

TOHONO O'ODHAM CODE

TITLE 18 – HOUSING AND CONSTRUCTION

CHAPTER 3 – BUILDING CODES

Legislative History: The Tohono O'odham Nation's Building Codes were enacted and codified as 18 T.O.C. Chapter 3 by Resolution 13-168 effective May 23, 2013.

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ARTICLE I – GENERAL PROVISIONS

Section 3101 Purpose

(A) The purpose of this Chapter is to promote, protect, and provide for the health, safety, and general welfare of the Nation, its members, and all other persons within the Nation’s jurisdiction by creating a uniform, enforceable regulatory system governing building design and construction.

(B) This Chapter shall be liberally construed to achieve its purpose and shall be interpreted to exercise the Nation’s jurisdiction to the maximum extent permitted by law.

Section 3102 Definitions

In this Chapter, unless the context otherwise requires:

The “Board of appeals” shall be appointed by subsequent resolution of the Tohono O’odham Legislative Council.

The “official” responsible for administering each of the Nation’s Building Codes is the director of the Nation’s Planning and Economic Development Department or the director’s designee.

“Date of Issuance” means the effective date of this Chapter as enacted by Legislative Council resolution and approved by the Nation’s chairperson.

The “Department” designated in the Nation’s Building Codes to administer the codes is the Nation’s Planning and Economic Development Department.

“Name of Jurisdiction” for all building codes adopted by this Chapter is the “Tohono O’odham Nation.”

“Nation’s Lands” means all land within the exterior boundaries of:

- (1) the Sells Tohono O’odham Reservation established by the Executive Order of February 1, 1917, and the Act of February 21, 1931 (46 Stat. 1202, Chapter 267);
- (2) the San Xavier Reservation established by the Executive Order of July 1, 1874;
- (3) the Gila Bend Indian Reservation established by the Executive Order of December 12, 1882, and modified by the Executive Order of June 17, 1909;

- (4) the Florence Village established by Public Law 95-361 (92 Stat. 595); and
- (5) such other lands as may have been or may hereafter be added thereto by purchase, gift, act of Congress or otherwise.

ARTICLE II – BUILDING CODES

Section 3201 Nation’s Building Codes

(A) The following codes and guidelines are adopted as the “Nation’s Building Codes” and shall be in effect on the Nation’s Lands:

- (1) International Building Code 2006
- (2) International Residential Code for One and Two Family Dwellings 2006
- (3) International Plumbing Code 2006
- (4) National Electrical Code 2005
- (5) International Mechanical Code 2006
- (6) International Energy Conservation Code 2006
- (7) International Existing Building Code 2006
- (8) International Performance Code 2006
- (9) International Fuel Gas Code 2006
- (10) International Private Sewage Code 2006
- (11) Americans with Disability Act Accessibility Guidelines for Buildings and Facilities (as amended through August, 2005)
- (12) International Fire Code 2003

(B) The Department shall maintain on file copies of the Nation’s Building Codes and make them available for review upon request during regular business hours.

(C) The Department director, or the director’s designee, is the official designated to administer the Nation’s Building Codes.

(D) A person or entity that is subject to this Chapter may, with the written approval of the Department, design, construct, and be subject to more recent editions of the Building Codes adopted by subsection 3201(A).

(E) The ADA Accessibility Guidelines for Buildings and Facilities are adopted solely on a voluntary basis; the Nation is neither adopting nor conceding to the application of provisions of the Americans with Disabilities Act of 1990, as amended, that are otherwise inapplicable to the Nation.

Section 3202 Traditional Homes

(A) Nothing in this Chapter shall prevent a Nation's member from constructing a traditional home or other traditional structure, provided that the design and construction adequately safeguard health and safety.

(B) All traditional homes or other traditional structures constructed prior to the enactment of this Chapter are exempt from all requirements under this Chapter.

(C) If requested by a Nation's member, the Department may provide suggestions prior to and during construction of a traditional home or traditional structure in a cooperative manner that recognizes and respects the traditional knowledge, customs, and beliefs of the Nation's members while also protecting public health, safety, and welfare.