



**RESOLUTION OF THE GOVERNING BODY OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled, “*Repealing and Replacing the MHA Nation Building Code*”

WHEREAS, The Mandan Hidatsa and Arikara Nation (MHA Nation), also known as the Three Affiliated Tribes, having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under said Act, and

WHEREAS, Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and

WHEREAS, The Constitution authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the MHA Nation and of the enrolled members thereof; and

WHEREAS, Pursuant to Resolution No. 21-233-FWF, the MHA Nation adopted a building code and related codes and standards consistent with the North Dakota building code and related state codes and standards to be administered and enforced by the Tribe’s Construction Management Office; and

WHEREAS, The State of North Dakota recently updated its building code to incorporate new International Code Council standards; and

WHEREAS, The Three Affiliated Tribes has an immediate need to repeal and replace its building code to better provide for and maintain consistency with North Dakota’s building code and related codes and standards.

NOW THEREFORE BE IT RESOLVED, That the Tribal Business Council hereby repeals the “Building Code of the Three Affiliated Tribes” adopted pursuant to Resolution No. 21-233-FWF and replaces it with the “Building Code and Related Codes and Standards of the Three Affiliated Tribes” attached hereto, which shall take effect immediately upon approval.

BE IT FINALLY RESOLVED, That the Tribal Business Council finds that an emergency exists and therefore waives the reading, public notice and comment period requirements under Resolution 08-056-MP, such that this repeal and replacement shall take effect immediately upon adoption of this Resolution.



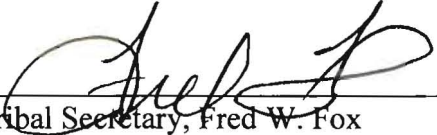
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 8th day of February, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.


Chairman [X] Voting. [] Not Voting.

Dated this 8th day of February, 2023.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes

TITLE VIII- HEALTH AND SAFETY

CHAPTER 15 -

**BUILDING CODE AND RELATED CODES AND STANDARDS OF THE THREE
AFFILIATED TRIBES**

SECTION 1 - GENERAL PROVISIONS

8-15-1.1 The purposes of this Chapter are to:

Direct the Construction Management Office to adopt and enforce building code requirements for the Three Affiliated Tribes (“Three Affiliated Tribes Building Code”) and related electrical, plumbing, fire protection, and boiler codes and standards that are consistent with the building code requirements for the State of North Dakota (“State building code”) and related state codes and standards;

Provide the Three Affiliated Tribes with nationally recognized standards and requirements for construction and construction materials;

Eliminate restrictive, obsolete, conflicting, and unnecessary construction regulations that tend to increase construction costs unnecessarily or restrict the use of new materials, products, or methods of construction or provide preferential treatment to types or classes of materials or products or methods of construction; and

Ensure adequate construction of buildings throughout the Fort Berthold Reservation and to adequately protect the health, safety, and welfare of the people living on the Fort Berthold Reservation.

8-15-1.2 The Construction Management Office shall have authority to inspect buildings and enforce the law, ordinances, and regulations which establish standards and requirements applicable to the construction, installation, alteration, repair, or relocation of buildings on the Fort Berthold Reservation. The Construction Management Office may administer and enforce the Three Affiliated Tribes Building Code and related electrical, plumbing, fire protection, and boiler codes and standards within the Fort Berthold Reservation. The Construction Management Office may enter into Memorandums of Understanding (“MOUs”) or Memorandums of Agreement (“MOAs”) with the appropriate state and local agencies for support and resources to facilitate enforcement of the requirements under this Chapter. The Construction Management Office may also contract for private enforcement of codes and standards contained in this Chapter.

8-15-1.3 The Construction Management Office is responsible for working with the appropriate state agencies to ensure these codes and standards remain consistent with the state of North Dakota’s. If any part of the North Dakota statutes, codes or regulations referenced in this Chapter are modified or amended, such amendments will be automatically incorporated into this Chapter and any related regulations.

The Construction Management Office shall diligently post any updates to the building, electrical, plumbing, fire protection, and boiler codes in a publicly accessible location and publish notice of the updated codes on the Construction Management Office's website. The Three Affiliated Tribes retain authority to adopt building and related codes and standards that are more stringent than North Dakota's.

SECTION 2 – THREE AFFILIATED TRIBES BUILDING CODE

- 8-15-2.1** The Three Affiliated Tribes hereby incorporate into this code N.D. Cent. Code §§ 54-21.3-01 — 54-21.3-08 related to the State building code that are effective on February 9, 2023 and as amended thereafter, with the exception that the Construction Management Office shall have authority to enforce these requirements on the Fort Berthold Reservation.
- 8-15-2.2** The Construction Management Office shall have authority to adopt regulations that incorporate by reference those regulations in North Dakota Administrative Code, Articles 108-01, 108-02, and 108-03 related to adoption of State building codes and standards, a third-party inspection program, and manufactured home installation program that are effective on February 9, 2023 and as amended thereafter. The Construction Management Office shall have authority to develop, implement, and enforce requirements on the Fort Berthold Reservation that are consistent with those found under North Dakota Administrative Code, Articles 108-01, 108-02, and 108-03, as amended. Adoption of any standards that deviate from the requirements of Administrative Code, Articles 108-01, 108-02, and 108-03, as amended, shall require the review and approval of the Tribal Business Council.
- 8-15-2.3** The erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, uses, height, area, and maintenance of buildings or structures on the Fort Berthold Reservation must meet the provisions of the rules and regulations of the State building code, including those in the State building code book, as amended, reflecting those provisions within the International Building Code (IBC), International Residential Code (IRC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), International Energy Conservation Code, and the International Existing Building Code published by the International Code Council (ICC) and adopted by the state of North Dakota. Copies of such standards and requirements are on file with the Construction Management Office and are hereby made a part of the Three Affiliated Tribes Building Code by reference. The Construction Management Office shall have authority to implement and enforce such standards within the exterior boundaries of the Fort Berthold reservation. The Construction Management Office shall adopt and update a fee schedule for commercial and residential building permits that is consistent with the sample fee provisions provided in the State building code book.

8-15-2.4 The Construction Management Office shall have authority to enter into MOUs, MOAs, or other agreements with the North Dakota Department of Commerce or other appropriate state agencies to implement and enforce requirements on the Fort Berthold Reservation that are consistent with the provisions of §§ 54-21.3-01 — 54-21.3-08 of the North Dakota Century Code and North Dakota Administrative Code, Articles 108-01, 108-02, and 108-03, as amended. The Construction Management Office may also contract for private enforcement of the building code.

SECTION 3 - THREE AFFILIATED TRIBES ELECTRICAL CODE

8-15-3.1 The Three Affiliated Tribes hereby incorporate into this code N.D. Cent. Code §§ 43-09-01 — 43-09-26 related to electricians that are effective on February 9, 2023 and as amended thereafter, with the exception that the Construction Management Office shall have authority to enforce these requirements on the Fort Berthold Reservation.

8-15-3.2 The Construction Management Office shall have authority to adopt regulations that incorporate by reference those regulations in North Dakota Administrative Code, Articles 24.1-01— 24.1-06 related to standards for electrical wiring, electrician licensing and education, and electrical wiring certificates and inspection, among other requirements that are effective on February 9, 2023 and as amended thereafter. The Construction Management Office shall have authority to develop, implement, and enforce requirements on the Fort Berthold Reservation that are consistent with those found under North Dakota Administrative Code, Articles 24.1-01— 24.1-06, as amended. Adoption of any standards that deviate from the requirements of North Dakota Administrative Code Articles 24.1-01— 24.1-06, as amended, shall require the review and approval of the Tribal Business Council.

8-15-3.3 The Construction Management Office shall have authority to enter into MOUs, MOAs, or other agreements with the state electrical board or other appropriate state agencies to implement and enforce requirements on the Fort Berthold Reservation that are consistent with the provisions of Chapter 43-09 of the North Dakota Century Code and North Dakota Administrative Code, Articles 24.1-01— 24.1-06, as amended. The Construction Management Office may also contract for private enforcement of the electrical code.

SECTION 4 - THREE AFFILAITED TRIBES PLUMBING CODE

8-15-4.1 The Three Affiliated Tribes hereby incorporate into this code N.D. Cent. Code §§ 43-18-01 — 43-18-25 related to plumbers, §§ 43-18.1-01 — 43-18.1-09 related to water conditioning contractors and installers, and §§ 43-18.2-01 — 43-18.2-12 related to sewer and water installers, as effective on February 9, 2023, and as amended thereafter, with the exception that the Construction Management Office

shall have authority to enforce these requirements on the Fort Berthold Reservation.

8-15-4.2 The Construction Management Office shall have authority to adopt regulations that incorporate by reference those regulations in North Dakota Administrative Code, Article 62.02 related to licensing for plumbers, water conditioning contractors and installers, and sewer and water contractors and installers, Article 62-03.1 related to plumbing installation standards, and Article 62-04 related to the water conditioning code that are effective on February 9, 2023 and as amended thereafter. The Construction Management Office shall have authority to develop, implement, and enforce requirements on the Fort Berthold Reservation that are consistent with those found under North Dakota Administrative Code Articles 62.02, 62-03.1, and 62-04, as amended. Adoption of any standards that deviate from North Dakota Administrative Code Articles 62.02, 62-03.1, 62-04 shall require review and approval of the Tribal Business Council.

8-15-4.3 The Construction Management Office shall have authority to enter into MOUs, MOAs, or other agreements with the state plumbing board or other appropriate state agencies to implement and enforce standards on the Fort Berthold Reservation that are consistent with the provisions of Chapters 43-18, 43-18.1, and 43-18.2 of the North Dakota Century Code and North Dakota Administrative Code, Articles 62.02-01, 62-03.1, 62-04, as amended. The Construction Management Office may also contract for private enforcement of the plumbing code.

SECTION 5 - THREE AFFILIATED TRIBES FIRE PROTECTION CODE

8-15-5.1 The Three Affiliated Tribes hereby incorporate into this code those requirements in N.D. Cent. Code §§ 18-01-02, 18-01-03.1, 18-01-04, 18-01-04.1, 18-01-33, 18-09-01 — 18-09-04, and 23-15-03 related to fire prevention inspections, and training, and regulation of liquefied petroleum gases, among other requirements, as effective on February 9, 2023, and as amended thereafter, with the exception that the Construction Management Office shall have authority to enforce these requirements on the Fort Berthold Reservation.

8-15-5.2 The Construction Management Office shall have authority to adopt regulations that incorporate by reference those regulations in North Dakota Administrative Code, Article 10-07, related to fire prevention that are effective on February 9, 2023 and as amended thereafter. The Construction Management Office shall have authority to develop, implement, and enforce regulations on the Fort Berthold Reservation that are consistent with those found under North Dakota Administrative Code Article 10-07, as amended. Adoption of any standards that deviate from North Dakota Administrative Code Article 10-07 shall require review and approval of the Tribal Business Council.

8-15-5.3 The Construction Management Office shall have authority to enter into MOUs, MOAs, or other agreements with the state fire marshal or other appropriate state agencies to implement and enforce standards on the Fort Berthold Reservation that are consistent with the provisions of §§ 18-01-02, 18-01-03.1, 18-01-04, 18-01-04.1, 18-01-33, 18-09-01 — 18-09-04, and 23-15-03 of the North Dakota Century Code and North Dakota Administrative Code, Article 10-07, as amended. The Construction Management Office may also contract for private enforcement of the fire protection code.

SECTION 6 – THREE AFFILIATED TRIBES BOILER CODE

8-15-6.1 The Three Affiliated Tribes hereby incorporate into this code those requirements in N.D. Cent. Code §§ 23.1-16-01 — 23.1-16-14 related to boiler inspection, as effective on February 9, 2023, and as amended thereafter, with the exception that the Construction Management Office shall have authority to enforce these requirements on the Fort Berthold Reservation.

8-15-6.2 The Construction Management Office shall have authority to adopt and update regulations that incorporate by reference those regulations in North Dakota Administrative Code, Article 33.1-14, related to boiler rules that are effective on February 9, 2023 and as amended thereafter. The Construction Management Office shall have authority to develop, implement, and enforce regulations on the Fort Berthold Reservation that are consistent with those found under North Dakota Administrative Code Article 33.1-14, as amended. Adoption of any standards that deviate from North Dakota Administrative Code Article 33.1-14 shall require review and approval of the Tribal Business Council.

8-15-6.3 The Construction Management Office shall have authority to enter MOUs, MOAs, or other agreements with the state department of environmental quality or other appropriate state agencies to implement and enforce standards on the Fort Berthold Reservation that are consistent with the provisions of §§ 23.1-16-01 — 23.1-16-14 of the North Dakota Century Code and North Dakota Administrative Code, Article 33.1-14, as amended. The Construction Management Office may also contract for private enforcement of the boiler code.