

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

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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 August 13, 2015.