

## **Title 12 – Building and Construction**

### **Chapter 3 – Swinomish Mechanical Code**

**Sec.**

12-03.010	Title
12-03.020	Purpose
12-03.030	Authority
12-03.040	Jurisdiction
12-03.050	Construction
12-03.060	Definitions
12-03.070	Adoption of the International Mechanical Code
12-03.080	Amendment to the International Mechanical Code
12-03.090	Public Inspection
12-03.100	Repealer
12-03.110	Severability
12-03.120	Effective Date

#### **Legislative History**

**Enacted:**

Ordinance 378 Amending STC Title 12, Chapter 3 (5/8/18).  
Building and Construction, Ord. 222 (10/5/04), BIA (10/15/04).

**Repealed or Suspended:**

Building and Construction, Ord. 178 (9/5/03), BIA (9/12/03).  
Adopting the Uniform Mechanical Code, Ord. 136 (5/4/99), BIA (8/11/99).

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**12-03.010 Title.**

This Chapter shall be known as the “Swinomish Mechanical Code.”

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 136 (5/4/99).

**12-03.020 Purpose.**

The purpose of the Swinomish Mechanical Code is to

- (1) regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of, heating, ventilating, cooling and refrigeration systems, incinerators or other miscellaneous mechanical and heat-producing appliances on the Reservation;

- (2) provide for the issuance of permits and collection of fees therefore; and
- (3) provide penalties for violations of the Swinomish Mechanical Code.

[History] Ord. 222 (10/5/04).

**12-03.030 Authority.**

This Chapter is enacted pursuant to authority provided by Article VI, Sections 1(h), (k)(1), (l), (r) and (s) of the Swinomish Constitution, as most recently amended.

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 136 (5/4/99).

**12-03.040 Jurisdiction.**

Tribal jurisdiction over the activities subject to this Chapter shall extend to all lands and waters within the exterior boundaries of the Swinomish Indian Reservation to the maximum extent permitted by law.

[History] Ord. 222 (10/5/04).

**12-03.050 Construction.**

In the event of a conflict between the provisions of this Chapter and the provisions of any other Title, Chapter, or Section of this Code, the provisions of this Chapter shall control.

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03).

**12-03.060 Definitions.**

- (A) Unless explicitly stated otherwise, the following words and phrases, as they are used in this Chapter, shall have the following meanings:
- (1) **“Code”** means the Swinomish Tribal Code.
  - (2) **“IMC”** means the International Mechanical Code.
  - (3) **“Planning Department”** means the Office of Planning and Community Development of the Swinomish Indian Tribal Community.
  - (4) **“Reservation”** means all lands and waters within the exterior boundaries of the Swinomish Indian Reservation.
  - (5) **“Senate”** means the Swinomish Indian Senate.

(B) All other words and phrases shall have their ordinary and customary meanings.

[History] Ord. 222 (10/5/04).

**12-03.070 Adoption of the International Mechanical Code.**

(A) Except as otherwise provided in this Chapter, the Senate hereby adopts and incorporates as tribal law as if fully set out herein the following:

- (1) The International Mechanical Code, 2015 Edition, published by the International Code Council;
- (2) Appendix A to the International Mechanical Code; and
- (3) Washington State amendments to the IMC, codified at Chapter 51-52 of the WAC.

which together shall constitute the "Swinomish Mechanical Code."

[History] Ord. 378 (5/8/18); Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 136 (5/4/99).

**12.03.080 Amendment to the International Mechanical Code.**

(A) Section 106.5.2 Fee Schedule is amended as follows:

General Fees shall be as set forth in the fee schedule for the Swinomish Office of Planning and Community Development.

[History] Ord. 378 (5/8/18); Ord. 222 (10/5/04).

**12-03.090 Public Inspection.**

An official copy of the Swinomish Mechanical Code shall be placed on file in the Planning Department where it shall be available for public review and copying during business hours, subject to reasonable administrative costs and restrictions.

[History] Ord. 222 (10/5/04).

**12-03.100 Repealer.**

This Chapter repeals and supersedes Ordinance 178.

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03).

**12-03.110 Severability.**

If any section, subsection, clause, or phrase of this Chapter is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

[History] Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 136 (5/4/99).

**12-03.120 Effective Date.**

This Chapter shall be effective immediately upon approval by the Senate.

[History] Ord. 378 (5/8/18); Ord. 222 (10/5/04); Ord. 178 (9/5/03); Ord. 136 (5/4/99).