

WAGANAKISING ODAWAK STATUTE 2018- 023
AMENDMENT TO WAGANAKISING ODAWAK STATUTE 2009-007
LAND USE, BUILDING REGULATION, AND ZONING STATUTE

SECTION I. REPEALS AND REPLACES

A. REPEAL.

SECTION III REPEAL OF PREVIOUS LEGISLATION

This Statute repeals and replaces the Zoning Statute, WOS 2001-13; Building Code, WOS 2002-02; Site Plan Review, WOS 2005-05, as may have been amended, subject to the following:

A. Non-Conforming Uses. The use of any dwelling, building, structure, land or premises which was in existence and permitted under Tribal law at the time of enactment of this Statute may be continued at the discretion of the owner thereof, even though such use does not conform to the provisions of this Statute.

B. Building Code, WOS 2002-02, is only repealed upon Tribal Council approval of replacement Building Code Regulations, pursuant to this Statute.

B. REPLACE.

SECTION III REPEAL OF PREVIOUS LEGISLATION, ABATEMENT, EXEMPTIONS, AND REGULATIONS

Amendment to Waganakising Odawak Statute 2009-007, Land Use, Building Regulation, And Zoning Statute. WOS 2009-007 repeals and replaces the Zoning Statute, WOS 2001-13; Building Code, WOS 2002-02; Site Plan Review, WOS 2005-05, as may have been amended, subject to the following:

A. Non-Conforming Uses. The use of any dwelling, building, structure, land or premises which was in existence and permitted under Tribal law at the time of enactment of this Statute may be continued at the discretion of the owner thereof, even though such use does not conform to the provisions of this Statute.

B. Pending Actions and Abatement. Any Legislative change in this statute will extinguish penalties or liabilities accrued or incurred under the original law.

C. Exemptions.

1. A building permit is not required for ordinary repairs of a building or structure.

2. A building permit is not required for a building incidental to the use for agricultural purposes of the land on which the building is located if the building is not used in the business of retail trade. "Agricultural purposes" means pertaining to, connected with, or engaged in agriculture or tillage for the production of crops for the use of animals or humans, and includes, but is not limited to, storage of equipment or purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

3. A qualifying roadside stand is exempt from the plumbing fixture requirements of any building code and is not required to have electric power. If a qualifying roadside stand has electric power, it must comply with the electrical code. A qualifying roadside stand must obtain a building permit. A "qualifying roadside stand" means a roadside stand that meets all of the following requirements:

a. Is used only for seasonal retail trade in agricultural products.

b. At least 50% of the agricultural products offered for sale at the roadside stand are produced on a farm that is owned or controlled by the person who owns the roadside stand.

c. Is not larger than 400 square feet.

- d. Is securely anchored to the ground.
- e. A tent that meets the requirements of a., b., and c.

D. Regulation. The Executive shall prepare regulations that contain the above stated Exemptions for Tribal Council's approval.

SECTION II. EFFECTIVE DATE

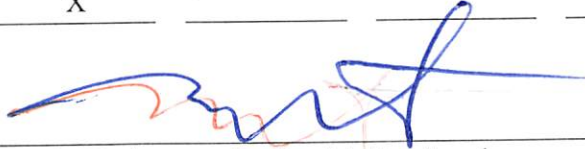
Effective upon signature of the Executive or thirty (30) days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on November 8, 2018 at which a quorum was present, by a vote of 6 in favor, 2 opposed, 0 abstentions, and 1 absent as recorded:

	In Favor	Opposed	Abstained	Absent
Frank Bernard	X			
David Harrington	X			
Dexter McNamara	X			
Emily Proctor		X		
Julie Shananaquet	X			
Shanna Wemigwase	X			
Marcella Reyes				X
Tamara Kiogima		X		
Fred Harrington, Jr.	X			

Date: 11.08.18



Fred Harrington, Jr., Legislative Leader

Date: 11-08-18

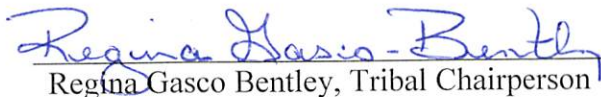


Tamara Kiogima, Tribal Council Secretary

Received by the Executive Office on 11-9-18 by JL-Jik

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 12-5-18



Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 12.05.18 by Prude Baker

