

**AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL**

**JEFF L. GRUBBE CHAIRMAN • LARRY N. OLINGER VICE CHAIRMAN • VINCENT GONZALES III SECRETARY/TREASURER
ANTHONY J. ANDREAS III MEMBER • JESSICA NORTE MEMBER**

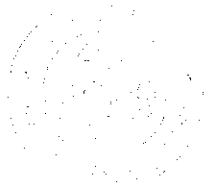
**AGUA CALIENTE BAND OF CAHUILLA INDIANS
Ordinance No. 26
Amendment No. 3**

TRIBAL BUILDING AND SAFETY CODE

I. INTRODUCTION

- A. Title: This Ordinance shall be entitled "Tribal Building and Safety Code," an ordinance of the Agua Caliente Band of Cahuilla Indians.
- B. Purpose: The purpose and intent of this Ordinance is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of material, use and occupancy, location and maintenance of all buildings and structures on the Agua Caliente Indian Reservation not covered under a land use contract between the Tribe and a local jurisdiction; to provide practical safeguarding from hazards arising from the use of electricity, heating, ventilating, cooling, refrigeration systems, and incinerators; and to adopt and enforce rules and regulations necessary to clarify the application of the provisions of this Ordinance.
- C. Definitions: For the purpose of the Ordinance, the following words or phrases shall have the following definitions:
1. "Tribe" shall mean the Agua Caliente Band of Cahuilla Indians, a federally recognized tribe of Indians, acting through its duly constituted Tribal Council.
 2. "Agua Caliente Indian Reservation" or "Reservation" shall mean all land within the exterior boundaries of the Agua Caliente Indian Reservation as established by Presidential Executive Order, federal patent, and or deed including:

T.4.S., R.4.E., SBBM: Sections 2, 4, 6, 8, west half of 10, 12, 14, 18, 20, 24, 26, 25, 30, 32, 34, and 35



T.4.S.,R.5.E., SBBM: Sections 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34

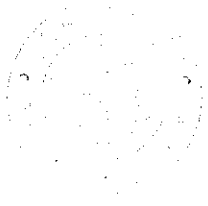
T.5.S.,R.4.E., SBBM: Sections 2, southeast quarter of 3, 4, 6, 8, 10, north half and south half of south half of 11, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34

Plus any other lands held in trust by the United States for the Tribe.

3. "Tribal Council" shall mean the Tribal Council of Agua Caliente Band of Cahuilla Indians.
4. "Tribal Building Official" shall mean the Chief Planning & Development Officer of the Tribe, or his/her designee(s), having all of the power and duties as assigned by the Tribal Council.

II. STATEMENT OF FINDINGS

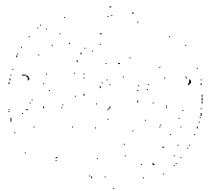
- A. The Agua Caliente Indian Reservation was established for the exclusive use and benefit of the Tribe and its members.
- B. The economic welfare, attractiveness, and community character of the Agua Caliente Indian Reservation is attributable to its unique aesthetic features and setting. The Tribal Council of the Agua Caliente Band of Cahuilla Indians finds that the adoption of certain minimum standards of design, construction, quality, and use of material for the proper maintenance of all facilities on the Reservation and the fixtures and appliances attached thereto, is necessary to protect the economic welfare, attractiveness, and character of the community.
- C. This Ordinance is enacted under the inherent sovereign authority of the Tribe and pursuant to Sections a, b, f, and I, of Article V, and amendment No. 9, approved on August 9, 1991, by the authorized representative of the Secretary of the Interior, of the Constitution and Bylaws of the Agua Caliente Band of Cahuilla Indians, as well as pursuant to any applicable delegations of federal authority to the Tribe for treatment as a state, or otherwise, under federal law.



III. TRIBAL BUILDING AND SAFETY CODE

The Tribal Council of the Agua Caliente Band of Cahuilla Indians does ordain as follows:

- A. Citation of the Building and Safety Code: This Ordinance and the 2013 California Building Code, Part 2, Volumes 1 and 2, and Appendix Chapters 1, C, F, G, I, and J, California Mechanical Code, California Plumbing Code, California Housing Code, International Code for the Abatement of Dangerous Buildings, California Green Energy Code, International Swimming Pool, Spa and Hot Tub Code, California Fire Code, and the California Electrical Code, all being 2013 editions, except as hereinafter modified or amended, may be collectively referred to and cited as the “Tribal Building and Safety Code” of the Tribe.
- B. Tribal Building and Safety Code – Adopted: The certain documents referred to in Section III. A., (the “California Building Codes,” including all California fire, plumbing, electrical, mechanical and related codes), except as hereinafter modified or amended, are adopted as the “Tribal Building and Safety Code” of the Tribe.
- C. Uniform Codes – Referenced: Each and all of the regulations, provisions, conditions, and terms of the California Building Codes and all related codes cited in Section III. A., published by the International Code Council, copies of which are on file in the office of the Planning & Development Department of the Tribe, are, except as hereinafter modified or amended, referred to, adopted and made a part hereto as if fully set out in this Ordinance.
- D. California Building Code – Adopted: These certain documents, being marked and designated as the “2013 California Building Code, Part 2, Volumes 1 and 2, and Appendix Chapters 1, C, F, G, I and J, including tables and indices thereto,” except as hereinafter modified, are adopted and incorporated by reference as part thereto of the Tribal Building and Safety Code.



E. California Building Code – Additions, amendments, and deletions:
The California Building Code adopted herein by reference is amended by the following additions, deletions, and amendments:

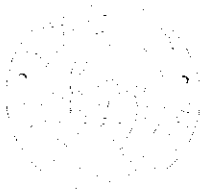
1. Section 903.2 is amended to read: Where required, an approved automatic fire sprinkler system shall be installed as described in this Section, and in every building where the gross floor area exceeds 3,000 square feet, or any building regardless of size which is built beyond a five minute Fire Department emergency response time as defined from time to time by resolution of the Tribal Council or county or city with which the Tribal Council has so authorized.

Notes:

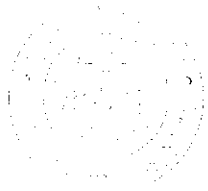
- a. For purposes of this code section regarding business size, fire resistive walls shall not be considered for purposes of reducing the gross floor area of the building.
 - b. In all Group R occupancies, the locally modified standard for installation of sprinkler systems in residential occupancies shall be used.
2. The following subparagraph J112 is added to Appendix Chapter J, Subsection J112, Engineered Grading Requirements, concerning information on plans and specifications: An effective means of dust control which shall include provisions for adequate watering during the grading process and provision for continuance of dust control presents sufficient protective cover against wind or water erosion so that special dust control measure are no longer necessary.

F. California Mechanical Code – Adopted: That certain document being marked and designated as “California Mechanical Code, 2013 edition,” and all appendices, tables and indices thereto, except as hereinafter modified, is adopted and incorporated by reference as part thereto of the Tribal Building and Safety Code.

G. California Mechanical Code – Additions and amendments: The California Mechanical Code, 2013 edition, adopted herein by reference, is amended by the following additions and amendments:



1. Subsection 310.1, Condensate Disposal, is hereby amended to read as follows: Condensate from air cooling coils, fuel burning condensing appliances and the overflow from evaporative coolers and similar water-supplied equipment shall be collected and conducted to an approved place of ground absorption and shall not be permitted to discharge onto a road, structure road, walkway, traversable area of the grounds or into the street. Condensate water may be conducted to an approved place of ground absorption via a roof drain.
- H. California Plumbing Code – Adopted: That certain document being marked and designated as “California Plumbing Code, 2013 edition,” and appendices A, B, D, F, H, I, including tables and indices thereto, except as hereinafter modified, is adopted and incorporated by reference as part thereto of the Tribal Building and Safety Code.
- I. California Housing Code – Adopted: That certain document being marked and designated as “California Housing Code, 2013 edition,” and all appendices, tables and indices thereto, except as hereinafter modified, is adopted and incorporated by reference as part thereto of the Tribal Building and Safety Code.
- J. International Code for the Abatement of Dangerous Building – Adopted: That certain document being marked and designated as “Uniform Code for the abatement of Dangerous Buildings, 2013 edition,” and all appendices, tables and indices thereto, except as hereinafter modified, is adopted and incorporated by reference as part thereto of the Tribal Building and Safety Code.
- K. California Green Energy Code – Adopted: That certain document being marked and designated as “California Green Energy Code, 2013 edition,” and all appendices, tables and indices thereto, except as hereinafter modified, is adopted and incorporated by reference as part thereto of the Tribal Building and Safety Code.
- L. International Swimming Pool, Spa and Hot Tub Code – Adopted: That certain document being marked and designated as “International Swimming Pool, Spa and Hot Tub Code, 2013 edition,” and all appendices, tables and indices thereto, except as



hereinafter modified, is adopted and incorporated by reference as part thereto of the Tribal Building and Safety Code.

- M. California Electric Code – Adopted: That certain document being marked and designated as “California Electrical Code, 2013 Edition,” and all appendices, tables and indices thereto, except as hereinafter modified, is adopted and incorporated by reference as part thereto of the Tribal Building and Safety Code, and all of its provisions shall regulate the installation, arrangement, alternative, repair, use, and generation of electric wiring, connections, fixture, apparatus, machinery appliances, and other electric devices on premises on the Reservation.

- N. California Fire Code – Adopted: That certain documents being marked and designated as “California Fire Code, 2013 edition,” and all appendices, tables and indices thereto, except as hereinafter modified, is adopted and incorporated by reference as part thereto of the Tribal Building and Safety Code.

- O. International Administrative Code – Adopted: That certain document being marked and designated as the International Administrative Code, 2013 Edition, published by the International Conference of Building Officials, the International Association of Electrical Inspectors, the Pacific Coast Electrical Association, and the National Electrical Manufacturers Association is adopted and incorporated by reference as part thereto of the Tribal Building and Safety Code to provide the procedures for administration and enforcement of the provisions of this Ordinance. A copy of the International Administrative Code shall be available for use and examination by the public.

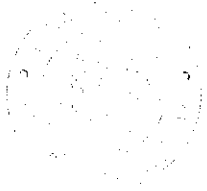
- P. International Administrative Code – Additions and amendments: The International Administrative Code, adopted herein by reference, is amended by the following additions and amendments:
 - 1. The following sentence is hereby added to the end of Section 301.1, Permits Required: No new or additional permits shall be issued to any person who has, subject to the determination of the Tribal Building Official, any outstanding violations of this Ordinance or any other land use ordinance of the Tribe.



2. Section 303.4, Expiration, is hereby amended to read as follows: Every permit issued by the Tribal Building Official under the provisions of this Ordinance shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Work shall be considered suspended or abandoned if substantial approval of one of the required progress inspections is not accomplished every 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Tribal Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written application by the permittee. Permits shall not be extended more than once.

3. Section 304.1, General, is hereby amended to read as follows: Fees shall be assessed as set forth by resolution of the Tribal Council.
4. Section 304.2, Permit Fees, is hereby amended to read as follows: Permit fees shall be paid at permit issuance. The standard for determination of value or valuation under any of the provisions of this Ordinance shall be made by the Tribal Building Official. The valuation is based on the Building Valuation Data, as printed in the Building Standards Magazine published by the International Conference of Building Officials, and the local cost of construction. The value to be used in computing the building



permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

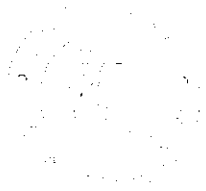
5. Section 304.3, Plan Review Fees, is hereby amended to read as follows: When a plan or other data is required to be submitted by Section 302.2, a plan review fee shall be paid. This fee shall be paid at the time of submitting plans and specifications for plan review. Said plan review fees shall be as established by resolution of the Tribal Council.

When submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, an additional plan review fee shall be charged at the rate as set forth by resolution of the Tribal Council.

6. Section 304.5, Investigation Fees – Work without a Permit, is hereby amended to read as follows: Where work for which a permit is required by this Ordinance is started or proceeded with prior to obtaining said permit, the total permit fee shall be the standard permit fee plus an investigation fee established by resolution of the Tribal Council. The payment of the investigation fee shall not exempt any person from compliance with the provisions of this code or from any other penalty prescribed by law.
7. Section 309.4, Temporary Certificate – Work without a Permit, is hereby amended to read as follows: The Tribal Building Official may issue a temporary certificate of occupancy, and authorize the release of utilities and the occupancy of a building or structure, or portion thereof, prior to the completion of a building or development project, upon receipt of a written request and subject to the following:
 - a. The Tribal Building Official has determined that no substantial hazard exists to life or property.



- b. A cash deposit to guarantee completion of required improvements has been deposited with the Tribe in an amount equal to one-hundred and fifty (150) percent of the estimated cost to complete such improvements, as determined by the Tribal Building Official.
- c. Payment of a non-refundable, certificate fee, established by resolution of the Tribal Council.
- d. An agreement in a form approved by the Tribal Building Official, signed by the owner or the prime contractor, which shall contain the following:
 - 1) A statement of the improvements necessary and that the improvements will be completed within the time specified but not longer than ninety (90) days. If there are special circumstances, the Tribal Building Official may authorize a longer specified time.
 - 2) Authorization for the Tribal Building Official to enter the property and complete the work specified without additional notice to the owner in the event the work is not completed within the time specified.
 - 3) A statement that the cost of such work shall be paid from the cash deposit of the applicant and such cost shall include reasonable administrative costs incurred by the Tribe when such work covered by the deposit is completed by the Tribal Building Official.
 - 4) REFUND OF CASH DEPOSIT. If the improvements required are completed within the time specified in the agreement or as extended, the Tribal Building Official shall authorize the refund of all or any part of the deposit, as appropriate.
- e. The Tribal Building Official may revoke the temporary occupancy certificate upon failure to comply with the terms and provisions of the agreement.



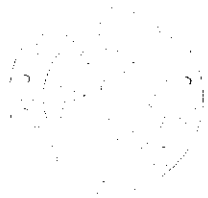
IV. COMPLIANCE AND ENFORCEMENT

- A. The Tribal Building Official shall administer, enforce, and render interpretations of all the provisions of this Ordinance.
- B. For the purposes of this Ordinance, the Tribal Council intends that the Tribe shall comply with and enforce standards no less stringent than set forth in Section III.
- C. The existence of violations of the standards set forth in this Ordinance will be determined in accordance with the following provisions:

Qualified building and safety experts, under the direction of the Tribal Building Official, shall be authorized to enter upon private or public property to enforce the provisions of this Ordinance, or for the purpose of making any inspection, re-inspection or test of any work performed pursuant to this Ordinance, to determine that such property, or portions thereof, meet all applicable standards set forth in this Ordinance and thereby do not endanger the health or safety of occupants or the integrity of the Reservation

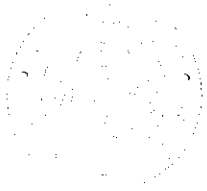
- D. Any violation of this Ordinance shall be, and the same is declared to be, unlawful and a public nuisance.
- E. A notice to correct or stop order shall be served in accordance with the following provisions, unless otherwise set forth in this Ordinance:
 - 1. Whenever a violation is discovered which can be corrected, the Tribal Building Official shall issue a notice to correct in order to notify the responsible party of the violation and to order that the violation be corrected within a reasonable time. Unless a different period is specifically set forth in this Ordinance, ten (10) calendar days shall be considered a reasonable time to correct any violation.

The notice to correct shall be in writing and shall set forth the facts that constitute the violation, the specific provisions of this Ordinance which have been violated, the specific acts required

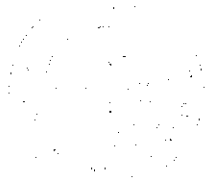


to correct the violation, the time allowed to correct the violation, and the rights to appeal the notice to correct. If the violation is related to a license or permit, the notice to correct may be accompanied by a stop order which orders the responsible party to immediately stop any and all work on the project that is subject to the license or permit until the violation is corrected. The notice to correct shall be posted on the subject property and/or sent by first class mail to all responsible parties.

2. If the violation that is the subject of the notice to correct concerns the failure to apply for and/or obtain a valid permit, the time allowed for application for a permit shall be no less than seven (7) calendar days and no more than thirty (30) calendar days. A stop order shall accompany the notice to correct, and shall remain in effect pending the review of and decision on any permit application.
 3. If the violation that is the subject of the notice to correct concerns (a) the failure to comply with conditions placed on a permit or other entitlement issued by the Tribe, or (b) a violation of any provision of this Ordinance, the time allowed to correct the violation shall be a minimum of twenty-four (24) hours and a maximum of ninety (90) calendar days, depending upon the type of action that will be necessary to correct the violation. If the violation creates a potential risk of harm to persons or property, a stop order may accompany the notice to correct, and shall remain in effect until the violation has been remedied to the satisfaction of the Tribal Building Official.
- F. If the Tribal Building Official determines that there has been a good faith effort to correct the violation(s) set forth in a notice to correct, the Tribal Building Official may extend the deadline for compliance for a reasonable period of time. Any such extension shall be memorialized in writing and copy shall be sent by first class mail to all responsible parties.
- G. A notice of "administrative violation" of this Ordinance may be issued under any of the following circumstances:
1. When the violation cannot be corrected;



2. When the violation can be corrected, a notice to correct has been served, and the specified time has passed without adequate correction of the violation;
 3. When a stop order has been issued and has not been complied with by the responsible party; or
 4. When the same violation has been committed by the same responsible party within the past twelve (12) months and a notice to correct or notice of administrative violation has been served on the responsible party within that same twelve (12) month period.
- H. Unless a different penalty is otherwise established by the Tribal Council and specifically set forth by ordinance, administrative violations shall be subject to a fine in the amount of one hundred dollars (\$100.00) per day each day the violation persists. Fines shall be charged against the responsible party, subject to the determination of the Tribal Building Official, at the time of violation. Failure to pay any fine issued under this Subsection within thirty (30) calendar days may result in the suspension, revocation, or denial of any license or permit issued to the responsible party pursuant to this Ordinance.
- I. Prior to the suspension, revocation, or denial of any license or permit, or the assessment of any fee or charge, or the commencement of any other enforcement action pursuant to this Ordinance, the Tribal Building Official shall follow the procedures as set forth in Section IV.
- J. In the event of any conflict between this Ordinance and any law, rule, or regulation of the Federal Government, that requirement which establishes the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of this Ordinance.



V. SEVERABILITY

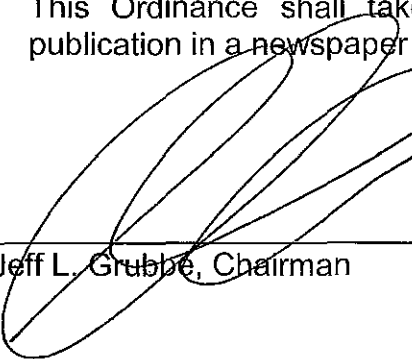
If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Tribal Council hereby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

VI. PRIOR ORDINANCES AND AMENDMENTS

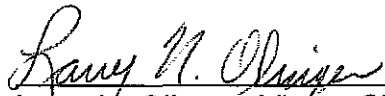
This Ordinance shall supersede and replace all previous versions of the Tribal Building and Safety Code, and may be amended as necessary by the Tribal Council of the Agua Caliente Band of Cahuilla Indians.

EFFECTIVE DATE


This Ordinance shall take effect immediately upon passage and its publication in a newspaper of general circulation within Riverside County.




Jeff L. Grubbe, Chairman



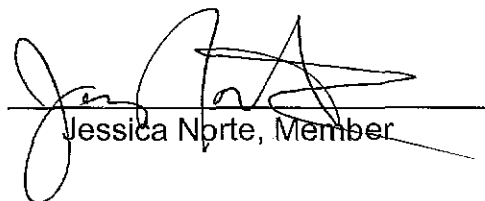
Larry N. Olinger, Vice – Chairman



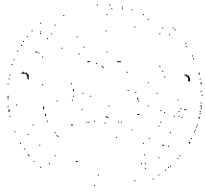
Vincent Gonzales III, Secretary/Treasurer



Anthony J. Andreas III, Member

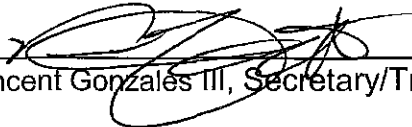


Jessica Norte, Member



CERTIFICATION

I, the undersigned, the Acting Secretary of the Agua Caliente Band of Cahuilla Indians, hereby certify that the Tribal Council is composed of 5 members of whom 4, constituting a quorum, were present at a meeting whereof, duly called, noticed, convened and held on this 14th day of January 2014; that the foregoing ordinance was duly adopted at such meeting by the affirmative roll call vote of 4-0-0 and that said ordinance has not been rescinded or amended in any way.



Vincent Gonzales III, Secretary/Treasurer