

**TITLE 8 – REGULATORY CODE  
PART IV – PROPERTY  
CHAPTER 4-2-BUILDING & CONSTRUCTION**

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PART IV – PROPERTY  
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Amended on January 22, 2020 by Resolution No. C01-29-20 and Ordinance No. 08-20.*

**SUBCHAPTER A GENERAL PROVISIONS**

**Section 10 Short Title; Codification (8 PYTC § 4-2-10)**

This ordinance shall be known as the “Pascua Yaqui Building & Construction Ordinance.”

**Section 20 Purpose (8 PYTC § 4-2-20)**

- (A) The purpose of this Chapter is to protect and promote the peace, health, safety and general welfare of the Pascua Yaqui people.
- (B) This Chapter shall be liberally construed to achieve its purpose and shall be interpreted to exercise the Tribe’s jurisdiction to the maximum extent permitted by law.

**Section 30 Definitions (8 PYTC § 4-2-30)**

As used in this Chapter, unless the context otherwise requires, the following terms shall have the following meanings:

- (A) The “Department” designated in the Tribe’s Building and Construction Codes is the Tribe’s Facilities Management Department.
- (B) “Tribal Lands” means all land within the exterior boundaries of:
  - (1) The Pascua Yaqui Reservation established by Public Law 95-375;
  - (2) Such other lands as may have been or may hereafter be added thereto by purchase, gift, act of Congress or otherwise.
- (C) “Permit” means formal approval of building plans by the Department. It is an authorization to proceed with the construction or reconfiguration of a specific structure at a particular site, in accordance with the approved drawings and specifications.

**SUBCHAPTER B BUILDING AND CONSTRUCTION CODES**

**Section 40 Pascua Yaqui Building and Construction Codes (8 PYTC § 4-2-40)**

- (A) To the extent not otherwise provided for herein or by other Pascua Yaqui law, the following codes and guidelines are adopted as the “Pascua Yaqui Building and Construction Codes” and shall be in effect on Tribal Lands:

- (1) International Building Code 2018 as amended by Pima County's 2012 Standards for Earthen Commercial and Residential Structures;
  - (2) International Residential Code for One and Two Family Dwellings 2018;
  - (3) International Plumbing Code 2018;
  - (4) National Electrical Code 2017;
  - (5) International Mechanical Code 2018;
  - (6) International Energy Conservation Code 2018;
  - (7) International Existing Building Code 2018;
  - (8) International Performance Code for Buildings and Facilities 2018;
  - (9) International Fuel Gas Code 2018;
  - (10) International Private Sewage Disposal Code 2018;
  - (11) Americans with Disability Act Standards for Accessible Design 2010;
  - (12) International Fire Code 2018;
  - (13) International Property Maintenance Code 2018;
  - (14) Outdoor Lighting Code for the City of Tucson, Arizona and Pima County, Arizona 2012;  
and
  - (15) Arizona Administrative Code, Title 18, Chapter 5, Article 2 (R18-5-201 through R18-5-251).
- (B) The Department shall maintain on file copies of the Pascua Yaqui Building and Construction 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 ensure compliance with the Pascua Yaqui Building and Construction Codes, and is authorized to create policies setting forth the manner in which persons and entities are to comply with this Chapter, so long as such policies, and any amendments thereto, are approved by a majority vote of Tribal Council.
- (D) To the extent that any administrative provisions contained in the Codes listed in this Subchapter conflict with the established governance and/or organizational structure of the Tribe, such administrative provisions are not adopted.
- (E) Any administrative provisions contained in the Codes listed in this Subchapter establishing an Appeals Board or other dispute hearing forum or mechanism is not adopted
- (F) No administrative provision contained in the Code listed in this Subchapter create any individual rights or causes of action against the Tribe, its officials, or its employees.
- (G) A person or entity that is subject this Chapter may, with the written approval of the Department, design, construct, and be subject to more recent editions of the Building and Construction Codes adopted by subsection (A) above.

- (H) The Americans with Disability Act Standards for Accessible Design are adopted solely on a voluntarily basis; the Tribe is neither adopting or conceding to the application of provisions of the Americans with Disabilities Act of 1990, as subsequently amended.

## **SUBCHAPTER C PERMITS**

### **Section 50 Permits Required (8 PYTC § 4-2-50)**

- (A) Except as set forth herein, all building and construction on Tribal Lands requires the issuance of a permit by the Department.
- (B) The Department is authorized to create and implement permit requirements and a permitting process in compliance with industry standards.

### **Section 60 Building Code, Electrical Code, Plumbing Code, and Mechanical Code Exemptions (8 PYTC § 4-2-60)**

The following types of construction do not require a permit or inspection:

- (A) One story detached accessory buildings used as tool or storage sheds, playhouses or similar uses the square footage of which cannot exceed 200 square feet.
- (B) Fences and masonry walls 7' high or less.
- (C) Retaining walls not over 4' high, when measured from the bottom of footing to the top of the wall or retaining less than 3 feet of earth.
- (D) Platforms, walks and driveways less than 30" above grade and not over any basement or story below.
- (E) Window awnings supported on an exterior wall and not projecting more than 54 inches.
- (F) Painting, floor covering or interior trim work.
- (G) Roofing repair or replacement with the same materials unless roof sheathing is replaced.
- (H) Portable motors or other portable appliances with factory installed cords.
- (I) The repair or replacement of fixed motors or appliances with the same type and rating in the same location.
- (J) Temporary decorative lighting that does not require rewiring.
- (K) The reinstallation of a switch or receptacle in the same location.
- (L) The replacement of a circuit breaker or fuse of the same rating and in the same location.
- (M) Electrical wiring, devices, appliances or equipment that operates at less than 25 volts and that is not capable of supplying more than 50 watts.
- (N) The stopping of leaks in drain, soil, waste or vent piping.

- (O) Replacement of toilets.
- (P) A portable heating appliance.
- (Q) Portable ventilating equipment.
- (R) Portable cooling unit.
- (S) A closed system of steam, hot or chilled water within heating or cooling equipment.
- (T) Replacement of any component part of assembly of an appliance which does not alter its original approval.
- (U) Refrigerating equipment which is part of the equipment for which a permit has been issued.

**SUBCHAPTER D EXEMPTIONS**

**Section 70 Gaming Enterprise Division and Tribal Enterprise Division (8 PYTC § 4-2-70)**

- (A) The Gaming Enterprise Division and the Tribal Enterprise Division is exempt from Subchapter C of this Chapter.
- (B) The Gaming Enterprise Division and the Tribal Enterprise Division is exempt from compliance with Section 40(A) (11) of this Chapter.

**Section 80 Grandfathered Structures (8 PYTC § 4-2-80)**

All structures constructed prior to the enactment of this Chapter are exempt from all requirements under this Chapter.

**Section 90 Traditional Structures (8 PYTC § 4-2-90)**

- (A) Nothing in this Chapter shall prevent a Pascua Yaqui member from constructing a traditional structure, provided that the design and construction adequately safeguard health and safety. The Tribal Council shall be the sole arbiter in the instance that a question arises as to whether or not a structure is a “traditional structure,” and shall consult such individuals as Tribal Council deems necessary and appropriate in making such determination.
- (B) If requested by a Pascua Yaqui member, the Department may provide suggestions prior to and during construction of a traditional structure in a cooperative manner that recognizes and respects the traditional knowledge, customs, and beliefs of the Tribe’s members while also protecting public health, safety, and welfare.”

**SUBCHAPTER E INSPECTIONS**

**Section 100 Inspections Required (8 PYTC § 4-2-100)**

- (A) All building and construction occurring within the exterior boundaries of the Pascua Yaqui Reservation, unless exempt from the provisions of this Chapter, shall be inspected by a licensed inspector.
- (B) The Department shall provide the inspections required in subsection (A) above for all construction and building for which the Department has issued a permit.

**SUBCHAPTER F          RENTAL UNITS**

**Section 110          Pascua Yaqui Tribe Rental Units (8 PYTC § 4-2-110)**

All building and construction pertaining to the Tribe's rental units, whether improvements; additions; or otherwise, shall only be initiated by the Pascua Yaqui Tribe Housing Division.