



United States Department of the Interior  
BUREAU OF INDIAN AFFAIRS

Great Lakes Agency  
916 Lake Shore Drive West  
Ashland, Wisconsin 54806-1357



IN REPLY REFER TO:  
Tribal Operations

Honorable Wallace Miller, President  
Stockbridge-Munsee Tribal Council  
N8476 Moh He Con Nuck Road  
Bowler, WI 54416

August 13, 2015

Dear President Miller:

Chapter 26 – Stockbridge-Munsee Tribal Law, Public Health and Safety Ordinance, and Resolution No. 057-15 adopted August 4, 2015 by the Stockbridge-Munsee Tribal Council is here by approved. Approval is granted pursuant to Article VII, Section 1(f) of the Constitution and By-laws of the Stockbridge-Munsee Community and pursuant to authority delegated to me in 10 BIAM 3.1 and Addendum to 10 BIA 3.1 dated March 17, 1994.

By copy of this letter, we are providing the Ordinance and Resolution to the Regional Director of the Midwest Regional Office, who may, within 90 days from the date of enactment, rescind the resolution for any cause, by notifying you of such action.

If you have any questions, please feel free to contact Marion K. Duffy, Tribal Operations, at 715-682-4527.

Sincerely,

Superintendent

Enclosure

Cc: Diane Rosen, Regional Director, Midwest Regional Office  
Scott Sufficool, Deputy Director- Indian Services, Midwest Regional Office

# Stockbridge-Munsee Community

BAND OF THE MOHICAN INDIANS  
TRIBAL COUNCIL OFFICES

## RESOLUTION

August 4, 2015


No. 057-15

- WHEREAS,** The Stockbridge-Munsee Community is a federally recognized Indian tribe with inherent sovereign powers, and is governed by the Stockbridge-Munsee Tribal Council pursuant to the 1937 Constitution, as amended;
- WHEREAS,** The Stockbridge-Munsee Community has the authority under its Constitution and its inherent rights as a sovereign nation to adopt and amend Ordinances;
- WHEREAS,** The Tribe, in its gaming compact with the State of Wisconsin, agreed to adopt ordinance(s) that establish certain public health and safety standards that are at least as restrictive as State of Wisconsin standards as being applicable at facilities where Class III gaming is conducted and to periodically update such ordinance(s);
- WHEREAS,** The Tribe originally adopted Chapter 26, Public Health and Safety Ordinance, in 1992 to comply with the requirements of the gaming compact;
- WHEREAS,** The Tribe has reviewed Chapter 26 and intends to make updates to reformat the ordinance to be consistent with the format of other tribal ordinances, clarify the applicability of the ordinance, update references to Wisconsin laws and add a requirement in relation to elevators; and
- WHEREAS,** These revisions, which include adding numbering, new section and reorganizing and revision of existing sections, result in whole-scale change to Chapter 26.

**NOW THEREFORE BE IT RESOLVED,** that the Stockbridge-Munsee Tribal Council hereby repeals the existing version of Chapter 26 and adopts the revised document that includes the recommended changes as a new Chapter 26, the Public Health and Safety Ordinance.

## CERTIFICATION

I, the undersigned, as Secretary of the Stockbridge-Munsee Tribal Council, hereby certify that the Council is composed of 7 members, of whom 6, constituting a quorum, were present at a meeting duly called, noticed, and held on the 4<sup>th</sup> day of August, 2015, that the foregoing resolution was duly adopted at such meeting by a vote of 5 for, 0 against, and 0 abstaining.

  
\_\_\_\_\_  
Wallace A. Miller, President

  
\_\_\_\_\_  
Jerilyn Johnson, Secretary

**CHAPTER 26**  
**STOCKBRIDGE-MUNSEE TRIBAL LAW**  
**PUBLIC HEALTH AND SAFETY ORDINANCE**

<b>Section 26.1</b>	<b>Statement of Findings, Purpose</b>	<b>Section 26.4</b>	<b>Interpretation</b>
<b>and Authority</b>		<b>Section 26.5</b>	<b>Public Health and Safety</b>
<b>Section 26.2</b>	<b>Jurisdiction</b>	<b>Standards</b>	
<b>Section 26.3</b>	<b>Definitions</b>	<b>Section 26.6</b>	<b>Inspections</b>

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**Section 26.1 Statement of Findings, Purpose and Authority**

(A) Findings.

- (1) The Stockbridge-Munsee Tribal Council finds that the Stockbridge-Munsee Community has entered into a gaming compact with the State of Wisconsin and, pursuant to that gaming compact, the Stockbridge-Munsee Community agreed to enact an ordinance setting forth public health and safety standards.
- (2) The Stockbridge-Munsee Tribal Council finds that the Tribe is committed to assuring the health and safety of the general public and as well as its Tribal members.
- (3) The Stockbridge-Munsee Tribal Council finds that this ordinance is necessary to protect the social, economic and political welfare of the Stockbridge-Munsee Community and its members.

(B) Purpose. The Stockbridge-Munsee Tribal Council enacts this ordinance to provide for the health and safety of persons in any facility that is used by the Stockbridge-Munsee Community for Class III gaming activities pursuant to a gaming compact.

(C) Authority. The Tribal Council of the Stockbridge-Munsee Community has the authority to adopt ordinances providing for the health and safety of the general public and tribal members on reservation and trust lands within the jurisdiction of the Tribe by virtue of the provisions of Article VII, section 1(a) and (f) of the Stockbridge-Munsee Constitution.

**Section 26.2 Jurisdiction**

(A) This ordinance shall apply on the Stockbridge-Munsee Reservation, which for purposes of this ordinance includes proclaimed reservation lands and tribal trust lands as well as individual trust lands under the jurisdiction of the Stockbridge-Munsee Community.

**Section 26.3 Definitions**

(A) "ASME" refers to the American Society of Mechanical Engineers.

(B) "Casino" refers to those portions of a facility that are used for Class III gaming activities, .

including back-of-house areas, regulated under the Tribe's gaming compact with the State of Wisconsin.

(C) "IEBC" refers to the International Existing Building Code®.

(D) "Public building" refers to a structure intended for use in whole or in part by the public as a place of resort, assemblage, lodging, trade, traffic, occupancy or use.

(E) "State" refers to State of Wisconsin.

(F) "Tribe" refers to the Stockbridge-Munsee Community.

#### **Section 26.4 Interpretation**

(A) This ordinance shall be deemed as a reasonable and proper exercise of the sovereign power of the Stockbridge-Munsee Community for the protection of public safety, health and welfare on lands under the Tribe's jurisdiction. All provisions of this ordinance shall be liberally construed for the accomplishment of these purposes.

(B) The Tribe's adoption of State public health and safety standards as provided for under this ordinance shall not be interpreted as consent to State civil/regulatory jurisdiction or a waiver of the Tribe's sovereign immunity.

#### **Section 26.5 Public Health and Safety Standards**

(A) The public health and safety standards established under this ordinance shall apply to any casino facility located on lands under the jurisdiction of the Tribe.

(B) The following State public health and safety standards that are incorporated, by reference, into this ordinance as tribal standards to the extent applicable to public buildings.

(1) Chapter SPS 314 – Fire Prevention, Wis. Admin. Code.

(2) Chapter SPS 316 – Electrical, Wis. Admin. Code.

(3) Chapter SPS 328 – Smoke Detectors and Carbon Monoxide Detectors, Wis. Admin. Code.

(4) Chapter SPS 366 – Existing Buildings, Wis. Admin. Code.

(a) Section SPS 361.05 of State law provides for the incorporation of the IEBC-2009, subject to the modifications under Chapters SPS 361 and SPS 366.

(b) To the extent necessary to effectuate the State standard, the Tribe incorporates IEBC-2009 into this ordinance by reference.

(5) Chapter SPS 377 – Theaters and Assembly Halls, Wis. Admin. Code.

(6) Chapter SPS 381-386 – Plumbing, Wis. Admin. Code.

(C) The following ASME standards are hereby incorporated, by reference, into this ordinance as tribal standards:

(1) *Safety Code for Elevators and Escalators, ASME A17.1/CSA B44-2013.*

(D) The State public health and safety, IEBC and ASME standards incorporated into tribal law under this ordinance shall also incorporate all properly adopted amendments to such standards that occur after the date of enactment of this ordinance.

(E) The application of the State public health and safety standards to casino facilities through this ordinance shall be interpreted as being at least as restrictive as the State public health and safety standards for public buildings, electrical wiring, fire prevention, plumbing and sanitation as set forth in Chapter 101, Wis. Stat. and the State administrative rules thereunder.

(F) The Tribe's submission of building plans for review and approval by the State shall not be construed as an acceptance of State regulatory authority over the Tribe's construction activities.

### **Section 26.6 Inspections**

(A) The Tribe shall engage a State-certified inspector to conduct periodic inspections, not less than annually, of all casino facilities.

(1) The Tribe shall promptly repair or correct any and all instances of non-compliance with public health and safety standards established under this Ordinance.

(2) Inspection reports prepared in conjunction with the aforementioned inspections shall be forwarded to the State.

(B) Nothing in this ordinance shall be construed as granting or authorizing the State or municipal governments in the State authority to conduct inspections on lands under the Tribe's jurisdiction without the Tribe's authorization.

### **LEGISLATIVE HISTORY**

1. Approved by Tribal Council May 22, 1992; Resolution No. 1316. This ordinance was necessary to meet federal regulations for Class III gaming and to comply with Section XIV of the Gaming Compact between the Stockbridge-Munsee Community and the State of Wisconsin.
2. Recommended for approval by BIA in letter dated July 16, 1992 from Ashland office to Minneapolis Area Office.
3. On August 5, 2015, the Tribal Council by Resolution No. 057-15 repealed existing Chapter 26 and adopted a new version of Chapter 26. New version reformats the ordinance to be consistent with the format of other tribal ordinances, clarifies the applicability of the ordinance, updates references to Wisconsin laws and adds a requirement in relation to elevators. BIA approval granted on \_\_\_\_\_.

**CHAPTER 26  
STOCKBRIDGE-MUNSEE TRIBAL LAW  
PUBLIC HEALTH AND SAFETY ORDINANCE**

Section 26.1 and Authority	Statement of Findings, Purpose	Section 26.4	Interpretation
Section 26.2	Jurisdiction	Section 26.5 Standards	Public Health and Safety
Section 26.3	Definitions	Section 26.6	Inspections

**Section 26.1 Statement of Findings, Purpose and Authority**

**(A) Findings.**

- (1) The Stockbridge-Munsee Tribal Council finds that the Stockbridge-Munsee Community has entered into a gaming compact with the State of Wisconsin and, pursuant to that gaming compact, the Stockbridge-Munsee Community agreed to enact an ordinance setting forth public health and safety standards.
- (2) The Stockbridge-Munsee Tribal Council finds that the Tribe is committed to assuring the health and safety of the general public and as well as its Tribal members.
- (3) The Stockbridge-Munsee Tribal Council finds that this ordinance is necessary to protect the social, economic and political welfare of the Stockbridge-Munsee Community and its members.

**(B) Purpose.** The Stockbridge-Munsee Tribal Council enacts this ordinance to provide for the health and safety of persons in any facility that is used by the Stockbridge-Munsee Community for Class III gaming activities pursuant to a gaming compact.

**(C) Authority.** The Tribal Council of the Stockbridge-Munsee Community has the authority to adopt ordinances providing for the health and safety of the general public and tribal members on reservation and trust lands, within the jurisdiction of the Tribe, by virtue of the provisions of Article VII, section 1(a) and (f) of the Stockbridge-Munsee Constitution.

**Section 26.2 Jurisdiction**

**(A) This ordinance shall apply on the Stockbridge-Munsee Reservation, which for purposes of this ordinance includes proclaimed reservation lands and tribal trust lands as well as individual trust lands under the jurisdiction of the Stockbridge-Munsee Community.**

**Section 26.3 Definitions**

**(A) "ASME" refers to the American Society of Mechanical Engineers.**

**(B) "Casino" refers to those portions of a facility that are used for Class III gaming activities, including back-of-house areas, regulated under the Tribe's gaming compact with the State of**

<b>Deleted:</b> ¶
<b>Deleted:</b> WHEREAS, The
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<b>Deleted:</b> have entered into a Gaming Compact under the Indian Gaming Regulatory Act, P.L. 100 497, 25 U.S.C. sec. 2701, et seq. which provides in part that the Tribe will
<b>Deleted:</b> O
<b>Deleted:</b> for any facility utilized for Class III Gaming as set forth in Chapter 101 of the Wisconsin Statutes and the Wisconsin Administrative Code adopted thereunder including Chapters ILHR 14 (Fire Prevention), 16 (Electrical Wiring), 28 (Smoke Detectors), 160 (Existing Buildings), 162 (Theatres and Assembly Halls), and 81 86 (Plumbing);
<b>Deleted:</b> WHEREAS,
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<b>Deleted:</b> of the Stockbridge Munsee Community of Wisconsin, adopted October 30, 1937;

Wisconsin.

(C) "IEBC" refers to the International Existing Building Code®.

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#### **Section 26.4 Interpretation**

(A) This ordinance shall be deemed as a reasonable and proper exercise of the sovereign power of the Stockbridge-Munsee Community for the protection of public safety, health and welfare on lands under the Tribe's jurisdiction. All provisions of this ordinance shall be liberally construed for the accomplishment of these purposes.

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(1) Safety Code for Elevators and Escalators, ASME A17.1/CSA B44-2013.

(D) The State public health and safety, IEBC and ASME standards incorporated into tribal law under this ordinance shall also incorporate all properly adopted amendments to such standards that occur after the date of enactment of this ordinance.

(E) The application of the State public health and safety standards to casino facilities through this ordinance shall be interpreted as being at least as restrictive as the State public health and safety standards for public buildings, electrical wiring, fire prevention, plumbing and sanitation as set forth in Chapter 101, Wis. Stat. and the State administrative rules thereunder.

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- (2) Inspection reports prepared in conjunction with the aforementioned inspections shall be forwarded to the State,

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**Deleted:** NOW THEREFORE BE IT RESOLVED that the Tribal Council of the Stockbridge-Munsee Community of Wisconsin does hereby ordain that the public health and safety provisions of Chapter 101 of the Wisconsin Statutes and the Wisconsin Administrative Code adopted thereunder including Chapters ILHR 14 (Fire Prevention), 16 (Electrical Wiring), 28 (Smoke Detectors), 160 (Existing Buildings), 162 (Theatres and Assembly Halls), and 81-86 (Plumbing) are hereby adopted as if set forth in full herein as the Public Health and Safety Ordinance of the Stockbridge-Munsee Community effective the date of the aforementioned Compact with the State of Wisconsin, except that the Tribe’s existing and presently under construction gaming facility shall be exempt for a period of one year from the date of said Compact ¶

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