

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

BUILDING CODE

APPLICABLE TO THE FOND-DU-LUTH CASINO

ORDINANCE #02/06

Adopted by Resolution #1075/06 of the Fond du Lac Reservation
Business Committee on March 14, 2006.

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CHAPTER 1

AUTHORITY AND PURPOSE

Section 101 **Authority.** This Ordinance is enacted pursuant to the inherent sovereign authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as exercised in accordance with Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, and as recognized under the laws of the United States of America, particularly under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, and the Indian Gaming Regulatory Act of 1988, 25 U.S.C. § 2701 et seq.

Section 102 **Purpose.** The purpose of this Ordinance is to give regulatory force and effect to the contractual obligation of the Reservation Business Committee under Section 4 of the "Tribal-City Accord Between the City of Duluth and the Fond du Lac Band of Lake Superior Chippewa," dated June 20, 1995, to adopt the substantive standards and requirements of the Minnesota Building Code, Minnesota Statutes Chapter 16 and derivative regulations, and the Building Code of the City of Duluth, Duluth City Code Chapter 10, as the law of the Fond du Lac Band applicable to the Band's activities at the Fond-du-Luth Casino, located at 129 East Superior Street, Duluth, Minnesota, which is within the Fond du Lac Reservation, to the extent that such application is not inconsistent with the laws of the United States.

Section 103 **Reservation of Rights.** The Reservation Business Committee reserves the right to amend or repeal all or any part of this Ordinance at any time and there shall be no vested rights of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this Ordinance or by acts done pursuant thereto shall exist subject to the power of the Reservation Business Committee to amend or repeal this Ordinance or any part herein at any time. Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band or a consent to jurisdiction by any forum not expressly authorized to exercise jurisdiction under this Ordinance.

Any provision of this Ordinance which is inconsistent or incompatible with applicable federal law shall be invalid and unenforceable to the extent of such inconsistency or incompatibility, provided, however, that all remaining provisions shall be given full force and effect.

CHAPTER 2

DEFINITIONS AND INTERPRETATION

Section 201 Definitions

- a. **"Band"** shall mean the Fond du Lac Band of Lake Superior Chippewa.
- b. **"Building Inspector for the Fond-du-Luth Casino"** shall mean a person who is (1) authorized by Resolution of the Reservation Business Committee in accordance with Section 301 to administer the provisions of this Ordinance and all standards adopted by reference herein and (2) certified in accordance with Minnesota Statute § 16B.65 and Chapter 1301 of the Minnesota Rules.
- c. **"Fond du Lac Reservation"** shall mean all lands set aside under treaty or statute as the lands of the Fond du Lac Band, and includes the land on which the Fond-du-Luth Casino is located.
- d. **"Reservation Business Committee"** shall mean the elected governing body of the Fond du Lac Band.

Section 202 Interpretation

The provisions of this Ordinance, and all laws and regulations adopted hereunder, shall be interpreted and administered in a manner which secures and maintains, to the greatest degree permissible under law, the independent right of self-government of the Fond du Lac Band over activities and operations at the Fond-du-Luth Casino.

CHAPTER 3

ADOPTION OF THE SUBSTANTIVE PROVISIONS
OF STATE AND CITY BUILDING CODES BY REFERENCE

Section 301 Adoption of Substantive Provisions of State and
City Building Codes by Reference

The Reservation Business Committee hereby adopts the substantive standards of the Minnesota Building Code, Minnesota Statutes Chapter 16B.59 et seq., Minnesota Rules Chapter 1300 et seq., and the Duluth City Code, Chapter 10, provided that any review, permits, inspection and enforcement under such standards shall exclusively be as set forth under Chapter 4 of this Ordinance.

CHAPTER 4

ADMINISTRATION

Section 401 Appointment of Building Inspector

- a. The Reservation Business Committee shall appoint and designate by resolution a "Building Inspector for the Fond-du-Luth Casino", who shall be authorized to enforce the provisions of this Ordinance and all substantive standards adopted by reference hereunder. Such appointment shall be for such duration as determined by the Reservation Business Committee
- b. The person appointed Building Inspector for the Fond-du-Luth Casino shall be certified in accordance with Minnesota Statute § 16B.65 and Minnesota Rules Chapter 1301.

Section 402 Administration of Building Code Standards

The Building Inspector for the Fond-du-Luth Casino shall have the following powers and responsibilities:

- a. Issuance of permits;
- b. Review of building plans, specifications and related documents; and
- c. Inspections.

CHAPTER 5

REMEDIES AVAILABLE TO CITY OF DULUTH

Section 501 Federal Jurisdiction.


The remedies available to the City of Duluth under this Ordinance shall be exclusively enforceable in federal district court in accordance with Section 3 of the "Tribal-City Accord Between the City of Duluth and the Fond du Lac Band of Lake Superior Chippewa," dated June 20, 1995.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #02/06 was duly presented and adopted by Resolution #1075/06 by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on March 14, 2006 on the Fond du Lac Reservation.



Peter J. Defoe, Chairman



Kevin R. Dupuis, Sr., Sec./Treas.

laws:2006 02(031406)

Fond du Lac Reservation

Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146

RESOLUTION # 1075/06

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:



Chairman
Peter J. Defoe

Secretary/Treasurer
Kevin R. Dupuis, Sr.

Dist. I Councilman
Eugene Reynolds

Dist. II Councilman
V.R. "Butch" Martineau

Dist. III Councilman
Roger "Bouda" Smith, Sr.

WHEREAS, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1854, 10 Stat. 1109, as the permanent home of the Fond du Lac Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. § 461 et seq., and in accordance with the Indian Self-Determination Act, 25 U.S.C. § 450 et seq., to assume the responsibilities of self government; and

WHEREAS, the Reservation Business Committee entered into a "Tribal-City Accord Between the City of Duluth and the Fond du Lac Band of Lake Superior Chippewa," dated June 20, 1994, relating to the operation by the Fond du Lac Band of the Fond-du-Luth Casino, which is operated on the Fond du Lac Reservation within the city limits of the City of Duluth; and

WHEREAS, Section 4 of the Tribal-City Accord adopts the substantive standards and requirements of the state and municipal building codes of the State of Minnesota and City of Duluth as applicable to the operations at the Fond-du-Luth Casino, subject to the Band's option of adopting its own Ordinance to apply those standards to activities at the Casino as the law of the Fond du Lac Band; and

WHEREAS, the Reservation Business Committee has now developed a proposed Ordinance entitled "Building Code Applicable to the Fond-du-Luth Casino" and has determined that the adoption of the proposed Ordinance is in the best interests of the Fond du Lac Band;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt Ordinance #02/06, entitled "Building Code Applicable to the Fond-du-Luth Casino", to become effective immediately as the law of the Fond du Lac Band applicable to its activities at the Fond-du-Luth Casino.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on March 14, 2006 on the Fond du Lac Reservation.

Peter J. Defoe
Peter J. Defoe, Chairman

Kevin R. Dupuis, Sr.
Kevin R. Dupuis, Sr., Sec./Treas.

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