with the issuance of obligations or incurring of obligations under leases and to secure the payment of such obligations, the Authority, subject to the limitations in this ordinance, may:

(a) Pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b) Provide for the powers and duties of obligees and limit their liabilities; and provide the terms and conditions on which such obligees may enforce any covenant or rights securing or relating to the obligations.

(c) Covenant against pledging all or any part of its rents, fees and revenues or against mortgaging any or all of its real or personal property to which its title or right then exists or may thereafter come into existence or permitting or suffering any lien on such revenues or property.

(d) Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or any part thereof.

(e) Covenant as to what other or additional debts or obligations may be incurred by it.

(f) Covenant as to the obligations to be issued and as to the issuance of such obligations in escrow or otherwise, and as to the use and dispositions of the proceeds thereof.

(g) Provide for the replacement of lost, destroyed or mutilated obligations.

(h) Covenant against extending the time for the payment of its obligations or interest thereon.

(i) Redeem the obligations and covenant for their redemption and provide the terms and conditions thereof.

(j) Covenant concerning the rents and fees to be charged in the operation of a project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof.

(k) Create or authorize the creation of special funds for monies held for construction or operating costs, debt services, reserves or other purposes, and covenant as to the use and disposition of the monies held in such funds.

(l) Prescribe the procedure, if any, by which the terms of any contract with holders of obligations may be amended or abrogated, the proportion of outstanding obligations the holders of which must consent thereto, and the manner in which such consent may be given.

(m) Covenant as to the use, maintenance and replacement of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance monies.

(n) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any convenant, condition or obligation.

(o) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences, may be waived.

(p) Vest in any obligees or any proportion of them the right to enforce the payment of the obligations or any covenants securing or relating to the obligations.

(q) Exercise all or any part or combination of the powers granted in this section.

(r) Make covenants other than and in addition to the covenants expressly authorized in this section, of like or different character.

(s) Make any covenants and do any acts and things necessary or convenient or desirable in order to secure its obligations, or, in the absolute discretion of the Authority, tending to make the obligations more marketable although the covenants, acts or things are not enumerated in this section.

ARTICLE VII

MISCELLANEOUS

1. The Authority shall submit an annual report, signed by the Chairman of the Board, to the Council showing (a) a summary of the year's activities, (b) the financial condition of the Authority, (c) the condition of the properties, (d) the number of units and vacancies, (e) any significant problems and accomplishments, (f) plans for the future, and (g) such other information as the Authority or the Council deem pertinent.

2. During his tenure and for one year thereafter, no commissioner, officer or employee of the Authority, or any member of any governing body of the Tribe, or any other public official who exercises any responsibilities or functions with regard to the project, shall voluntarily acquire any interest direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project, unless prior to such acquisition, he discloses his interest in writing to the Authority and such disclosure is entered upon the minutes of the Authority, and the commissioner, officer or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. If any commissioner, officer or employee of the Authority involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a commissioner, officer or employee, the commissioner, officer or employee, in any such event, shall immediately disclose his interest in writing to the Authority, and such disclosure shall be entered upon the minutes of the Authority, and the commissioner, officer or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in obligations of the Authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services the rates for which are fixed or controlled by a governmental agency, or to membership on the Board as provided in Article IV, Section 1(a)(4).

3. Each project developed or operated under a contract providing for Federal financial assistance shall be developed and operated in compliance with al requirements of such contract and applicable Federal legislation, and with all regulations and requirements prescribed from time to time by the Federal government in connection with such assistance.

4. The Authority shall obtain or provide for the obtaining of adequate fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

5. The Authority shall not construct or operate any project for profit.

6. The property of the Authority is declared to be public property used for essential public and governmental purposes and such property and the Authority are exempt from all taxes and special assessments of the Tribe.

All property including funds acquired or held by the Authority pursuant to this ordinance shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against the Authority be a charge or lien upon such property. However, the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by the Authority on its rents, fees or revenues or the right of the Federal government to pursue any remedies conferred upon it pursuant to the provision of this ordinance or the right of the Authority to bring eviction actions in accordance with Article V, Section 3(1).

ARTICLE VIII

COOPERATION IN CONNECTION WITH PROJECTS

1. For the purpose of aiding and cooperating in the planning, undertaking construction or operation of projects, the Tribe hereby agrees that:

(a) It will not levy or impose any real or personal property taxes or special assessments upon the Authority or any project of the Authority.

(b) It will furnish or cause to be furnished to the Authority and the occupants of projects all services and facilities of the same character and to the same extent as the Tribe furnishes from time to time without cost or charge to other dwellings and inhabitants.

(c) Insofar as it may lawfully do so, it will grant such deviations from any present or future building or housing codes of the Tribe as are reasonable and necessary to promote economy and efficiency in the development and operation of any project, and at the same time safeguard health and safety, and make such changes in any zoning of the site and surrounding territory of any project as are reasonable and necessary for the development and protection of such project, and the surrounding territory.

(d) It will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of projects.

(e) The Tribal Government hereby declares that the powers of the Tribal Government shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations including action through the appropriate courts.

(f)[7] The Bay Mills Indian Community Tribal Court shall have jurisdiction to hear and determine an action for eviction of a tenant or homebuyer. The Tribal Government hereby declares that the powers of the Tribal Court shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations.

2. The provisions of this Article shall remain in effect with respect to any project, and said provisions shall not be abrogated, changed, or modified without the consent of the Department of Housing and Urban Development, so long as (a) the project is owned by a public body or governmental agency and is used for low income housing purposes, (b) any contract between the Authority and the Department of Housing and Urban Development for loans or annual contributions, or both, in connection with such project, remains in force and effect, or (c) any obligations issued in connection with such project or any monies due to the Department of Housing and Urban Development in connection with such project remain unpaid, whichever period ends the latest. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or operation of low income housing, including the Federal government, the provisions of this section shall inure to the benefit of and be enforced by such public body or governmental agency.

See footnotes at end of document

ARTICLE IX

APPROVAL BY SECRETARY OF THE INTERIOR

With respect to any financial assistance contract between the Authority and the Federal government, the Authority shall obtain the approval of the Secretary of the Interior or his designee.

FOOTNOTES

1. Article I may be modified as deemed appropriate.

2. Article IV, section 1(a), paragraphs (1), (2) and (3) may be modified. For example, the number of board members may be more or less than five; the appointments may be made by the elected head of the tribal government, rather than the Council; the IHA may be made a department or division of the tribal government; membership on the Board may be limited to those who are members of the tribe, or to those who are members of the Council, or to those who are nonmembers of the Council, or to a certain number of any category.

3. Article IV, section 1(b) may be modified to conform to changes in Article IV, section 1(a), and as to the length of the term of membership.

4. Article IV, section 1(c) may be modified as to the manner of appointment of the Chairman. For example, it may provide for appointment by the Board members or by the elected head of the tribal government. This paragraph may also be modified as to the manner of appointment of the other officials.

5. Article IV, Section 1(d) may be modified, but adequate safeguards against arbitrary removal shall be included.

6. Article IV, Section 1(f) may be modified if deemed appropriate, where the full Board consists of more than 5 members.

7. Article VIII, Section 1(f) may be modified to insert the name of the appropriate court, or it may be deleted where it is demonstrated to HUD that the jurisdiction for evictions is vested in other than tribal courts (e.g., State courts or Courts of Indian Offenses).

HUD-9011
(11-68)

CERTIFICATE OF RECORDING OFFICER

I, Armella B. Parker, the duly appointed, qualified and acting secretary of Bay Mills Indian Community, do hereby certify that the attached extract from the minutes of the General Tribal Council meeting of the Bay Mills Indian Community of the , held on June 1, 1976, is a true and correct copy of the original minutes of such meeting on file and of record in so far as they relate to the matters set forth in the attached extract, and I do further certify that each Resolution appearing in such extract is a true and correct copy of a Resolution adopted at such meeting and on file and of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said this 15th day of June, 1976.

Armella B. Parker

(SEAL)

HUD-9012
(11-68)

EXTRACT FROM MINUTES OF MEETING

EXTRACT FROM THE MINUTES OF A Special

MEETING OF THE General Tribal Council

OF THE Bay Mills Indian Community

HELD ON THE 1st. DAY OF June, 1976

The members of the Bay Mills Indian Community General Tribal Council met in Special meeting at Bay Mills Indian Community Tribal Offices in the City of Brimley, Michigan, at the place, hour, d date duly established for the holding of such meeting.

The Chairman called the meeting to order and on roll call the llowing answered present: There was a quorum present with thirty members present.

l the following were absent:

The Chairman declared a quorum present.

* * * * * * * * * * * * * * * * * * *

HUD-9014
(11-68)

The following resolution was introduced by Chairman, Arthur L. LeBlanc ; read in full and considered:

See attached resolution.

Francis Parish moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Elizabeth Parish , and upon roll call the "Ayes" and "Nays" were as follows:

AYES	NAYS
30	0

The Chairman thereupon declared said motion carried and said resolution adopted.

* * * * * * * * * * * * *

There being no further business to come before the meeting upon motion duly mad and seconded, the meeting was adjourned.

EXTRACTS OF MINUTES

By virtue of custom, regular and special open meetings of the Bay Mills Indian Community General Tribal Council and Executive Council meet at St. Catherine's Hall, Brimley, Michigan, at 7:30 P.M. on prescribed dates.

Therefore, in accordance with Article IV, Section 5, of the Bay Mills Indian Community Constitution and Bylaws, the President of the Executive Council, by written notice posted more than ten days in advance, called a special open meeting of the General Tribal Council on April 2, 1963, to discuss ordinance relative to public housing.

The following resolution was duly passed:

RESOLUTION NO. 5-63

WHEREAS, The Bay Mills Indian Community is in dire need of low-rent housing, and,

WHEREAS, The general economy of the community and the immediate contiguous areas is indicative of the fact that the elimination of sub-standard housing now in existence in the community will be accomplished only through the authorization of low-rent housing for the community, and,

WHEREAS, An analysis of all related factors suggest that the self-help housing program would be the most satisfactory approach to the housing problem of the community, and,

WHEREAS, In order that every effort may be extended to expedite action it shall be the intent of this council that the appointment of the Board of Commissioners comprising the Housing Authority for this community shall have immediate effect and shall be available for any immediate action consistent with their duties as Commissioners and which may be deemed advisable, necessary and expedient.

NOW THEREFORE BE IT RESOLVED, That Tribal Ordinance No. 1-63 was and is hereby adopted which charters a public corporation which is and hereafter will be known as the Bay Mills Indian Community Housing Authority. This action taken under the Tribal Council's vested authority as set forth in the Constitution of said community under Article VI, Sub-sections (a), (f) and (g) thereof.

Ordinance 1-63 was duly adopted by the General Tribal Council by a vote of 24 for, 0 against, and 3 not voting; the following members being present:

Arthur LeBlanc	Donald Parish	Lehman Teeple
Mrs. Arthur LeBlanc (Harvine)	Mrs. Donald Parish (Ruth)	Mrs. Lehman Teeple
Mrs. Sarah Teeple	Clayton Parish	Henry Teeple
Russell Mills	Edgar Teeple	Edmund Teeple

IX. Approval by Secretary of the Interior

With respect to any financial assistance contract between the Authority and the Federal Government, the Authority shall obtain the approval of the Secretary of the Interior or his designee.

CERTIFICATION

I, the undersigned, as Secretary of the General Tribal Council of the Bay Mills Indian Community, hereby certify that the General Tribal Council is composed of 65 voting members, and that 22 members constitute a quorum, and that 27 members were present at a special meeting called by the president of the executive council by written notice posted ten days in advance, on April 2, 1963, at St. Catherine's Hall, Brimley, Michigan, at 7:30 P.M.

Ordinance No. 1-63 was duly adopted by the General Tribal Council by a vote of 24 for, 0 against, and 3 not voting; the following members being present:

Arthur LeBlanc	Donald Parish	Lehman Teeple
Mrs. Arthur LeBlanc (Marvine)	Mrs. Donald Parish (Ruth)	Mrs. Lehman Teeple
Mrs. Sarah Teeple	Clayton Parish	Henry Teeple
Russell Mills	Edgar Teeple	Edmund Teeple
Mrs. Albert LeBlanc (Amelia)	Mrs. Edgar Teeple (Barbara)	Mrs. Edmund Teeple (Bueloh)
Mrs. Frank Teeple (Mildred)	Herman E. Cameron	Oliver Teeple
Floyd Teeple	Mrs. Herman Cameron (Frances)	John Cameron
Harold Cameron	Joseph Cameron	James Teeple
Mrs. Harold Cameron (Marie)	William D. Cameron	Mrs. Jake Rykers (Doris Parish)

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of April, 1963.

William D. Cameron, Secretary
Bay Mills Indian Community
Brimley, Mich.

APPROVED: April 9, 1963

E. J. Bailey, Superintendent
Great Lakes Agency
Ashland, Wis.

By virtue of the authority granted in 14 IAM 3.1, Order 551, Sec.330(a) and (b), I hereby approve the foregoing Tribal Ordinance No. 1, as amended September 7, 1963.

September 13, 1963

Acting Area Director

CODE COMPLIANCE ORDINANCE NO RI-1

RESERVATION BAY MILLS ADOPTED APRIL 22, 1968

100. Purpose and Policy:

1. Purpose: The purpose of this ordinance is to provide fair and efficient means of enforcing the various zoning, building, electrical, plumbing and related codes, including the Community Improvement Ordinance, which has been or may be hereafter adopted for the reservation.

2. Compliance Policy: It shall be the duty of the persons charged with the administration of the ordinance to attempt at all times to attain compliance with the various codes through education, explanation, and persuasion. Every effort will be made to have people understand that fair code enforcement is for the benefit of themselves and their neighbors. Compulsion and penalties for non-compliance shall be used only when all efforts of persuasion have failed.

101. Application:

This ordinance shall control the administration of the zoning code (Ordinance RI-6); electrical code (Ordinance RI-3); the plumbing code (Ordinance RI-4); the building code (Ordinance RI-2); the community improvement ordinance (Ordinance RI-5) and such other codes as may be added from time to time.

102. Code Supervisor:

1. Position Created: There is hereby created the position of code supervisor. The position shall be filled in accordance with the administrative and operating procedures of the tribal governing body. The position may be held on a part-time basis.

2. Qualifications: The person selected as code supervisor shall be knowledgeable in the field of building construction. He shall possess or be able to acquire a basic knowledge of sanitation. He shall be the type of person who is able to work effectively with people, and to explain the value of codes and code compliance.

3. Responsibilities:

a. The code supervisor shall be the person primarily responsible for the administration and enforcement of all codes subject to this ordinance.

b. He shall keep informed about the new construction and alterations of the reservation.

c. He shall maintain records concerning code compliance adequate to meet the annual reporting

requirements of the Department of Housing and Urban Development.

d. He shall provide technical assistance to persons planning or constructing any building or facility to which the various codes subject to this ordinance apply.

103. Assistant Code Supervisors:

The tribal governing body is hereby authorized to deputize as Assistant Code Supervisors such other persons as it may determine necessary. Selected persons in various districts may be given supervisory jurisdiction for their village or district; all such person working under the supervision of the code supervisor.

104. Permits:

1. When Required: A permit shall be required in the following cases:

a. Prior to the construction or major alteration of any dwelling unit located in a community improvement area, as defined in Section 501.2 of Ordinance RI-5, or in an area designated in Section 601.2 of the Zoning Code (Ordinance RI-6).

b. Prior to the installation or major alteration of electrical service, as defined in the Electrical Code.

c. Prior to the installation or major alteration of any water or sewer facility, as defined in the Plumbing Code.

d. Prior to the construction of any non-dwelling unit, other than a barn, farm shed or related farm structure.

2. Application: In every case in which a permit is required, the owner shall apply to the code supervisor for the necessary permit or permits.

3. Contents: Every application for a permit shall state the type of structure or facility to be built or altered, the approximate cost, the location, the method of construction or alteration, and the name of the proposed contractor, if any. The code supervisor may require the applicant to submit such plans, drawings and specifications as are necessary for him to determine whether the application should be approved.

4. Approval: If the application shall show to the satisfaction of the code supervisor that the proposed alteration or construction will be in accordance with all outstanding codes and ordinances, he shall approve the application and issue the necessary permit.

5. Modification and Appeal: If the application is denied, the applicant may modify the application as necessary to secure approval; or he may file an action against the tribal governing body to require the code supervisor to issue a permit. If, after a hearing, it is found that the application is in conformity to all outstanding codes and ordinances, the code supervisor shall issue a permit.

105. Rental Units:

1. The owner of every building on the reservation which is leased or sub-leased for the purpose of human habitation, where the monthly rental exceeds $20 per month, shall within twelve months from the date of this ordinance:

a. Provide such building with water and sewage facilities and electrical service equivalent to that required in community improvement areas, and

b. Repair and recondition such building as necessary to provide a safe, sound structure, resistant to weather, and meeting insofar as possible, the standards of the building code applicable to community improvement areas.

2. Every building on the reservation which is leased or sub-leased for the purpose of human habitation where the monthly rental is $20 or less, shall be repaired and reconditioned as necessary to provide a safe, sound structure, resistant to the weather.

3. If the owner of any building shall fail to comply with this section within the time specified, and the building is located on tribal land the building shall automatically be forfeited and become the property of the reservation. If the building is located on individually-owned land, the reservation shall bring appropriate injunctive action to enforce compliance.

106 Enforcement:

1. Complaints: If it appears that a person is violating any of the codes subject to this ordinance, or has begun any construction or major alteration for which a permit is required without first having obtained a permit, the tribal governing body, and code supervisor, any assistant code supervisor designated under Section 103, or any person aggrieved may file a

complaint in a court or appropriate jurisdiction in the name of the reservation to require such person to cease and desist from the alleged violation, and to take such corrective action as may be necessary.

2. Corrective Action: If the action is brought in Court, the Court shall promptly give notice to all interested parties and hold a hearing upon such complaint. If it appears that the Defendant is violating one or more of the codes or is building without a permit, the Court shall enter an Order requiring such person to cease and desist and to take such corrective action as may be necessary within a specified time.

3. Penalty: Failure to obey the Court's Order shall subject the Defendant to prosecution for contempt of Court.

BAY MILLS INDIAN COMMUNITY

AN ORDINANCE REGULATING THE ISSUANCE OF RESIDENTIAL AND COMMERCIAL LEASES ON THE RESERVATION OF THE BAY MILLS INDIAN COMMUNITY

Section 1. Purpose.

The purpose of this ordinance is to establish the terms and conditions under which the Bay Mills Indian Community shall issue leasehold interests for various purposes on land held in trust for its benefit by the United States.

Section 2. Policy.

It is the policy of the Bay Mills Indian Community to ensure that the lands held in trust for its benefit by the United States, which encompass its Reservation, are used for the benefit of its members, as follows:

a. Adequate sites are available for governmental purposes, including, but not limited to:

1. Provision of health, social services, education, law enforcement, cultural, recreation, senior citizen and youth services and programs.

2. Provision of water, sanitation, electricity, heat, telephone and similar utility services to all locations.

3. Protection of areas of cultural and historical significance to the Bay Mills Indian Community.

4. Protection of the natural environment encompassing the Reservation.

5. Provision of tribally-operated enterprises for the generation of revenue, employment, and services.

b. Adequate land is provided for the establishment and maintenance of primary residences by members of the Bay Mills Indian Community.

c. Establishment and maintenance of secondary, or seasonal, residences by members of the Bay Mills Indian Community is authorized, but subordinate to the policy expressed in subsec. (a) and (b), above.

d. Establishment and maintenance of commercial enterprises owned and operated by members of the Bay

Mills Indian Community is authorized, but subordinate to the policies expressed in subsec. (a) and (b) of this section.

e. Leases shall not be issued to non-members of the Bay Mills Indian Community unless special circumstances exist which demonstrate to the satisfaction of the Executive Council that undue hardship would result to members of the Bay Mills Indian Community in the absence of such lease issuance. The procedures to demonstrate undue hardship are described in subsec. 11(a) of this ordinance.

Section 3. Reservation of Governmental Authority.

Nothing contained in this ordinance shall prohibit or limit the power of the Bay Mills Indian Community to set aside trust land for a specific purpose by any official action of the General Tribal Council, or by the Executive Council acting under authority delegated by the General Tribal Council.

Section 4. Compliance with Federal Law.

Nothing contained in this ordinance shall supersede or contravene the application of federal law relating to lands held in trust for an Indian Tribe or the regulations issued by the Secretary of the Interior regarding leasing of tribal lands contained in 25 C.F.R. Part 162, as it may from time to time be amended.

Section 5. Lease for Governmental Purpose.

The Executive Council may issue a lease upon written request to a department, agency or subordinate organization established by tribal ordinance for a governmental purpose, for the fee of One Dollar ($1.00).

Section 6. Permit for Primary Residence.

The Executive Council may issue a permit for residential use by a member of the Bay Mills Indian Community under the following circumstances:

a. The member requests a lease, under the procedure described in subsec. 7(a)--(d) of this ordinance, and the permit is desired in order to obtain financing for construction of the member's planned residence.

b. Such permit shall identify the area by legal description and shall be issued for a period not more than two (2) years in duration.

c. The permit shall be canceled and a primary residential lease shall be authorized when:

1. A written commitment letter from a lender is provided to the Executive Council, that funds will be provided for construction of the member's residence on the premises subject to the permit; or

2. The Executive Council is satisfied that the member has made substantial progress in constructing a residence on the premises subject to the permit.

Section 7. Lease For Primary Residence.

The Executive Council may issue a lease for residential use by a member of the Bay Mills Indian Community upon the following terms:

a. The member requesting a lease shall do so in writing and may specify a particular parcel for such lease. In the absence of a specified location request, the Executive Council, in consultation with the Bay Mills Indian Community Housing Authority, shall identify the land to be leased.

b. The member shall affirm in writing that the lease is requested for land which will be the member's legal residence, and upon which the member will physically reside at least seven (7) months of each year.

c. The land to be leased shall not exceed one (1) acre in size.

d. The lease issued may contain restrictions on siting of structures, excavation, construction of access points, addition of fill material, and similar matters, as may be required by applicable federal law.

e. The member shall construct and occupy a residence on the leased site within one (1) year of lease issuance. Failure to comply with this requirement shall cause the termination of the lease, unless the lessee demonstrates to the satisfaction of the Executive Council that such failure was not due to circumstances solely within lessee's control. In such event, the Executive Council may extend the time period within which the member shall construct and

occupy a residence, but not for more than one (1) additional year.

f. The fee charged for the primary residential lease shall be One Dollar ($1.00).

g. A lease issued to the Bay Mills Indian Community Housing Authority for the benefit of a member, pursuant to a home ownership financing program administered by said Authority, shall be considered a primary residence lease.

h. No member lessee shall be issued more than one primary residence lease. In the event that such a member shall seek another lease for a primary residence, the member shall do one of the following:

1. Relinquish the first primary residence lease to the Bay Mills Indian Community; or

2. Assign the first primary residence lease to another member within one (1) year of issuance of the second lease, with the approval of the Executive Council; or

3. Convert the first primary residence lease to a commercial lease within one year of issuance of the second lease, under the terms provided therefor in Section 9 of this ordinance.

4. Failure to dispose of the first primary residence lease as required in subsec. 1--3, above, shall cause the automatic relinquishment of the second lease to the Bay Mills Indian Community.

i. No commercial enterprise shall be located on land subject to a residential lease without the express, written authorization of the Executive Council, and subject to a determination by the Bureau of Indian Affairs as to the fair market rent such enterprise activity must be assessed as a portion of the lease fee. Payment of the fair market rent must be made in order for the Executive Council to authorize the commercial enterprise.

Section 8. Lease for Seasonal Use.

The Executive Council may issue a lease for seasonal, residential use by a member of the Bay Mills Indian Community upon the following terms:

a. The member requesting a seasonal use residential

lease shall do so in writing, and must specify a particular parcel for such lease.

b. No lease shall be issued for seasonal residential use if there is pending a request for a primary residence lease for the same parcel, unless the member requesting the primary residence lease shall consent to the issuance.

c. The land to be leased shall not exceed one (1) acre in size.

d. The lease issued may contain restrictions on siting of structures, excavation, construction of access points, addition of fill material, and similar matters, as may be required by federal law, or due to the lack of water and sanitary waste disposal amenities for the parcel.

e. The fee charged for the seasonal use lease shall be One Hundred Dollars ($100.00) per year.

f. No member household shall be issued a seasonal use lease who holds a primary residence lease.

g. No commercial enterprise shall be located on land subject to a seasonal use lease without the express, written authorization of the Executive Council, and subject to a determination by the Bureau of Indian Affairs as to the fair market rent such enterprise activity must be assessed as a portion of the lease fee. Payment of the fair market rent must be made in order for the Executive Council to authorize the commercial activity.

h. A seasonal use lease may be converted to a primary residence lease upon the request of the lessee and subject to the provisions of sec. 7 of this ordinance.

Section 9. Lease for Commercial Purpose.

The General Tribal Council may issue a lease for commercial activity on the Reservation of the Bay Mills Indian Community, subject to the determination by the Bureau of Indian Affairs of the fair market rent to be collected for such lease. The General Tribal Council shall not issue a commercial lease for an activity which has an adverse impact on residential neighborhoods of the Bay Mills Indian Community.

Section 10. Lease for Private Utility Service.

The Executive Council may issue a lease to a privately owned enterprise for the purpose of providing telephone, television, and similar utility services to the residents of the Bay Mills Indian Community, subject to the determination by the Bureau of Indian Affairs of the fair market rent to be collected for such lease. Nothing contained in this section shall apply in the determination by the Executive Council and the Secretary of the Interior that the enterprise should be given a right of way under the provisions of 25 C.F.R. Part 169.

Section 11. Non-Commercial Lease Interests Issued to Non-Members.

a. ***Undue Hardship Determination.*** A lease interest may be granted to a non-member of the Bay Mills Indian Community for residential use, when undue hardship will result to a member of the Tribe in the absence of such issuance. Undue hardship exists when the non-member is married to a member, and financing of a home on trust land by a lender requires that the non-member be co-borrower and mortgagor.

b. ***Lease Interest Not Required.*** A non-member of the Bay Mills Indian Community may reside on trust land subject to a residential lease, without being named as a lessee, under the following circumstances:

1. The non-member is the surviving spouse of a member who was a named lessee during his or her lifetime, resided with the member on the leased land, and was named the beneficiary of the leased land by will or by order of the Tribal Court in probate proceedings. Under such circumstances, the non-member may continue to reside on the land for his or her lifetime, or until he/she may assign, sell, transfer or otherwise dispose of the non-member's interest in the leased land to a member of the Bay Mills Indian Community, subject to the terms set forth in this Ordinance.

2. The non-member is subject to a judgment of the Bay Mills Indian Community Tribal Court, which grants such non-member legal and or physical custody of the non-member's minor children who are members of the Bay Mills Indian Community, and which further grants the non-member the right to occupy and/or own a residence on the Bay Mills Reservation.

Section 12. Lease to Donor of Land to the Bay Mills Indian Community.

a. ***Residential Lease.*** The Executive Council may issue a residential lease to a member of the Bay Mills Indian Community for any use contemplated by this ordinance under the following circumstances:

1. The member requests a lease for a particular use, specifying a particular parcel for that purpose;

2. The lease shall not exceed two (2) acres in size;

3. The land for which a lease is requested was donated by the member to the United States in trust for the Bay Mills Indian Community;

4. The land is located within the boundaries of the Reservation set aside for the Sault Ste. Marie Bands of Chippewa in Article Third of the Treaty of March 28, 1836 (7 Stat. 491), described as follows:

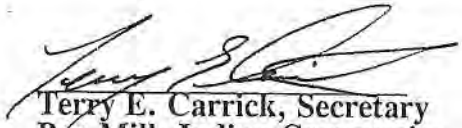
A tract commencing at the mouth of the Pississowining river, south of Point Iroquois, thence running up said stream to its forks, thence westward, in a direct line to the Red water lakes, thence across the portage to the Tacquimenon river, and down the same to its mouth.

5. The terms of such lease shall be consistent with applicable federal law and tribal land use ordinances, as such may from time to time be established or amended.

b. ***Commercial Lease.*** A donor of land to the Bay Mills Indian Community who desires a commercial lease on some or all of the donated land shall submit a request to the General Tribal Council, as provided in sec. 9 of this ordinance.

CERTIFICATION

This is to certify that the above Ordinance was adopted and approved at a meeting of the Bay Mills Indian Community General Tribal Council held at Bay Mills, Michigan, on the 5th day of February, 2001, with a vote of 174 in favor, 2 opposed and 2 abstaining.



Terry E. Carrick, Secretary
Bay Mills Indian Community
Executive Council

ELECTRICAL CODE ORDINANCE NO. RI-3

RESERVATION BAY MILLS ADOPTED APRIL 22, 1968

300. Purpose and Policy:

1. The purpose of this code is the practical safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, and for other electrical apparatus.

2. This code contains basic minimum provisions considered necessary for safety. Compliance therewith and proper maintenance will result in an installation essentially free from hazard but not necessarily efficient, convenient, or adequate for good service.

301. Application:

1. This code shall apply to the new installation or major alteration of an existing installation of electrical service undertaken on the reservation after the effective date of this code. "Major alteration" of electrical service shall mean any repair, addition or improvement costing in excess of $100.

2. While modernization of existing electrical facilities is not required, it is expected that facilities which do not meet the standards of this code will be made to comply at the earliest possible time.

302. Administration and Enforcement:

This code shall be administered and enforced in accordance with Code Compliance Ordinance RI-1 governing the administration and enforcement of codes generally.

303. Installation:

1. **Qualified Electrician:** All electrical installations or major alterations of an existing electrical installation shall be made only by a state-licensed or duly qualified electrician and executed in a safe, neat and workmanlike manner.

2. **Utility Company Regulations:** All installations and major alterations shall comply with the regulations of the utility company supplying service, or this code, whichever is the higher standard.

3. **Materials:**

a. The materials used shall be new and conform to the standards of the National Electrical Code;

b. Minimum wire sizes shall be:

[1] No. 6 for outside service connections

[2] No. 8 for ranges

[3] No. 10 for heaters

[4] No. 12 for light and medium duty branch circuits

304. Non-dwelling Units:

All buildings which are open to the public, including all commercial buildings, stores, hotels, motels, filling stations and all industrial and public buildings, hereafter constructed or subject to major alteration shall be provided with electrical installations adequate to provide safe and convenient service for the type of building involved, and which meet minimum standards set forth in the current edition of the National Electrical Code. For the purpose of this action, "major alteration" means any improvement, repair or addition costing in excess of $2,000.

305. Maintenance:

All electrical installations subject to this code shall be maintained in a safe condition.

306. Items not covered:

All items not covered herein shall be governed by the minimum standards established by the current edition of the National Electrical Code.

PLUMBING CODE ORDINANCE NO. RI-4

RESERVATION BAY MILLS ADOPTED APRIL 22, 1968

400. Purpose:

The purpose of this plumbing code is to establish minimum standards for the installation and maintenance of sewage disposal and water facilities. The objective of these regulations is to improve the health and sanitation conditions on the reservation.

401. Application:

1. This code shall apply to any new installation or the major alteration of an existing sewage or water facility, undertaken on the reservation after the effective date of this code. Major alteration shall mean any repair, addition or improvement to a sewage or water facility costing in excess of $100.

2. While modernization of existing sewer and water facilities is not required, it is expected that facilities which do not meet the standards of this code will be made to comply at the earliest possible time.

402. Administration and Enforcement:

This code shall be administered and enforced in accordance with the Code Compliance Ordinance RI-1 governing the administration and enforcement of codes generally.

403. Water Supply:

Whenever running water is supplied to a building after enactment of this code, connection shall be made, whenever possible, to a public or community water system which has been inspected and approved by the Public Health Service. Where an approved public or community water system is not available an individual water system (well) shall be acceptable, providing the waters system has been tested and approved as safe and sanitary by IHS or other competent body.

404. Sewage Disposal - General:

Whenever a building is supplied with sewage disposal facilities after enactment of this code, connection shall be made, whenever possible, to a community or public sewage system approved by the PUblic Health Service or other competent body. Where an approved community or public sewage system is not available, an individual sewage disposal system shall be acceptable if it has been tested and approved as safe and sanitary by the PHS.

405. **Piping and Connections:**

Any installation or major alteration of a sewage or water facility hereafter undertaken on the reservation shall meet the requirements of this Section.

1. **Qualified Plumber:** All installations and major alterations of a sewage or water facility shall be undertaken only by a state-licensed or july qualified plumber, shall be executed in a safe, neat and workmanlike manner, and shall meet the material and installation standard of this Section.

2. **Materials:**

   a. Materials shall be new and durable.

   b. Size of pipe shall be adequate in relation to fixture served.

3. **Installation:**

   a. All piping and drains shall be installed without damage to structural members and in a safe, sanitary, workmanlike manner.

   b. All piping and drains shall be properly sloped and protected against freezing.

   c. Metal piping shall not be installed in or below cinders or in locations conductive to rapid corrosive action.

   d. Supply lines under concrete slabs shall be installed in a manner to permit repair and replacement or with non-ferrous metals, acceptable to the code supervisor.

   e. Cross connections between drinking waters supply and supplies not intended for drinking shall not be permitted.

   f. All fixtures shall be vented with not less than 3" pipe for toilets, 2" pipe for sinks, and bathtubs or showers, and all vents not less than 5 feet from the fixtures to be vented.

4. **Exterior Water Lines:** Water service line shall be laid in solid ground, below the frost line. Water service line may be laid in same trench as sewer line, providing water line is not less than one foot higher than sewer line and laid to one side on a solid ledge of ground.

5. **Exterior Sewage Lines:** Sewage disposal pipe shall be laid with barrel on solid ground, with an excavated hole for each joint. Joints shall be water tight and where necessary, protected against penetration by roots of shrubbery or trees.

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E. 1/19/96 Amendment to sec. 2.27
F. 12/23/96 Amendments to sec. 4.12. 4.25, 6.3, 7.15, 7.32, 9.1, 10.2

LAW AND ORDER, cont.

G. 5/12/97 Amendments to sec. 4.11(C), 4.12, 4.14, 4.16, 4.25
H. 10/11/99 Amendment to sec. 4.25
I. 1/8/01 Amendments to sec. 7.8 and 7.9
J. 4/9/01 Amendment to sec. 6.2
K. 7/8/02 Amendment to sec. 7.32
L. 5/4/04 Amendments to sec. 4.11, 4.25
M. 8/22/05 Amendments to sec. 4.11(C)(4), 4.17
N. 1/9/06 Amendment to sec. 7.180.
O. 6/11/07 Amendments to sec. 2.23, 6.4
P. 7/30/10 Amendments to sec. 2.30, 5.5

** Ordinance Regulating the Conduct of Class I Raffles (8/29/01)

** Dog Control Ordinance (4/9/94)

** Ownership of Wolf Hybrid Animals (9/28/98)

** Curfew Ordinance (7/24/95) effective 9/1/95

EDUCATION

** Charter of Bay Mills Community College (6/25/84)

COMMERCIAL

** Leasehold Mortgage Ordinance (9/27/93) ACCOMPANIED BY MOU W/ DEPT. OF VETERANS AFFAIRS

** Secured Transactions Ordinance (10/18/94)
** Michigan Consolidated Gas Co. Gas Franchise Ordinance (4/28/95)

** Tribal Use Tax on Accommodations Ordinance (10/27/98) SUPERSEDED BY
A. Tax Code adopted by Res. No. 03-3-25

** Tax Code ACCOMPANIED BY TAX AGREEMENT W/ STATE OF MICHIGAN (3-25-03)
A. 5/12/03 amendments to sec. 501, 503, 505, 506

HUMAN SERVICES

** Foster Care Licensing
A. Res. No. 83-6-29 Amendment to sec. 4

** Children's Code (11/2/90) SUPERSEDED BY
A. Res. No. 91-10-18 deletes Code and substitutes revised Chapter VII and new Chapter XII of Tribal Code

** Home Day Care Licensing Ordinance (5/13/02)

ZONING ORDINANCE NO: RI-6

RESERVATION BAY MILLS DATE APPROVED April 22, 1968

600. Purpose and Policy

1. Purpose: The purpose of this code is to promote the health, safety and economic welfare of the residents of the reservation.

2. Policy: This code shall be implemented in order to achieve purposes which shall include, but not need be limited to the following:

a. To protect the public health by preventing over-crowding and by segregating unsanitary and dangerous undertakings;

b. To establish residential areas where families may live in privacy and in a wholesome environment;

c. To increase public safety by reducing the possibilities of fire, traffic accidents and other dangers;

d. To facilitate the planning and development of public facilities such as roads, schools and utility services;

e. To prevent the deterioration of property values occasioned by random location of homes, stores and facilities.

601. Applicability

1. The Bay Mills Executive Council shall from time to time designate areas within the reservation to which this code shall apply.

2. The following areas are hereby designated pursuant to Section 601.1:

Tribal land within the reservation boundaries.

602. Zoning Districts

1. There shall be six categories of zoning districts: (a) residential; (b) commercial; (c) industrial; (d) institutional; (e) recreational and (f) disposal.

2. There shall be three types of residential zoning districts:

a. Class 1, containing public housing units and single-family houses valued at over $5,000;

b. Class 2, containing houses valued between $1,000 and $5,000;

c. Class 3, containing structures valued between $1,000; and

d. Class 4, containing trailers.

3. The Executive Committee shall establish one or more separate geographical areas for each category of zoning districts, and for each class of residential district.

603. **Designation of Zoning Districts**

1. Within six months after this code has taken effect, **the Bay Mills Indian Community Executive Council** shall pass a resolution designating on an attached map the location of the various zoning districts within the areas subject to this code. Such resolution and map shall be posted at the Tribal Office with the notice that interested persons may appear at the next following meeting of the **Bay Mills Indian Community Executive Council** to voice any objections. After each meeting, the tribal governing body shall consider the testimony received and shall within 10 days post notice of the changes it has made or a notice stating that no changes have been made. If no appeal is filed under Section 603.2, the resolution shall take effect thirty days following the posting of such notices.

2. Any person aggrieved by the resolution of the **Bay Mills Indian Community Executive Council** designating the location of the zoning districts, may appeal such resolution to the **Executive Council** by filing a notice of appeal with the Secretary of the **Bay Mills Indian Community Executive Council**. The tribal governing body shall at its next meeting consider the resolution and make such amendments or changes, if any, as it deems proper. If the **Executive Council** shall approve the resolution, in original or amended form, it shall go into effect on the date of such approval.

3. The **Bay Mills Indian Community Executive Council** order designating the zoning districts may be amended by the procedures specified in this section or upon the initiative of the **Council.**

604. Permissible Use in Residential Districts

1. Types of use in general

No building or structure shall be used or erected in any residential district of any class except for use as:

I. A place of human habitation or use as a structure normally accessory thereto; or

II. A community or recreation building. No farming or raising of livestock may be carried on in a residential district, but this restriction shall not apply to gardening, and raising poultry, pigeons, and rabbits.

2. Districts

a. A residence of Class I may be built in the zoning districts reserved for Classes 1, 2, and 3.

b. A residence of Class 2 may be built only in the zoning districts reserved by Classes 2 and 3.

c. A residence of Class 3 may be built only in the zoning districts reserved for Class 3.

d. A trailer may be located only in the zoning district reserved for Class 4.

3. Non-conforming Uses

Any residence located in a district which is reserved for residences of another class shall be considered a non-conforming use.

4. Lots and distance requirements

No building used as a place of human habitation shall be erected on a lot of less than 5000 square feet or closer than 10 feet from the boundary lines of the lot in question.

605. Permissible uses in Commercial Districts

1. Types of Use

No building or structure shall be erected in a commercial district except structures used in connection with any profession or any retail trade.

a. The term "profession" shall refer to persons trained as a doctor, attorney, dentist, newspaper editor, minister, or a similar endeavor.

b. The term "retail trade" or business shall refer to grocery, hardware, drug, clothing or general merchandise stores, to hotels and motels; to gasoline service stations and automobile repair shops, cleaning establishments and similar personal service businesses; to handlecraft establishments which employ three or fewer paid employees (other than members of the owner's family); and to all other trades and businesses of similar character.

c. No farming or raising of livestock may be carried on in a commercial district.

2. **Extraordinary Hazards**

If in the judgment of the **Bay Mills Indian Community Executive Council** any use would otherwise be permitted in a commercial district created an extraordinary hazard to health or safety, such use shall be required to located in an industrial district. The order of the tribal governing body under this subsection shall be subject to the review of the **Executive Council.**

606. **Permissible Uses in Industrial Districts**

No building or structure shall be erected in an industrial district except factories (other than handicraft establishments permitted in a commercial district); storage warehouses, slaughter houses, lumber yards; large-scale laundries and cleaning establishments and similar businesses.

607. **Permissible Uses in Institutional Districts**

1. No building or structure shall be erected in an institutional district except:

   a. A church and related structures;

   b. A community or recreation building;

   c. A police station, jail, library, fire house or similar public service building;

   d. All cemeteries shall be located in institutional districts.

608. **Permissible Uses in Recreation Districts**

Land in recreation districts shall be reserved exclusively for recreation uses including parks, playgrounds, recreation buildings and campsites, and outdoor dance and fair grounds.

609. **Permissible Uses in Disposal Districts**

No buildings or structures may be erected on a disposal area except as required by the sanitary disposal of garbage, trash and other waste products.

610. **Variances**

1. Any persons proposing to erect a structure not in conformity to this zoning code or to use an existing structure for a purpose not permitted by the code may apply to the tribal governing body in writing for a variance by stating the nature of the proposed structure. The application shall be posted in a public place, together with notification of when and where interested persons may appear before the **Bay Mills Indian Community Executive Council** to present objections. After holding a meeting as stated in the notice, the tribal governing body shall decide in accordance with the standards of Section 610.3 whether or not to grant a variance in whole or in part, but no variance shall be permitted unless 4 of the 5 members of the governing body shall agree.

2. Any party aggrieved by the decision of the **Bay Mills Indian Community Executive Council** may appeal within 10 days by filing a notice of appeal with the Secretary of the Tribe. He shall be afforded opportunity to present his objections in person at the next council meeting and the decision of the council shall be final but no variance shall be permitted unless 3/4ths in number of the members of the council shall agree.

3. A variance shall be granted only if the applicant can show:

   a. That the proposed use will not materially interfere with the object of this zoning ordinance, and

   b. That unless such variance is granted, he will sustain severe hardship out of all proportion to the public gain achieved by compliance with the ordinance.

611. **Removal of Non-conforming Uses**

1. **Scope**: The zoning Code shall not be construed to require the abandonment of existing uses or the removal of existing structures except as herein provided.

2. **Definition**: A non-conforming structure is one that is devoted to a use which is not permitted in the category or type of District in which it is located.

3. **Removal**: All trailers shall be removed to the District reserved for Class 4 residences as soon as water and sewage is provided at the site selected by the **Executive Council** for a trailer park.

4. **Improvements**: No personal shall make any additions, improvements, or repairs to a non-conforming structure which requires a total investment in materials and labor (including his own) which is equal or greater than 50% of the value of the premises prior to such addition, improvement or repairs. Permission to improve non-conforming structures which would otherwise violate this section may be obtained in the same manner and under the conditions as variance. The tribal governing body or any person adversely affected may apply to the **Bay Mills Indian Community Executive Council** for an order to enjoin any person acting in violation of this subsection.

5. **Destruction**: If any non-conforming structure is more than 50% destroyed by fire, natural deterioration, or other causes, it shall no longer be used in a non-conforming manner and shall not be rebuilt except for use in conformity with this code. The **Bay Mills Indian Community Executive Council** or any person adversely affected may apply to a court of appropriate jurisdiction for an order authorizing a removal of any structure used in violation of the subsection. The court may, if it finds such action fair and just, order the cost of removal charged to the owner.

6. **Abandonment**: Upon the application of the **Bay Mills Indian Community Executive Council** or any other person adversely affected, the tribal governing body may authorize the removal of any non-conforming structure which has been permanently abandoned, and, if it finds such action fair and just, charge the cost of such removal to the former owner.

If the former owner is not given personal notice of the pending action, the **Executive Council** shall, before issuing an order pursuant to this subsection, make every reasonable effort to notify him. Such effort shall include:

a. Mailing a notice of the pending action to the former owner at his last known address; and

b. Posting such notices conspicuously upon the structure sought to be removed, each to be accomplished at least 90 days prior to the issuance of an order under this subsection.

612. **Enforcement**

Except as herein provided, compliance with this code shall be governed by the Code Enforcement Ordinance.

FIRE PREVENTION CODE ORDINANCE NO. RI-7

RESERVATION BAY MILLS ADOPTED APRIL 22, 1968

700. Purpose and Policy

1. The purpose of this code is the protection of persons and buildings and of their contents from fire.

2. This code contains basic minimum provisions considered necessary for the safety of persons and the protection of their property. Compliance with this code, proper precautions, and compliance with reservation building and electrical codes shall result in conditions basically free from the hazards of fire.

701. Application

1. This code shall apply to all land on the reservation under the jurisdiction of the reservation governing body. Cooperation of other governing bodies with jurisdiction over continuous land areas will be sought in the enforcement of fire prevention practices.

702. Administration and Enforcement

1. This code will be administered in accordance with the code compliance ordinance of the reservation governing the administration and enforcement of codes generally.

703. Fire Protection Practices

1. The construction of new buildings -- residential, commercial and industrial -- shall be in conformity with building, electrical and plumbing codes of the reservation.

2. Heating units shall be installed by qualified workmen in a safe and workmanlike manner. Fuel for heating units shall be stored safely and separately from the heating unit.

3. Flammable materials shall be stored only in areas where there is no hazard of fire by contact with heating, cooking or electrical utilities. Storage of such material is closed areas where spontaneous combustion may occur is prohibited.

4. Dwelling units shall be constructed with sufficient distance separating them to prevent the spread of fire from one unit to another.

5. The burning of trash shall be performed in receptacles only with someone standing watch until the fire is extinguished. The burning of fields shall be carried out with due consideration to weather conditions and with one or more persons in constant attendance; no burning shall be done when the fire hazard is high as rated by the Forest Service.

704. Items not Covered

1. All items not covered herein shall be governed by the recommendations of National Fire Protection Association.

BUILDING CODE ORDINANCE NO. RI-2

RESERVATION BAY MILLS ADOPTED APRIL 22, 1968

200 Purpose:

The purpose of this building code is to establish minimum standards for the construction and maintenance to buildings on the reservation. the objective of these regulations is to protect life and limb from fire and accidents resulting from unsafe buildings, ad to insure that buildings have sufficient ventilation, light, heat and other facilities to provide a healthy environment in which to live and work.

201 Application:

1. This code shall apply to the construction and major alteration of:

   a. Any building leased for the purpose of human habitation.

   b. Any building units located in a community improvement area, as defined in Section 501.2 of the community improvement ordinance.

   c. Any building located in an area designated in Section 601.2 of the zoning ordinance.

   d. Any non-dwelling unit other than a barn, farm shed or related farm structure.

   Major alteration shall mean any repair, addition or improvement costing in excess of $1,000.

2. While modernization of existing buildings and dwellings, other than rental units, is not required by this code, it is expected that buildings which do not meet the standards herein prescribed will be made to comply at the earliest possible time.

202 Administration and Enforcement:

This code shall be administered and enforced in accordance with the Code Compliance Ordinance (Ordinance RI-1) governing the administration and enforcement of codes generally.

203 Lot Size and Location of Dwelling Units:

All newly constructed dwellings shall be situated upon lots meeting the requirements of the Zoning Code (Ordinance RI-6).

204 Construction and Alteration Standards:

Every building subject to this code which is constructed or subjected to a major alteration, shall be built or altered in a neat, safe and workmanlike manner. Every reasonable effort shall be made consistent with the amount of money which is spent upon the building, to produce a structure which is safe, weather resistant, and which provides a healthy environment for human use and habitation.

205 Non-dwelling Units:

1. All buildings which are open to the public, including all commercial buildings, stores, hotels, motels, filling stations and all industrial and public buildings, hereafter constructed or subject to major alteration shall be constructed or altered in a sound and workmanlike manner, which shall accord with current practices in other communities for the construction of buildings of like size and character. Matters of construction and design shall, to the extent possible, be governed by the National Building Code.

206 Maintenance:

All structures subject to this code shall be maintained in a safe and sound condition.

RESERVATION BAY MILLS

ADOPTED APRIL 22, 1968

BASIC HOUSING CODE RT-8

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

****

SECTION H-100.0. SCOPE

H-101.0. TITLE. This code shall be known as the Minimum Housing Standards Code for dwellings and multi-family dwellings and is herein referred to as the Housing Code or "this code".

H-101.1 PURPOSE. The purpose of this code is to protect the public health, safety and welfare in buildings used for dwelling purposes as hereinafter provided by:

1. Establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space use and location; and for safe and sanitary maintenance; for cooking equipment in all dwellings and multi-family dwellings now in existence;

2. Fixing the responsibilities of owners, operators and occupants of dwellings and multi-family dwellings;

3. Providing for administration, enforcement and penalties.

H-120.0. MATTERS COVERED. The provisions of the Housing Code shall apply to all structures used for human habitation, which are now,or may become in the future, sub-standard with respect to structure, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions and overcrowding, or otherwise may be deemed to constitute a menace to the safety, health or welfare of their occupants;except as provided in section H-112. The existence of such conditions, factors or characteristics adversely affect public safety, health and welfare and lead to the continuation, extension and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum housing standards.

H-102.1 TRAVEL TRAILERS AND MOBILE HOMES. All moveable units used for human habitation, and the areas, grounds or parcels on which they are located, as provided in section 425 of the Basic Building Code, or such other codes, laws or ordinances of the

municipality applicable thereto, shall comply with the requirements of this Housing Code.

Every portion of a building or premise used or intended to be used for residential purposes, except hotels and motels serving transient guests only, rest homes, convalescent homes, and nursing homes, shall comply with the provisions of this code, irrespective of when such building shall have been constructed, altered, or repaired, except as hereinafter provided.

H-110.1 APPLICATION OF BUILDING CODE. Any alterations to buildings, or changes of use therein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with applicable sections of the building code of the municipality.

H-110.2 APPLICATION OF ZONING LAW. Nothing in this code shall permit the establishment or conversion of a multi-family dwelling in any zone except where permitted by the zoning law; nor the continuation of such nonconforming use in any zone except as provided therein.

H-111.0. CONFLICT WITH OTHER ORDINANCES. Except as provided in section H-112.0, in any case where a provision of this code is found to be in conflict with a provision of nay zoning, building, fire, safety, or health ordinance or code of this municipality existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail. In any case where a provision of this code is found to be in conflict with a provision of any other ordinance or code of this municipality existing on the effective date of this code which establishes a lower standard for the promotion, and protection of the safety and health of the people, the provisions of this code shall prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this code.

H-112.-0. EXISTING BUILDING. Except where obvious hazards to life, sanitation, or adjoining properties are involved, nothing in this code shall require changes in any buildings which were built in full compliance with the applicable codes in force at the time of their construction or alteration, provided such buildings have been properly maintained and used for only such use as originally permitted.

This code establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration, or use of buildings, equipment or facilities except as provided in this section.

Where no code existed at the time of the construction or alteration of a building within the scope of this section, the provisions hereof shall apply except that the building official shall have authority to require safe exits in accordance with section 606.0 of the Basic Building Code or such other codes of the municipality as may be applicable.

H-112.1 **EXISTING REMEDIES.** Nothing in this code shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.

H-120.1 **ENFORCEMENT OFFICER.** It shall be the duty and responsibility of the building official of the municipality to enforce the provisions of the Housing Code as herein provided.

H-120.11. **COORDINATION OF ENFORCEMENT.** Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the building official it is necessary or desirable to have inspection of any condition by any other owners or occupants of buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under this code shall be issued without the approval of the building official, and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved on the case in question.

H-120.12. **ADMINISTRATIVE LIABILITY.** Except as may otherwise be provided by statute or local law or ordinance, no officer, agent or employee of the municipality charged with the enforcement of the Housing Code shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of prosecution of, a criminal proceeding under this code shall be liable to damages hereunder unless he acted with actual malice and without reasonable an unlawful act or omission. Any suit brought against any officer, agent, or employee of the municipality, as a result of any act required or permitted in the discharge of his duties under this code, shall be defended by the legal representative of the municipality until the final determination of the proceedings therein.

H-121.0 **INSPECTIONS.** The building official shall make or cause to be made inspections to determine the conditions of dwellings, multi-family dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the safety, moral, and welfare of the pubic under the provisions of this code. The building official is authorized to enter any dwelling, dwelling unit, multi-family dwelling, rooming house, or premises at any reasonable time for the purpose of performing his duties under this

code. The owner, operator, or occupant of every dwelling, multi-family dwelling, dwelling unit, rooming unit, or the person in charge thereof shall give the building official free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.

It shall be unlawful for any person to refuse entrance or impede an inspector or officer authorized under this code in the performance of duties and every such inspector or officer shall have the right to enter, examine, and survey all premises, grounds, structures, dwellings, and multi-family dwellings and every part thereof at all reasonable times upon display of proper identification.

H-121.1 ACCESS BY OWNER OR OPERATOR. Every occupant of a dwelling unit or rooming unit, shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling unit, rooming unit, or this premises, at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

SECTION H-130.0 CONDEMNATION

Dwellings or multi-family dwellings shall be condemned as dangerous structures or unsafe for human habitation as herein provided.

H-130.1 DANGEROUS STRUCTURES. If all or part of any building or structure (including among others a fence, billboard or sign) or the equipment of the operation thereof (including among others the heating plant, plumbing, electric wiring, moving stairways, elevators and fire extinguishing apparatus) shall be found, in the opinion of the building official, to be in an unsafe condition--dangerous to life, limb, or property, he shall proceed to have the same condemned pursuant to the applicable provisions of section 125 of the Basic Building Code or such other code or codes of the municipality pertaining to unsafe structures.

H-130.2 STRUCTURES UNFIT FOR HUMAN OCCUPANCY. Whenever the building official finds that any dwelling or multi-family dwelling constitutes a hazard to the safety, health, or welfare of the occupants or to the public because it lacks maintenance; or is in disrepair, unsanitary, vermin infested or rodent-infested; or because it lacks the sanitary facilities or equipment, or otherwise fails to comply with the minimum provisions of this code, but as not yet reached such state or complete disrepair as to be condemned as a dangerous structure as hereinbefore provided, he may declare such dwelling or multi-family dwelling as UNFIT FOR HUMAN HABITATION and order it to be vacated.

If any dwelling or multi-family dwelling or any part thereof is

occupied by more occupants than permitted under this code, or was erected, altered or occupied contrary to law, such dwelling or multi-family dwelling shall be deemed an unlawful structure and the building official may cause such dwelling to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law.

H-130.3. NOTICE. Notice of the declaration of any building under the Hosing Code as unfit for human habitation and order to vacate it shall be served as provided in the following sections. When the condition requires the removal or demolition of the building such notice shall be given as provided in section 125 of the Basic Building Code and the building official shall have authority for emergency measures as provided in section 126, subject to the provisions of section 127 of the Basic Building Code or such other codes or ordinances of the municipality pertaining to unsafe buildings.

H-130.31 POSTING OF NOTICE. Any dwelling or multi-family dwelling declared as UNFIT FOR HUMAN HABITATION shall be posted with a placard by the building official. the placard shall include the following:

1. Name of City;
2. The name of the authorized department having jurisdiction;
3. The chapter and section of the code under which it is issued;
4. An order that the dwelling or multi-family dwelling when vacated must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
5. The date that the placard is posted;
6. A statement of the penalty for defacing or removal of the placard.

H-130.32. FORM OF NOTICE. Whenever the building official has declared a dwelling or multi-family dwelling as unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the dwelling or multi-family dwelling as unfit for human habitation; such notice shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;

3. Include a statement of the reason or reasons why it is being issued;

4. State the time to correct the conditions;

5. State the time occupants must vacate the dwelling units.

H-130.33. SERVICE OF NOTICE. Service of notice to vacate shall be as follows:

1. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or

2. By depositing the notice in the United States Post Office addressed to the owner at this last known address with postage prepaid thereon; or

3. By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

H-130.34 REMOVAL OF PLACARD OR NOTICE. No person shall deface or remove the placard from any dwelling or multi-family dwelling which has been declared or placarded as unfit for human habitation except by authority in writing from the building official.

H-130.4 VACATING OF DECLARED BUILDING. Any dwelling or multi-family dwelling which has been declared and placarded as unfit for human habitation by the building official shall be vacated within a reasonable time as required by the building official, and it shall be unlawful for any owner or operator to let any person for human habitation said dwelling, multi-family dwelling or dwelling unit; and no person shall occupy any dwelling official as unfit for human habitation after the date set forth in the placard.

H-130.41 OCCUPANCY OF BUILDING. No dwelling or multi-family dwelling which has been declared or placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the building official. The building official shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.

H.130.5 REPORT OF NOTICE TO VACATE. The building official shall furnish a copy of each notice to vacate a building to the health officer and the chief of the fire prevention bureau, and any other designated official of the municipality concerned therewith.

SECTION H-140.0 VIOLATIONS

Notice of violation shall be served upon the owner of record; provided that such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him personally, or if not found, by leaving a copy thereof at his usual place of abode with a person of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by mail to his last known address, or, if the letter with the copy is returned showing it has not been delivered to him, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.

H-140.1. SERVICE OF NOTICE. Whenever the building official determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation of any provision of this code, he shall give notice of such violation or alleged violation to the person or persons responsible therefore. Such notice shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Specify the violation which exists and the remedial action required;
4. Allow a reasonable time for the performance of any act it requires.

H-140.2. PROSECUTION OF VIOLATION. In case any violation order is not promptly complied with, the building official may request the legal representative to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation, ordering him:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, or alteration of such building;
3. To require the removal of work in violation;
4. To prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued; or

5. To enforce the penalty provisions of this code.

H-140.3. PENALTY FOR VIOLATIONS. Every person, firm, or corporation who shall violate any provision of this code shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or by imprisonment as provided in the laws of the municipality for such misdemeanor. Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.

SECTION H-150.0. VALIDITY

H-150.1. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect; and to this end the provisions of this code are hereby declared to be severable.

H-150.2. SAVING CLAUSE. This code shall not affect violations of any other ordinance, code or regulation of the municipality existing prior to the effective date hereof and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

ARTICLE 2
DEFINITIONS

SECTION H-200.0 SCOPE

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section.

H-200.1. INTERCHANGEABILITY. Words used in the present tense include the future; works in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

H-200.2. TERMS DEFINED IN BUILDING CODE. Where terms are not defined in this section and are defined in the Basic Building Code, they shall have the meanings ascribed to them as in the building code.

H-200.3. TERMS NOT DEFINED. Where terms are not defined under the provisions of this code or under the provisions of the building code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

SECTION H-210.0. APPLIED MEANING OF WORDS AND TERMS

APPROVED. Approved as applied to a material, device, or method of construction shall mean approved by the building official under the provisions of this code, or approved by other authority designated by law to give approval in the matter in question.

BASEMENT. A portion of the building partly underground, but having less than half it s clear height below the average grande of the adjoining ground. (See cellar).

BASIC BUILDING CODE. The Basic Building Code, latest edition and current accumulative supplement officially adopted by the municipality; or such other code as may be officially designated by the legislative body of the municipality for the regulation of construction, alteration, addition, repair, removal, demolition, use location, occupancy and maintenance of buildings and structures.

BUILDING OFFICIAL. The official designated by the municipality to

enforce building, zoning or similar laws and this code, or his duly authorized representative.

CELLAR. The portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

DWELLINGS:

1-FAMILY A building containing one dwelling unit with not more than five (5) lodgers or boarders.

2-FAMILY A building containing two (2) dwelling unity with not more than five (5) lodgers or boarders per family but not more than twenty (20) individuals.

MULTI-FAMILY/ APARTMENT HOUSE A building containing more than two (2) dwelling units.*

BOARDING HOUSE/ LODGING HOUSE/ TOURIST HOUSE A building arranged or used for lodging with or without meals, for compensation, more than five (5) and not more than twenty (20) individuals.

DORMITORY A building arranged or used for lodging six (6) but not more than twenty (20) individuals and having common toilet and bathroom facilities.

HOTEL A building arranged or used for sheltering, sleeping, or feeding, for compensation, of more than twenty (20) individuals.

DWELLING UNIT One or more rooms arranged for the use of one (1) or more individuals living together as a single house-keeping unit, with cooking, living, sanitary and sleeping facilities.*

ENFORCEMENT OFFICER The official designated herein or otherwise charged with the responsibilities of administer this code, or his authorized representatives.

EXTERIOR PROPERTY AREAS The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION The control and elimination of insects, rodents or other pests by eliminating their harborage places;

by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

*Whenever the words "multi-family dwelling", "residence building", "dwelling unit", "rooming house", "rooming units", or "premises" are used in this code, they shall be construed as though they were followed by the words "or any part thereof".

FAMILY A group of persons related by blood, marriage, or adoption within and including the degree of first cousins.

GARBAGE The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GROSS FLOOR AREA The total area of all habitable space in a building or structure

HABITABLE ROOM A room or enclosed floor space arranged for living, eating and sleeping purposes (not including bathrooms, water closet compartment, laundries, pantries, foyers, hallways and other accessory floor spaces).

HOTEL (See dwellings).

INFESTATION The presence, within or contiguous to a multi-family dwelling, dwelling unit, rooming house, rooming unit, or premises, of insects, rodents, vermin or other pests.

MOTEL For purposes of this code, a motel shall be defined as a hotel.

MULTI-FAMILY MULTIPLE DWELLING (See Dwellings).

OCCUPANT Any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

OPENABLE AREA That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR Any person who has charge, care or control of a multi-family dwelling or rooming house, in which dwelling units or rooming units are let or offered for occupancy.

OWNER The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possessions, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation.

PERSON An individual, firm, corporation, association or partnership.

PLUMBING OR PLUMBING FIXTURES. Water heating facilities, waters pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

PREMISES. A lot, plot or parcel of land including the buildings or structures thereon.*

RESIDENCE BUILDING A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the building code.*

ROOMING HOUSE Any residence building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to more than five (5) persons who are not members of the family. (See dwellings--Boarding house).*

RUBBISH Combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar material.

SUPPLIED. Installed, furnished or provided by the owner or operator.

VENTILATION. The process of supplying and removing air by natural or mechanical means to or from any space.

MECHANICAL Ventilation by power-driven devices.

NATURAL. Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind driven devices.

WORKMANLIKE. Whenever the words "workmanlike state of maintenance and repair" are used in this code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

YARD. An open unoccupied space on the same lot with a building extending along the entire length of a street, or rear, or interior lot line.

*Whenever the words "multi-family dwelling", "residence building", "dwelling unit", "rooming house", "rooming unit", or "premises" are used in this code, they shall be construed as though they were followed by the words "or any part thereof".

ARTICLE 3

ENVIRONMENTAL REQUIREMENTS

SECTION H-300.0. SCOPE

The provisions of this article shall govern the minimum conditions of property and buildings to be used for human occupancy. Every building or structure occupied by humans, except as exempted by section H-112.0, and the premises on which it stands, shall comply with the conditions herein prescribed as they may apply thereto.

SECTION H-310.0 EXTERIOR PROPERTY AREAS

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit for the purpose of living therein, or premises, which does not comply with the following requirements. The building official of the municipality shall cause periodic inspections to be made of dwelling premises to secure compliance with these requirements.

H-310.1. SANITATION. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

H-310.2. GRADING AND DRAINAGE. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

H-310.3. NOXIOUS WEEDS. All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.

H-310.4. INSECT AND RODENT HARBORAGE. Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises; except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

H-310.5. ACCESSORY STRUCTURES. All accessory structures including detached garages shall be maintained structurally sound and in good repair.

SECTION H-320.0 EXTERIOR STRUCTURE

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or multi-family dwelling, dwelling unit, rooming house, rooming unit, or portion thereof for the purpose of living therein; which does not comply with the following requirements.

H-321.0 FOUNDATIONS, WALLS AND ROOF. Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents.

H-321.1 FOUNDATIONS. The foundation elements shall adequately support the building at all points.

H-321.2 EXTERIOR WALLS. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building.

H-321.3. ROOFS. The roof shall be structurally sound, tight, and have no defects which might admit rain; and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

H-322.0 STAIRS, PORCHES AND RAILING. Stairs and other exit facilities shall be adequate for safety as provided in Section 606 of the Basic Building Code, and shall comply with the following subsections.

H-322.1 STRUCTURAL SAFETY. Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code; and shall be kept in sound condition and good repair.

H-322.2. HANDRAILS. Where the building official deems it necessary for safety, every flight of stairs, which is more than two (2) risers high shall have handrails which shall be located as required by the building code; and every porch which is more than two (2) risers high shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

H-323.0. **WINDOWS, DOORS AND HATCHWAYS.** Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

H-323.1. **WINDOWS TO BE GLAZED.** Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.

H-323.2. **WINDOWS TO BE TIGHT.** Every window sash shall be in good condition and fit reasonably tight within its frame.

H-323.3. **WINDOWS TO BE OPENABLE.** Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

H-323.4. **DOOR HARDWARE.** Every exterior door, door hinge, and door latch shall be maintained in good condition.

H-323.5. **DOORS TO FIT IN FRAME.** Every exterior door, when closed, shall fit reasonably well within its frame.

H-323-6. **WINDOW AND DOOR FRAMES TO FIT IN WALL.** Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or multi-family dwelling.

H-323-7. **BASEMENT HATCHWAYS.** Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or multi-family dwelling.

H-323-8. **EXIT DOORS.** Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key.

H-324.0. **SCREENING.** Guards and screens shall be supplied for protection against rodents and insects in accordance with the following requirements.

H-324.1. **GUARDS FOR BASEMENT WINDOWS.** Every basement or cellar window which is openable shall be supplied with corrosion-resistive rodent-proof shields of not less than No. 22 U.S. gage perforated steel sheets, or No. 20 B&S gage aluminum, or No. 16 U.S. gage expanded metal or wire mesh screens, with not more than one-half (1/2) inch mesh opening; or with other material affording equivalent protection against the entry of rodents, including storm windows.

H-324.2. **INSECT SCREENS.** From June 1st to October 15th of every year every door opening directly from any dwelling or multi-family dwelling to the outdoors, and every window or outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch and every screen door shall have a self-closing device in good working condition; except that no such screens shall be required for a dwelling unit on a floor above the fifth floor.

SECTION H-330.0 INTERIOR STRUCTURE

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit, or portion thereof, for the purpose of living therein which does not comply with the following requirements.

H-331.0 **FREE FROM DAMPNESS.** In every dwelling, multi-family dwelling, dwelling unit, rooming house, and rooming unit, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conducive to decay or deterioration of the structure as required by the building code.

H-332.0 **STRUCTURAL MEMBERS.** The supporting structural members of every dwelling and multi-family dwelling used for human habitation shall be maintained structurally sound; showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provision of the building code.

H-333.0 **INTERIOR STAIRS AND RAILINGS.** Stairs shall be provided in every dwelling, multi-family dwelling, rooming and boarding house as required by the building code.

H-333.1 **MAINTAINED IN GOOD REPAIR.** All interior stairs of every structure used for human habitation shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained to be safe to use and capable of supporting a load as required by the provisions of the building code.

H-333-2 **HANDRAILS.** Every stairwell and every flight of stairs, which is more than two (2) risers high, shall have handrails or railings located in accordance with the provisions of the building code. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railings, capable of bearing normally imposed loads as required by the building code, shall be placed on the open portions of stairs, balconies, landings and stairwells.

H-334.0 BATHROOM FLOORS. Every toilet and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

H-335.0. SANITATION. The interior of every dwelling and multi-family dwelling used for human habitation shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under Section H-404.0 and H-405.0 of this code.

H-336.0 INSECT AND RODENT HARBORAGE. Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects or rodents are found they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken prevent reinfestation.

H-336.1 EXTERMINATION FROM BUILDINGS. Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests whenever infestation exists in two (2) or more of the dwelling units, or in the shared or public parts of the structure.

H-336.2 EXTERMINATION FROM SINGLE DWELLING UNITS. The owner of a dwelling unit in a dwelling or multi-family dwelling shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only unit in the building that is infested.

H-336.3 RESPONSIBILITY OF OWNER. Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multi-family dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

ARTICLE 4

SPACE AND OCCUPANCY REQUIREMENTS

SECTION H-400.0 BASIC FACILITIES

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements.

H-401.0. SANITARY FACILITIES. The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe working condition.

H-401.1. WATER CLOSET. Every dwelling unit shall contain within its walls, a room, separate from the habitable rooms, which affords privacy and which is equipped with a water closet.

H-401.2. LAVATORY. Every dwelling unit shall contain a lavatory, which, when a closet is required, shall be in the same room with said water closet.

H-401.3. BATHTUB OR SHOWER. Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower.

H-401.4. KITCHEN SINK. Every dwelling unit shall contain a kitchen sink apart from the lavatory required under section H-401.2.

H-402.0. WATER AND SEWER SYSTEM. Every kitchen sink, lavatory basin, bathtub or shower and water closet required under the provisions of section H-401 shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

H-402.1. WATER HEATING FACILITIES. Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water under section H-402. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar units, at a temperature of not less than one hundred thirty (130) degrees Fahrenheit at any time needed.

H-403.0. HEATING FACILITIES. Every dwelling and multi-family dwelling shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of seventy (70) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero (0). The owner shall maintain a minimum average room temperature of seventy (70) degrees Fahrenheit in all habitable rooms including bathrooms and toilet rooms when rented, at all times on the basis of ten (10) degrees below zero (0) outside.

H-403.1. OPERATION OF HEATING FACILITIES AND INCINERATORS. Every heating or water heating facility and incinerator shall be installed and shall operate in accordance with the requirements of the building code or the air pollution control ordinances of the municipality.

H-404.0. RUBBISH STORAGE FACILITIES. Every dwelling, multi-family dwelling and dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator or agent in control of such dwelling or multi-family dwelling shall be responsible for the removal of such rubbish.

H-405.0. GARBAGE STORAGE OR DISPOSAL FACILITIES. Every dwelling or multi-family dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility; which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit; or an incinerator unit, to be approved by the building official, in the structure for the use of the occupants of each dwelling unit; or an approved outside garbage can.

SECTION H-410.0 INSTALLATION AND MAINTENANCE

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, or rooming unit for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements.

H-410.1. FACILITIES AND EQUIPMENT. All required equipment and all building space and parts in every dwelling and multi-family dwelling shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code.

H-401.2. MAINTAINED CLEAN AND SANITARY. All housing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

H-411.0. PLUMBING FIXTURES. In buildings and structures used for human habitation, water lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function from which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the municipality.

H-412.0. PLUMBING SYSTEMS. In buildings and structures used for human habitation, every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the municipality.

H-413.0. HEATING EQUIPMENT. Every space heating, cooking, and water heating device located in a dwelling or multi-family dwelling shall be properly installed, connected, and maintained, and shall be capable of performing the function for which it was designed in accordance with the provisions of the building code.

H-414.0. ELECTRICAL OUTLETS AND FIXTURES. Every electrical outlet and fixture, as required in Section H-430.0 shall be installed, maintained and connected to the source of electrical power in accordance with the provisions of the building code or electrical code of the municipality.

H-414.1. CORRECTION OF DEFECTIVE SYSTEM. Where it is found, in the opinion of the building official, that the electrical system in a building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, for similar reasons, he shall require the defects to be corrected to eliminate the hazard.

SECTION H-420.0. OCCUPANCY REQUIREMENTS

No person shall occupy or let to another for occupancy, any dwelling unit for the purpose of living therein which does not comply with the following requirements.

H-421.0. MINIMUM CEILING HEIGHTS. Habitable rooms in existing buildings, except as provided in Section H-112, shall have a clear ceiling height of not less than seven and one-third (7-1/3) feet, except that in attics or top half-stories the ceiling height shall be not less than seven (7) feet over not less than one-third (1/3) of the area when used for sleeping, study or similar activity. In calculating the floor area of such rooms only those portions of the floor area have a clear ceiling height of five (5) feet or more may be included.

H-422.0. REQUIRED SPACE IN DWELLING UNITS. Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

H-423.0. REQUIRED SPACE IN SLEEPING ROOMS. In every dwelling unit every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.

H-424.0. ACCESS LIMITATION OF DWELLING UNIT TO COMMERCIAL USES. No habitable room, bathroom or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist examination or treatment room, or similar room used for public purposes.

H-425.0. LOCATION OF BATH AND SECOND SLEEPING ROOM. No residence building or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; no shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. No bathroom shall be so located that access thereto is solely through a kitchen.

H-426.0. OCCUPANCY OF DWELLING UNITS BELOW GRADE. No dwelling unit below grade shall be used for living purposes unless:

1. Floors and walls are watertight;

2. Total window area, total openable area and ceiling height are in accordance with this code; and

3. Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

SECTION H-430.0 LIGHT AND VENTILATION

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit for the purpose of living therein which does not comply with the following requirements.

H-431.0. NATURAL LIGHT IN HABITABLE ROOMS. Every habitable room shall have at least one (1) window of approved size facing directly to the outdoors of to a court. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room, except in kitchens when article light may be provided in accordance with the provisions of the Basis Building Code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

H-432.0. LIGHT IN NON-HABITABLE WORK SPACE. Every laundry, furnace room, and all similar non-habitable work spaces located in a dwelling or multi-family dwelling shall have one (1) supplied electric light fixture available at all times.

H-433.0. LIGHT IN PUBLIC HALLS AND STAIRWAYS. Every public hall and inside stairway in every dwelling or multi-family dwelling shall be adequately lighted at all times with an illumination of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

H-434.0 ELECTRIC OUTLETS REQUIRED. Where there is electric service available to the building or structure, every habitable room of a dwelling or multi-family dwelling shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall-type electric light fixture. In kitchens three (3) separate and remote wall-type electric convenience outlets or two (2) such convenience outlets and one (1) ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one (1) electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one (1) electric outlet.

H-435.0. ADEQUATE VENTILATION. Every habitable room shall have at least one (1) window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every habitable rooms shall be equal to at least forty-five (45) percent of the minimum window area size required in section H-431, except where mechanical ventilation is provided in accordance with the provisions of the Basic Building Code.

H-436.0 VENTILATION AND LIGHT IN BATHROOM AND WATER CLOSET. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by Section H-431 and H-434, except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system.

SECTION H-440.0. MINIMUM REQUIREMENTS FOR SAFETY FROM FIRE

No person shall occupy as owner-occupant, or shall let to another or occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit, lodging house or lodging unit which does not comply with the applicable provisions of the fire prevention sections of the Basic Building Code ordinances of the municipality and the following additional requirements for safety from fire.

H-441.0. STORAGE OF FLAMMABLE LIQUIDS PROHIBITED. No dwelling, multi-family dwelling, dwelling unit, or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids with a flash point of one hundred ten (110) degree Fahrenheit or lower.

H-442.0. COOKING AND HEATING EQUIPMENT. All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances of the municipality applicable thereto. Portable cooking equipment employing flame is prohibited.

ARTICLE 5

RESPONSIBILITIES OF PERSONS

SECTION H-500.0 SCOPE

Occupants of dwellings, multi-family dwellings, and dwelling units, and owners or operators of rooming houses shall be responsible for maintenance thereof as provided in this article.

H-501.0. CLEANLINESS. Every occupant of a dwelling unit shall keep that part of the dwelling unit and premises thereof which he occupies, controls or uses in a clean and sanitary condition.

H-502.0. DISPOSAL OF RUBBISH. Every occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in rubbish containers required by section H-404 of this code.

H-503.0. DISPOSAL OF GARBAGE. Every occupant of a dwelling unit shall dispose of his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities, or if such facilities are not available, by removing all burnable matter and securely wrapping such garbage and placing it in tight metal garbage storage containers as required by section H-405 of this code; or by such other disposal method as may be required by applicable laws or ordinances of the municipality.

H-504.0. USE AND OPERATION OF SUPPLIED PLUMBING FIXTURES. Every occupant of a dwelling unit shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

H-505.0. INSTALLATION AND CARE OF PLUMBING FIXTURES FURNISHED BY OCCUPANT. Every plumbing fixture furnished by the occupant of a dwelling unit shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

SECTION H-510.0. ROOMING HOUSES

Every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, shall comply with the provisions of every section of this code, except as provided in the following sections.

H-511.0. WATER CLOSET, HAND LAVATORY, AND BATH FACILITIES. At least one (1) water closet, lavatory basin, and bathtub or shower properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared. All such facilities shall be located within the residence served and shall be not more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basis and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

H-512.0. MINIMUM FLOOR AREA FOR SLEEPING PURPOSES. Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than three (3) persons shall contain at least fifty (50) square feet of floor area for each occupant thereof.

H-513.0. BED LINEN AND TOWELS. The operator of every rooming house shall supply bed linen and towels therein at least once each week, and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

H-514.0. SHADES, DRAPES, ETC. Every window of every rooming unit shall be supplied with shades, drawn drapes, or other devices or materials which, when properly used, will afford privacy to the occupant of the rooming unit.

H-515.0. SANITARY CONDITIONS. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

H-516.0. SANITARY CONDITIONS. Every water closet, flush urinal, lavatory basin and bathtub or shower required by section H-511.0 shall be located within the rooming house and within a room or rooms which:

1. Afford privacy and are separate from the habitable rooms;

2. Are accessible from a common hall and without going outside the rooming house or through any other room therein.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

MICHIGAN AGENCY
FEDERAL SQUARE OFFICE PLAZA
P.O. BOX 884
SAULT STE. MARIE, MICHIGAN 49783

IN REPLY REFER TO:
Tribal Operations

July 20, 1983

Mr. Wade I. Teeple, Chairman
Route #1
Brimley, MI 49715

Dear Chairman Teeple:

Pursuant to the authority invested in the Superintendent under Article VI, Section 4, Powers of the Constitution and By-laws of the Bay Mills Indian Community, Resolution No. 83-7-1 is hereby approved this 20th day of July, 1983.

This action is subject to review by the Secretary of the Interior who may, within 90 days, rescind this action by a notification to the Tribal Council in writing.

If we can be of further assistance, please advise.

Sincerely,

L. John Lufkins
Acting Superintendent

cc: Minneapolis Area Office

1983 JUL -1 AM 11:52

RESOLUTION

Resolution No. 83-7-1

WHEREAS: The Bay Mills Indian Community is duly recognized and organized Tribe under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), and

WHEREAS: The Bay Mills Indian Community has the inherent power of self-government which allows the establishment of laws and ordinances on the reservation, and

WHEREAS: The Bay Mills Indian Community has two projects under the Department of Housing and Urban Development located on the reservation of the Community, and

WHEREAS: The General Tribal Council at a meeting on June 15, 1983, mandated that the speed limits in the above named Housing Projects be fifteen (15) miles per hour.

NOW, THEREFORE, BE IT RESOLVED, that the 15 miles per hour in the Housing Projects be enacted forthwith.

APPROVED:

Wade I. Teeple

Wade I. Teeple, Tribal Chairman
Bay Mills Indian Community
General Tribal Council

ATTEST:

Veronica A. Lufkins

Veronica A. Lufkins, Secretary
Bay Mills Indian Community
General Tribal Council

CERTIFICATION

I, the undersigned, as Secretary of the Bay Mills General Tribal Council do hereby certify that the above resolution was approved at a meeting of the Bay Mills General Tribal Council held in Bay Mills, Michigan on the 15th day of June, 1983 with a vote of 59 for 0 opposed and 1 abstaining.

Pursuant to authority under Article VI, Section 4, this resolution is hereby approved.

Veronica A. Lufkins

Veronica A. Lufkins, Secretary

L. John Lufkins 7-20-83
Acting Superintendent date

BAY MILLS INDIAN COMMUNITY

TRIBAL UTILITY ORDINANCE

ARTICLE I

GENERAL PROVISIONS

SECTION 1.01. TITLE AND DATE; This ordinance shall be titled; the Bay Mills Tribal Utility Ordinance. The ordinance shall become effective immediately upon adoption by resolution by the Bay Mills Indian Community Executive Council.

SECTION 1.02. PURPOSE: The purpose of the Bay Mills Tribal Utility Ordinance is to define the policies, establish an organization and identify the necessary rules and regulations for: The operation, maintenance and management of the various public utilities located on the Bay Mills Indian Reservation.

SECTION 1.03. POLICY: It shall be the policy of the Bay Mills Indian Community to operate, maintain and manage the public utilities on the Bay Mills Indian Reservation so that the community residents are provided with a high level of environmental services designed to minimize exposure to adverse conditions which could negatively impact the physical and environmental health of any individual or the community. It shall also be the policy of the Bay Mills Indian Community that the operation maintenance and management of the public utilities shall be carried out through an efficient program and in a financially responsible cost effective and self-sufficient manner.

SECTION 1.04. JURISDICTION: The authority to establish a Tribal Utility Organization and to levy appropriate user fees to all residents and organizations operating on the Bay Mills Indian Reservation is provided in Articles VI and Section 4 of the Bay Mills Indian Community Tribal Constitution.

ARTICLE II

DEFINITION OF TERMS

SECTION 2.01. GENERAL: Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be set forth in this Article II.

SECTION 2.02. APPURTENANCES: "Appurtenances" are the real and personal property owned by the Utility Services Department or the Tribe located on, near or under the roadways and streets, such as fire hydrants and valves.

SECTION 2.03. CUSTOMER: "Customer" means a person, business, agency or other organization that uses, is entitled to use, or is obligated to pay for the use or receipt of services from the Utility Services Department.

SECTION 2.04. CUSTOMER LINES: "Customer lines" are the potable water lines located immediately adjacent to, inside of, or under a customer's residence or other building or property, which are either connected to utility service lines or are maintained by the customer separately from utility service lines.

SECTION 2.05. GARBAGE: "Garbage" shall mean all degradable and non-degradable refuse and solid waste without economic value that is generated through the course of normal living by the residents and organizations in the community.

SECTION 2.06. DISTRIBUTION SYSTEM LINES: "Distribution system lines" are those potable water lines maintained by the Utility Department by which water utility services are provided to customers.

SECTION 2.07. METER: "Meter" is a device, owned by the Utility Services Department, for measuring the amount of water utility services provided to a particular customer.

SECTION 2.08. MANAGER: "Manager" shall mean an individual hired by or appointed by the Utility Authority to oversee and manage the operation of the Utility Services Department.

SECTION 2.09. OPERATOR: "Operator" shall mean an individual hired by or appointed by the Utility Authority or manager to provide direct day to day preventive maintenance and operational service for the public water and sanitary sewer utilities.

SECTION 2.10. ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS; "On-site sewage treatment and disposal systems" shall mean individual or community septic tanks and subsurface drain fields and associated appurtenances that collect, treat and dispose of liquid waste generated by customers, which are maintained and operated by the Utility Services Department.

SECTION 2.11. OFF-RESERVATION: "Off-reservation" is any area located outside of the exterior boundaries of the Bay Mills Indian Reservation.

SECTION 2.12. REGULATION: "Regulation" is a rule of law or procedure duly adopted by the Utility Authority for purposes of implementing the requirements of this ordinance.

SECTION 2.13. SEPTIC SYSTEM CONTRACTOR: "Septic system Contractor" shall mean any individual, firm, contractor or organization who the Utility Authority contracts with, to pump out on-site sewage treatment and disposal systems and dispose of the waste material and/or to repair the on-site sewage treatment and disposal systems located on the Bay Mills Indian Reservation.

SECTION 2.14. TRIBAL COMMUNITY: "Tribal Community," for purposes of this ordinance, shall include, but not necessarily be limited to, enrolled Bay Mills Indian Community Tribal members.

SECTION 2.15. CONTRACTOR: "Contractor" shall mean any individual, firm, contractor or organization who contracts with the Utility Authority to provide environmental services or utility repairs, design, inspection, reconstruction or operation.

SECTION 2.16. UTILITIES AND ENVIRONMENTAL SERVICES: "Utilities and Environmental Services" are those basic services necessary for supporting residential and commercial development, including, but not limited to, water, sewer, garbage collection, roads and appurtenances.

SECTION 2.17. UTILITY AUTHORITY: "Utility Authority" is the agency responsible for, and authorized to manage, the Utility and Environmental Services Department of the Bay Mills Indian Community, as established by this ordinance.

SECTION 2.18. UTILITY AND ENVIRONMENTAL SERVICES DEPARTMENT: "Utility and Environmental Services Department" is a governmental department of the Bay Mills Indian Community authorized to operate the utility services provided by the Tribe.

SECTION 2.19. DEPARTMENT: "Department" shall mean the Utility and Environmental Services Department of the Bay Mills Indian Community.

SECTION 2.20. VENDOR: "Vendor" is any individual firm, contractor or organization who regularly supplies parts, equipment, supplies and services to the Utility and Environmental Services Department used in the operation maintenance and management of the Utilities and Environmental Services of the Bay Mills Indian Community.

SECTION 2.21. COLLECTION LINES: "Collection Lines" are those sanitary sewerage lines maintained by the Utility and Environmental Services Department by which sanitary sewer collection and disposal services are provided to customers.

SECTION 2.22. SHALL, MAY: "Shall" is mandatory; "may" is permissive.

ARTICLE III

UTILITY AND ENVIRONMENTAL SERVICES DEPARTMENT AND UTILITY AUTHORITY

SECTION 3.01. ESTABLISHMENT OF UTILITY AND ENVIRONMENTAL SERVICES DEPARTMENT: There is hereby established the Bay Mills Tribal Utility and Environmental Services Department having the responsibility for operating and maintaining the tribal public utilities and providing essential community environmental services directly or by contract.

SECTION 3.02. UTILITY AUTHORITY: There is hereby established the Bay Mills Indian Community Tribal Utility Authority to serve as the advisory, administrative and management authority for the Bay Mills Tribal Utility and Environmental Services Department.

SECTION 3.03. UTILITY AUTHORITY - OPERATING ORGANIZATION: The Utility Authority shall operate as a subordinate unit of tribal government, independent in its daily operation, but responsible to the Executive Council for its actions. The methods of appointment, terms of office, and operating procedures of the Utility Authority shall be set forth in this ordinance and in regulations adopted by the Utility Authority.

SECTION 3.04. UTILITY AUTHORITY - POWERS AND RESPONSIBILITIES: The Utility Authority shall manage the public utilities of the Tribe, and obtain and disburse funds as required for operation, maintenance and expansion of the tribal public utilities.

To fulfill these responsibilities, the Authority shall have the power to:

(1) Levy and collect reasonable fees for utility services;
(2) Provide for the hiring and compensation of appropriate management and maintenance personnel:
(3) Adopt appropriate regulations to implement the requirements of this Ordinance;
(4) Authorize disbursement of funds for operation, maintenance and repair of utility services.
(5) Contract with vendors and contractors to assure that safe and reliable environmental services are available to and utilized by the residents of the Bay Mills Indian Community.
(6) Authorize investment of Utility and Environmental Service Department funds.

SECTION 3.05. UTILITY AUTHORITY - MEMBERSHIP: The Utility Authority shall be composed of five persons appointed by the Executive Council. One person shall be selected from the Executive Council, as its representative; and, four persons selected from the general tribal community.

The Council shall appoint at least three of the five members from among the on-reservation users of the Tribal Public Utilities. Members of the Utility Authority shall be known as Utility Commissioners.

SECTION 3.06. TERM OF OFFICE: Except for the initial Authority membership, all Commissioners will serve two-year terms, except for the representative from the Executive Council who shall serve a one-year term. Initial Commissioners of the Authority shall serve terms as follows:

Council Representative (Position 1) - 1 year
Community Representative (Position 2) - 2 years
Community Representative (Position 3) - 1 year
Community Representative (Position 4) - 2 years
Community Representative (Position 5) - 1 year

Terms shall expire upon the swearing in of newly appointed Commissioners.

In the event that the Executive Council Representative Commissioner loses or resigns his position on the Executive Council, his appointment to the Utility Authority shall expire immediately, and the Executive Council shall fill the vacancy by appointment of a new Commissioner at the next regular meeting of the Executive Council.

SECTION 3.07. UTILITY AUTHORITY - METHOD OF APPOINTMENT: The Executive Council shall annually appoint persons to fill any Utility Authority vacancies. For the Commissioner positions to be filled by tribal community members, the Executive Council shall advertise in the tribal newsletter soliciting interested persons for nomination. For all Commissioner positions, the Executive Council shall choose persons capable and willing to perform the duties of the Authority. After receiving nominations, the Executive Council shall appoint Commissioners by a majority vote.

SECTION 3.08. UTILITY AUTHORITY VACANCIES: If a Commissioner resigns, moves from the local area, dies, or is found guilty of a felony or major crime in any court of law, the Executive Council shall declare the Commissioner position vacant. If any Commissioner misses two consecutive Utility Authority meetings without a valid excuse, the Executive Council may declare the position vacant. All vacancies shall be filled within one month in accordance with this Section.

In the event that the number of unfilled Commissioners vacancies prevents gathering of a quorum for purposes of conducting business, the Executive Council shall act as the interim Utility Authority until such time as the filling of Commissioners' vacancies allows for a quorum.

SECTION 3.09. OFFICERS: Within ten days after the appointment of the initial Commissioners, there shall be an organizational meeting of the Utility Authority to elect a Chairman, Vice Chairman and a Secretary-Treasurer from among the Utility Authority Commissioners. The Officers shall be elected annually thereafter, immediately following the appointment by the Executive Council of the new Commissioners.

SECTION 3.10. DUTIES OF OFFICERS: Officers of the Utility Authority shall assume the following duties:

1. Chairman - Shall preside at all meetings; call and arrange all meetings; be responsible for all general management of the Utility Authorities affairs; and perform all duties incidental to the office.
2. Vice-Chairman - Shall perform all of the Chairman's duties in the absence of the Chairman; and shall assist the Chairman as required in handling the Utility Authority's affairs.
3. Secretary-Treasurer - Shall keep or cause to be kept a complete and accurate record of all meetings and shall maintain all correspondence, notices and records of the Utility Authority: Shall be responsible for maintaining financial records of the Utility and Environmental Services Department: Shall report the Department's financial status at each regularly scheduled Utility Authority meeting and shall present to the Commissioners for their action all requests for funds to meet the Department's financial obligations. Shall prepare an annual financial statement for submission to the Executive Council for the general membership meeting. Further, the Treasurer shall make all investments for the Utility Authority in accordance with appropriate sections of this ordinance.

SECTION 3.11. MEETINGS: The Utility Authority shall meet when business demands and requires attention, but in no case less than every three months. Regular and special meetings shall be called by the Chairman. Any two Commissioners may request the Chairman, in writing, to schedule a special meeting of the Utility Authority. If the Chairman fails to schedule a meeting within five days after receipt of a written request, any other two Commissioners may call such a meeting.

Meetings shall be held in public places, and the Utility Authority shall provide at least 7 days public notice of Authority meetings. Emergency meetings may be convened with less than seven (7) days notice, in cases of emergency where loss of life, limb or property is threatened, or where the continued operation or fiscal capability of the Tribal public utilities may be in jeopardy. All meetings shall be open to members of the tribal community and to users of the Tribal Public Utilities.

SECTION 3.12. QUORUM AND VOTING: A minimum of four Commissioners is required to establish a quorum and conduct Utility Authority business. Any action taken by the Utility Authority must be approved by a majority vote of those Commissioners present at a Utility Authority meeting. Each Commissioner of the Utility Authority, except the Chairman, shall be entitled to vote on each matter coming properly before the Utility Authority. The Chairman shall vote only in the event of a tie.

SECTION 3.13. MEETING AGENDA: Regular meetings of the Utility Authority shall be conducted according to the following agenda outline:

1. Call to Order
2. Roll call
3. Reading of minutes of previous meeting
4. Report by Treasurer
5. Report by Manager and/or Operator
6. Unfinished business
7. New business
8. Miscellaneous business
9. Adjournment

SECTION 3.14. COMPENSATION: Commissioners of the Utility Authority shall serve without monetary compensation, except as determined by the Executive Council. The Executive Council shall establish prevailing government rates for mileage, per diem, or other costs, consistent with tribal policy, and shall direct the Business Manager to approve such expenditures; provided that funds are available within the Utility and Environmental Services Department budget approved by the Utility Authority and ratified by the Executive Council.

SECTION 3.15. PUBLIC HEARINGS: The Utility Authority shall convene public hearings to discuss changes in utility rates assessed to users of tribal public utilities. All users of tribal public utilities shall be afforded seven days written notice of such hearings, and adequate notices shall be posted at appropriate places within the community.

ARTICLE IV

MANAGEMENT AND FINANCES

SECTION 4.01. MANAGEMENT PERSONNEL: The Utility Authority shall manage the business and operating affairs of the Utility and Environmental Services Department. The Utility Authority may provide for hiring and contracting personnel for the care and maintenance of the Tribal Public Utilities (provided that hiring shall be in accordance with tribal personnel policies), and shall establish compensation rates consistent with the Utility Department approved budget. The Utility Authority may delegate only those management duties that are not specifically designated as duties to be performed exclusively by the Utility Authority.

SECTION 4.02. ANNUAL BUDGET: The Utility Authority shall establish an annual budget enumerating the necessary costs of Utilities and Environmental Services operation, maintenance, administration, personnel, liability and other insurance, replacement, and a reserve for major repairs and replacements.

SECTION 4.03. USER FEE SCHEDULE: The annual budget shall be used to determine a fee schedule to be assessed to the users of Tribal Public Utilities. The budget and fee schedule shall be approved by the Utility Authority and ratified by the Executive Council.

SECTION 4.04. FISCAL YEAR: The fiscal year for the Utilities and Environmental Services Department shall be the same as the fiscal year of the Executive Council.

SECTION 4.05. DEPOSITORY: The depository of the Authority shall be set-up by the Tribal Accounting Department to meet the need for separation and accountability of utility funds.

SECTION 4.06. INVESTMENTS: Funds on deposit in excess of 30 days working capital may be invested in insured deposits at a commercial bank, savings and loan association or investment company offering the highest interest rate, provided that investment deposits shall have immediate liquidity. Investment deposits shall be made by the Tribal Investment Committee. Withdrawals from accounts shall be signed by two of the authorized signatures of the tribe.

SECTION 4.07. DISBURSEMENTS AND RECEIPTS: Shall be handled by established tribal policies as is the case with all Tribal funds.

SECTION 4.08. RECORDS AND ACCOUNTS: Suitable financial records shall be maintained for all expenditures, receipts from payments for services, investments and returns on investments, and any other financial matters necessary for operation of the Utility and Environmental Services Department. The separate accounting records for the Department shall be maintained in an appropriate business like manner. The records of accounts shall be made available to the Executive Council upon request.

SECTION 4.09. EXCLUSIVE USE OF FUNDS: The funds accrued by the Utility Authority and kept on deposit are for the exclusive use of the Utility and Environmental Services Department for the necessary operation, maintenance, and management of the Tribal public utilities and environmental services. Utility Authority funds shall not be transferred or loaned to the Tribal General Fund or any other accounts of the Tribe or other Tribal departments, except to pay for services provided to the Utility Authority or Department by other Tribal Departments.

SECTION 4.10. AUDIT AND REPORTS: The accounts of the Utility Authority will be audited annually at the close of the fiscal year at the expense of the Department. Annual and periodic reports will be submitted by the Utility Authority to the Executive Council.

SECTION 4.11. BONDING: Shall follow existing tribal policy.

SECTION 4.12. INSURANCE: Fire and other insurance on property owned or used by the Department or on property in which the Department has an insurable interest shall be in amounts and type of coverage specified by the Utility Authority. Insurance may be part of the Tribal insurance policies, with the expenses thereof pro-rated to the Department if so directed by the Executive Council.

SECTION 4.13. REGULATIONS AND POLICY: The Utility Authority shall have the authority to adopt appropriate regulations and policy as needed to implement the provisions contained in this ordinance with concurrence of Bay Mills Executive Council.

SECTION 4.14. REGULATION; POLICY SUSPENSION ALTERATION: No regulation duly adopted by the Utility Authority may be suspended or altered by any person without prior written authorization of the Utility Authority or Bay Mills Executive Council.

SECTION 4.15. AMENDMENTS: The Utility Authority shall recommend amendments to this ordinance that it believes necessary to promote the efficient, cost effective and self- sufficient operation of the Utility and Environmental Services Department, and shall present such amendments to the Executive Council for approval.

SECTION 4.16. GRIEVANCES: Any customer or any applicant for utility services, who is aggrieved by any action of the Utility and Environmental Service Department or the Utility Authority may file a grievance with the Utility Authority. The Utility Authority shall abide by the regulation set forth in this ordinance and shall handle such grievances in a manner which provides for due process of law. (See grievance procedures of Tribe)

All decisions by the Utility Authority on matters that have been submitted for grievance under the Department's grievance procedures shall be considered final. Final decisions of the Utility Authority may be appealed by an aggrieved party only on the basis that the Department's grievance procedures were not followed, or that due process was denied.

SECTION 4.17. NON-WAIVER OF SOVEREIGN IMMUNITY: The Utility and Environmental Services Department is an agency of the Bay Mills Indian Community, and thereby retains all rights of sovereign immunity of the Tribe. By providing services and entering into service agreements, the Department shall not waive the sovereign immunity of the Bay Mills Indian Community or any of its officers, agents, attorneys or employees, or any one else acting at the direction of and on behalf of the Bay Mills Indian Community.

ARTICLE V

UTILITY AND ENVIRONMENTAL SERVICES - OPERATION

SECTION 5.01. SERVICES PROVIDED: The services provided by the Utility and Environmental Services Department shall include domestic water, sewer and garbage. Additional services may be provided upon approval by the Utility Authority and ratification by the Executive Council.

SECTION 5.02. WATER SERVICE: The Utility Authority is responsible to provide safe, adequate water, including fire fighting needs, for a fee to those houses, businesses and institutions connected to the mainlines of the community water system. Responsibility for maintenance will include water sources, storage tanks, controls, mainlines, valves and hydrants, and service lines to the curb stops only. The service line from the curb stop to the house and interior house plumbing are the responsibility of the customer. The individual household water meters are owned by the Utility Authority and it is the responsibility of the Department to maintain the meters. The tribal community water systems shall be managed such that the regulatory requirements of the Federal Safe Drinking Water Act, as established by the Environmental Protection Agency, are satisfied.

SECTION 5.03. SEWERAGE SERVICE: The Utility Authority is responsible to provide sanitary disposal of domestic liquid waste for a fee to those houses, businesses and institutions connected to the mainlines of the community sewerage system. Further, the Utility Authority is responsible for the maintenance and repair of community sanitary sewage disposal systems and storm sewer systems. Responsibility for maintenance includes treatment facilities, pumping stations, mainlines, manholes, and service lines to the individual property lines. Tribal sewerage collection, treatment and disposal systems shall be managed such that applicable Federal regulations of the Clean Water Act and the National Pollution Discharge Elimination System are satisfied.

SECTION 5.04. GARBAGE SERVICE: Garbage collection and disposal service shall be provided by the Utility Authority for a fee for the houses located in the reservation community. The Utility Authority will provide this service directly or enter into a contract with a nearby solid waste collection contractor in order to provide this service to the community.

SECTION 5.05. FUTURE SERVICES: At some future date the Utility Authority may assume responsibility to provide electrical, gas, telephone, cable TV or other utility services.

SECTION 5.06. MAINTENANCE SCHEDULE: The Utility Authority shall develop and follow a regular schedule of maintenance service for each water and sewerage system and components thereof.

SECTION 5.07. PERSONNEL: The Utility Authority shall follow Tribal Policies.

SECTION 5.08. PURCHASING: The Utility System Operator shall follow Tribal Procurement Policies.

SECTION 5.09. EQUIPMENT: All utilities equipment shall be maintained according to the established maintenance schedule and quickly repaired when necessary so that disruptions in service are minimized.

Utility tools and equipment are not for personal use. Equipment shall not be loaned to other Tribal Departments. A record of tools and the individual to whom they were assigned shall be maintained.

Individuals will be held responsible for the security of tools and supplies that are assigned to them.

SECTION 5.10. INVENTORY: An accurate inventory of tools, equipment, and supplies will be kept up to date. A reserve supply of repair parts and regularly used supplies will be maintained by the Department. A listing shall be kept of local suppliers of repair parts, replacement equipment and expendable supplies.

SECTION 5.11. PUBLIC RELATIONS: The Utility Authority shall keep customers notified about changes in fees, rates, solid waste collection schedule, water quality regulatory compliance, levels of service and any other information which may affect customers use of sanitary facilities. Notices may be included in monthly billing statements or may be disseminated to the public through separate mailings, newsletters, tribal newspaper or posting throughout the community.

Any person filing a complaint or seeking information shall be given assistance in a courteous manner. Complaints may be presented verbally or in writing to any Department Staff member for resolution and action. Complaints that cannot be resolved within ten days should be referred to the Utility Authority in writing. The Utility Authority will resolve such complaints at the next regularly scheduled meeting of the Authority. The Chairman may call a special meeting of the Commissioners to resolve complaints as deemed necessary.

SECTION 5.12. EMERGENCY NOTIFICATION: An emergency notification plan will be developed by the Utility Authority and reviewed annually for notifying residents and visitors of:

A. Discontinued service for more than eight (8) hours.

B. Substandard conditions in water quality. This includes bacteriological, chemical or physical quality deficiencies.

C. Changes in scheduling of refuse pick-up and septic tank pumping.

D. Any other conditions which may adversely affect the health of the community residents or visitors.

SECTION 5.13. STAFF TRAINING: All employees that are newly assigned to operate the utility systems shall receive instruction from an experienced operator. A minimum of 32 hours of instruction should be received before the new employee assumes responsibility for operations.

Regular operators should receive up to 40 hours of formal instruction per year. The Utility Authority will assure that operators maintain current knowledge of water system operation techniques.

A training plan for the water system operators shall be developed which will provide for upgrading of knowledge and skills in water utility operations, maintenance and management. The goal of the training program shall be Michigan State certification as Water Distribution Manager.

SECTION 5.14. LIMITS OF RESPONSIBILITY: The Department shall not be responsible for, nor shall it maintain or repair, any private or domestic water or sewer system, garbage, roads or lighting except by specific agreement establishing fair rates of compensation to the Department, and that is approved and signed by the Utility Authority and owner of such facilities. The Department shall not be liable for any loss or damage beyond its control resulting from any defect in, or damage to, a customer's water or sewer lines or fixtures, garbage storage facilities, driveways or parking lots, hydrants or lighting.

SECTION 5.15. RIGHT OF ENTRY - INSPECTIONS: The Department, or its authorized representative, is hereby authorized to make limited, reasonable inspections, at reasonable times, of any grounds, building or residence served by the Utility Department to the extent necessary to insure that customer utility fixtures, lines and equipment are not being operated in a manner that would likely disrupt or interfere with utility services. Except in cases of emergency where life, limb, or property are threatened, or in cases of immediate water shortages, the Department shall give the customer at least 24 hours notice prior to requesting permission to enter and inspect. If permission to enter and inspect is denied or impeded in any way, the Department shall obtain a court order authorizing such entry and inspection. Where the permission to enter and inspect is unreasonably withheld, the Department may assess court costs and related expenses and add them to the affected customer's bill.

SECTION 5.16. DISRUPTION OF SERVICE: The Department may shut off water or sewerage service, or disrupt traffic on the public right-of-way to perform repairs, provided that advance notice has been given to affected customers. Provided, however, that in cases of emergencies where loss of life, limb or property is threatened, or in cases of immediate water shortage, service may be disrupted without advance notice. The Department shall not be responsible for consequent damage as a result of lack of water or sewerage during authorized disruptions of service.

The Department shall not be liable for any associated damages or delay caused by the breaking or leaking of any pipe, valve, fixture or other contrivance as a result of the lack of water or sewerage to or from any mains, services, hydrants, lines or reservoirs during authorized disruptions of service.

SECTION 5.17 CROSS CONNECTIONS: This Ordinance prohibits cross connections with the public water supply, in order to prevent a connection or arrangement of piping or appurtenances through which water of questionable quality, wastes, or other contaminants can enter the public water supply system. A "cross connection" is defined as any physical connection between the Tribal Public Water System and another system, either water or waste. Any individual source must be totally disconnected from household plumbing prior to connection to the Tribal Water Supply. "Disconnection" done solely by a valve is not sufficient and is not allowed.

It shall be the duty of the Utility Authority or its representatives to cause inspections to be made of all properties served by the Public Water System for the purpose of inspecting the piping system or systems thereof for cross representative, the owner, lessees, or occupants of any property so served shall furnish any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access upon request shall be deemed evidence of the presence of cross connections.

The Utility Authority is authorized and directed to discontinue water service, after reasonable notice, to any property wherein any connection in violation of this Ordinance exists, and to further take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this section.

SECTION 5.19. UNNECESSARY WASTE OF WATER: The Utility Authority reserves the right to terminate customer's service when the customer has repeatedly, unduly wasted water. Such undue waste is evidenced by the fact that hydrants, taps, hoses and other fixtures are permitted to run continuously when not in productive use. Where such conditions have been observed, the Utility Authority having been notified of the condition, may terminate water to the premise if the condition is not corrected within 48 hours after receipt of the notice. Service shall be resumed only after correction of the condition causing a wastage of water and payment by the customer of the approved reconnection fee, penalties and any other accounts in arrears to the Utility Authority.

SECTION 5.20. METERS: All homes hereafter connected to the Public Water System are required to install a water meter. All meters measuring utility services shall be installed in accordance with the requirements of the Utility Authority, in such location(s) as the Authority shall direct. All such meters shall be the property of the Authority and shall be maintained by it. All meters shall remain accessible to Authority personnel, and no person shall obstruct or tamper with any meter. Such obstruction or tampering shall be a violation of this Ordinance, and subject the violator to actual damages and civil penalties under this Ordinance. The assignee of the property on which the meter is located shall be responsible for all damages caused to the meter or the on/off water valve.

SECTION 5.21. NEW CUSTOMER SERVICES: Any dwelling within the service area of the Utilities shall be eligible for services, provided all of the following conditions are met:

1. Facilities are adequate to meet additional load.
2. New customer agrees to adhere to this Ordinance.
3. Approval by the Utility Authority.

ARTICLE VI

CUSTOMER OBLIGATIONS

SECTION 6.01. CONDITIONS FOR SERVICE, PAYMENTS: As a condition for receiving utility services from the Utility and Environmental Services Department, the customer agrees to comply with all provisions of this Ordinance, and any regulations duly adopted by the Utility Authority as well as any other applicable codes or regulations, including being current in the payment of all fees, penalties, costs, damages, or other charges assessed by the Department.

SECTION 6.02. MAINTENANCE; REPAIRS; LIABILITY: The customer shall be responsible for maintaining and repairing water and sewer lines located on or in the customer's grounds, building or residence in compliance with applicable regulations. The customer shall notify the Department in advance of major maintenance or repairs planned for water or sewer lines. The customer shall permit the Department to inspect the work for compliance with applicable regulations. The customer shall be liable for any damage to the Department's lines, equipment or other property caused by the customer, his family, guests, tenants, agents, employees, contractors, licensees or other persons under the customer's control or authority.

SECTION 6.03. CUSTOMER TERMINATION OF SERVICE; ABANDONMENT: A customer planning to vacate any grounds, building or residence served by the Department shall notify the Department in writing one week prior to the date the customer plans to either vacate or terminate service, whichever is later. A customer who fails to give notice is responsible for all charges accrued up to one week after notice is received by the Department, or up until service is terminated, whichever comes first.

SECTION 6.04. WATER SHORTAGES: During water shortages declared by the Utility Authority, the customer shall limit his use of water according to allocations established by the Utility Authority.

SECTION 6.05. INSPECTIONS: The customer shall not unreasonably withhold permission for the Department to enter and inspect the Department's and customer fixtures, lines and equipment when necessary to insure that they are operating in a manner that would not likely disrupt or interfere with utility services. The customer shall be liable for any costs or related expenses caused by his unreasonable withholding of permission.

SECTION 6.06. SOLID WASTE FACILITIES: The customer shall provide his own refuse containers and shall maintain the cans and holding facility in a manner that prevents the harborage of rodents and vermin. There shall be no excessive accumulation of refuse, garbage or solid waste in the community or around individual homesites.

SECTION 6.07. USE OF SEWERAGE SYSTEM: The customer shall use the sewerage collection, treatment and disposal system only for the disposal of normal household liquid waste including waste from toilet facilities, shower and bathing facilities and kitchen facilities.

SECTION 6.08 UNAUTHORIZED DISPOSAL: The customer shall not dispose of any material into the sanitary sewer which may cause the collection lines or subsurface drain field to become blocked or excessively loaded with solids, including but not limited to garbage, disposable diapers, sanitary napkins, paper material other than toilet paper, cigarette waste, cat litter, etc.

SECTION 6.09. TOXIC WASTE DISPOSAL: No customer shall dispose of any toxic, radioactive or otherwise hazardous waste into any Utility Department or private sanitary or storm sewerage system. Toxic and hazardous waste include but are not limited to: oil, pesticides, gasoline, organic solvents, paint, poisons and other manufactured chemical compounds.

ARTICLE VII

FEE SCHEDULES AND BILLING

SECTION 7.01. FEE SCHEDULE ESTABLISHMENT: The schedule of fees for utility services shall be set annually by the Utility Authority. The fee schedule shall be based on the estimated average annual costs for operation of all utility services. The fee schedule shall include a basic rate for all services, payment of which shall be required of each customer regardless of whether, or the extent to which, the customer uses any of the services, and; other fees, charges, penalties and assessments which the Utility Authority is authorized to levy as provided under various sections of this Ordinance. The fee schedule may be adjusted as needed to meet utility operating expenses.

SECTION 7.02. PUBLIC HEARING: The Utility Authority shall hold a public hearing whenever a new fee schedule is proposed for adoption. Seven days in advance of the hearing, the proposed fee schedule shall be sent to each customer and shall be posted in appropriate places. Following the public hearing the Utility Authority shall set a fee schedule, taking into consideration comments received at the hearing.

SECTION 7.03. NOTICE TO CUSTOMERS: A copy of the fee schedule adopted by the Utility Authority shall be sent to each customer at least 30 days prior to the date the established fees take effect.

SECTION 7.04. BILLING RESPONSIBILITY: The Utility Authority and/or Utility and Environmental Service Department is responsible for billing customers for Utility and Environmental Services. The billing service, however, may be contracted to the Tribe, Housing Authority, other agency or firm at the discretion of the Utility Authority and Executive Council.

SECTION 7.05. MONTHLY STATEMENT: Each month the Department shall mail to all utility customers a statement detailing the following information:

1. The customer's name and account number;
2. The types and levels of service used in the current month:
3. The billed cost of the current month's service, plus an accounting of bills or charges past due, if any;
4. The date that payment is due; and
5. The location to mail or deliver payment.

SECTION 7.06. DUE DATE: The monthly date on which payment will be due shall be established by Utility Authority regulation.

SECTION 7.07. PAYMENTS PAST DUE: Payments not received within 10 days after the established due date are considered past due. The Department shall issue a notice of payment past due to the customer, detailing the payment owed and the consequences for failure to pay. The notice shall be sent no later than the date the next billing is sent out.

SECTION 7.08. DELINQUENT ACCOUNT: If the payment past due is not paid within 10 days after the next regular monthly due date, the account shall be declared delinquent.

SECTION 7.09. NOTICE OF DELINQUENCY: The Department shall immediately notify the customer in writing once his account has been declared delinquent, and list the sanctions that may be imposed without further notice. Notice of delinquency shall be made by certified mail or such other means to provide proof of receipt by the customer.

SECTION 7.10. ADVANCE DEPOSITS: The Utility Authority may require each new customer to pay an advance deposit equal in amount to the basic monthly rate fees for the first month of service, prior to receiving services. The deposits shall be retained by the Utility Authority no longer than one year. The deposits, with interest compounded at passbook rates, shall be credited to the individual customer's utility account balance at the end of the deposit period, providing that the customer's account is not delinquent and in arrears. Any remaining deposit funds will be returned to the customer.

ARTICLE VIII

ENFORCEMENT; PENALTIES; SANCTIONS

SECTION 8.01. AUTHORITY AND ENFORCEMENT: The Utility Authority is hereby authorized by the Executive Council to collect established fees for service and to impose sanctions and penalties for non-payment. The Utility Authority shall enforce its regulations, fee collections and provisions of this ordinance by shutting off water service of any and all violators and delinquent bill-payers or imposing other penalties and sanctions as authorized.

SECTION 8.02. ATTACHMENT OF CUSTOMERS PROPERTY: The Utility Authority shall not seek to attach customer's property, nor seek to have fines assessed by Tribal Court, except in limited cases of blatant or continued abuses or destruction of property.

SECTION 8.03. PENALTY SCHEDULE: The Utility Authority shall develop and adopt a penalty schedule which outlines specific penalties, fines and assessments for violation and non-compliance with the provisions of this ordinance. The penalty schedule shall be reviewed for appropriateness annually by the Utility Authority.

SECTION 8.04. SANCTIONS AUTHORIZED: The following sanctions may be imposed by the Utility Authority for failure of the customer to comply with any provisions of this ordinance or with any duly adopted regulation of the Utility Authority:

(1) Termination of service(s)
(2) Assessment of penalties based on a penalty schedule adopted by regulation of the Utility Authority;
(2) Assessment of late charges based on a schedule adopted by regulation of the Utility Authority;
(4) Assessment of damages resulting from the customer's non-compliance;
(5) Forfeiture of all or part of a deposit and any accumulated interest;
(6) Filing of a lien against the customer's property after the account is declared delinquent;
(7) Enforcing a lien by seeking judgment, and satisfaction from the customer's property from a court of competent jurisdiction;
(8) Filing suit for damages in a court of competent jurisdiction; and
(9) Referring violations that may involve criminal conduct to the police or prosecutor.

SECTION 8.05. SANCTIONS GUIDELINES: The Utility Authority shall use the following guidelines when considering the appropriate sanctions to be imposed in any given case:

(1) Whether the sanction is required by this ordinance or other applicable law, or whether imposition is discretionary;
(2) The minimum sanction needed to effect compliance;
(3) The irreparable harm to the customer and/or family if the sanction is imposed;
(4) The irreparable harm to operation of the Department, and to the Tribe, if the sanction is not imposed;
(5) The customer's past record of compliance or non- compliance, or good faith efforts to achieve compliance;
(6) The customer's statements or behavior indicating the likely success of a given sanction securing compliance;
(7) The irreparable harm to other persons or property if the sanction is not imposed; and
(8) The effectiveness of similar sanctions in securing compliance in other cases.

ARTICLE IX

MISCELLANEOUS PROVISIONS

SECTION 9.01. VALIDITY, SEVERABILITY: The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

SECTION 9.02. AMENDMENTS: The Bay Mills Indian Community Executive Council has the power to amend this ordinance at any time. The Executive Council shall act upon proposed amendments to this ordinance, submitted for action by the Utility Authority, by approval or disapproval of such proposed amendments.

SECTION 9.03 SUSPENSION OF ORDINANCE: No employee, officer, contractor or agent of the Bay Mills Indian Tribe is authorized to suspend or alter any of the provisions of this ordinance without the formal approval of the Bay Mills Executive Council.