

Building Code Case Study: Bay Mills Indian Community

Overview



The Bay Mills Indian Community (BMIC) is a federally recognized Tribal Nation in Michigan's Upper Peninsula. The Community exercises sovereign authority over Tribal lands and has established a broad framework of Tribal laws, ordinances, and governance structures to protect the health and safety of its members. BMIC is governed by a Tribal Constitution adopted in 1936 and has long recognized the importance of local control over development, housing, infrastructure, and land-use decisions.

As the Community expanded its housing stock, public facilities, and economic development activities, Tribal leadership enacted a series of building-related ordinances to set standards for construction, fire safety, zoning, electrical and plumbing systems, and housing quality. These ordinances form the foundation of BMIC's building regulatory framework and demonstrate the Tribe's commitment to Tribal sovereignty through self-governance.



Bay Mills Ojibwe

Code Enactment and Regulatory Framework

Bay Mills Indian Community developed a structured approach to land use and construction regulation through the enactment of several Tribal ordinances, including:

- Building Code Ordinance (RI-2)
- Electrical Code Ordinance (RI-3)
- Plumbing Code Ordinance (RI-4)
- Community Improvements Areas Ordinance (RI-5)
- Zoning Ordinance (RI-6)
- Fire Prevention Code Ordinance (RI-7)
- Basic Housing Code (RI-8)
- Code Compliance Ordinance (RI-1)
- Housing Ordinance No. 1-63

Bay Mills Indian Community adopted its foundational housing and land-use regulatory framework in the late 1960s. The Zoning Ordinance (RI-6) was approved on April 22, 1968. It was accompanied by related building, electrical, plumbing, fire prevention, housing, and code compliance ordinances, establishing one of the earliest comprehensive Tribal development regulatory systems in the Midwest.

The ordinances were adopted through the Tribe's governmental processes and provide a legal framework for regulating development within the Tribe's jurisdiction. The code system allows the Tribe to set standards that reflect local priorities and help ensure building safety.

The adoption of building-related ordinances also supports housing programs, lease development, utility services, and community infrastructure investments. By codifying construction requirements, BMIC established a mechanism to review projects, set compliance expectations, and support long-term community planning.

Code Update

BMIC in 2026, with support from the Inter-Tribal Council of Michigan (ITCMI), Slipstream, Five Lakes Energy, and Michigan Energy Options (MEO), has conducted an assessment of the Tribes' code administration and residential and commercial building energy efficiency. BMIC is actively pursuing updates to the building and energy codes to align with the State of Michigan's current residential code (2015 IECC) and commercial codes (2021 IECC and ASHRAE 90.1-2019).

Impacts

Improved Health and Safety

Enacting building, energy, electrical, plumbing, and fire-prevention codes establishes minimum standards that help reduce risks from unsafe construction, fire hazards, electrical failures, and inadequate sanitation. These standards contribute to healthier, safer homes and community facilities.

Enhanced Housing Quality

The combination of housing ordinances, building regulations, and code compliance requirements helps ensure that new housing and rehabilitation projects meet consistent quality standards. This improves durability, occupant comfort, and long-term housing performance.

Strengthened Tribal Sovereignty

By developing and enforcing its own regulatory framework, Bay Mills exercises sovereign authority over land use and construction within Tribal jurisdiction. Rather than relying solely on external governments, the Tribe has established Tribal processes to regulate development in a manner consistent with Tribal priorities.

Support for Economic Development

Building and zoning regulations provide greater predictability for housing, commercial development, public facilities, and infrastructure projects. Clear requirements can streamline development decisions and provide certainty for builders, developers, Tribal programs, and funding agencies.

Challenges

Limited Staff Capacity

Bay Mills, with its rural geography and limited resources, faces the challenge of maintaining specialized expertise in building inspection, plan review, code administration, and enforcement.

Funding Constraints

Implementing and enforcing building codes requires ongoing investment in staffing, training, permitting systems, inspections, and public education. Bay Mills balances these needs with other community priorities.

Balancing Development and Enforcement

As housing and economic development opportunities expand, the Tribe will need to balance development with the need to ensure that projects meet health and safety standards. Establishing consistent enforcement practices will be challenging, but it is a priority.

Keeping Codes Current

Construction practices, technologies, and model codes continue to evolve. Maintain up-to-date codes by establishing a code enactment cycle that sets a 18-36-month schedule for reviewing and updating ordinances to reflect current building practices, energy-efficiency requirements, and community needs.

Lessons Learned

Sovereignty is Strengthened Through Regulatory Authority

Bay Mills demonstrates that adopting Tribal building and land-use ordinances is an important exercise of Tribal sovereignty. Codes provide a practical means of implementing self-governance while protecting community interests.

Building Codes Work Best as Part of a Larger Framework

The Tribe's experience demonstrates the value of integrating building codes with zoning, housing, utility, fire-prevention, and compliance ordinances. Together, these systems provide a comprehensive approach to community development.

Incremental Development is Effective

Rather than relying on a single ordinance, BMIC developed multiple complementary ordinances over time. This phased approach enabled the Tribe to build regulatory capacity while addressing evolving community needs.

Tribal-Specific Solutions Matter

Bay Mills code framework reflects local governance structures, land ownership, and community priorities. This demonstrates the importance of tailoring regulatory systems to Tribal circumstances rather than simply adopting state or local government models.

Opportunities

Modernization of Construction Codes

Bay Mills has an opportunity to review and update existing building ordinances using current model codes such as the International Building Code (IBC), International Residential Code (IRC), and International Energy Conservation Code (IECC), adapted to Tribal needs.

Expansion of Energy Efficiency Standards

Incorporating modern energy codes can help reduce utility costs, improve comfort, increase resilience, and support Tribal climate and sustainability goals.

Regional Partnerships and Shared Services

Partnerships with neighboring Tribes, regional organizations, and circuit-rider inspection programs could help expand access to qualified inspectors, plan reviewers, and training resources while reducing administrative costs.

Workforce Development

Building a Tribal workforce of inspectors, plans examiners, and construction professionals can create local employment opportunities while strengthening long-term code implementation capacity.

Housing Rehabilitation and Resilience Programs

Recent investments in housing improvements, including funding for repairs, accessibility upgrades, and energy-related improvements, create opportunities to integrate modern code requirements into rehabilitation projects and improve the overall quality of the housing stock.

Conclusion

The Bay Mills Indian Community offers a strong example of how Tribal Nations can use building codes and related ordinances to advance health, safety, housing quality, and self-determination. By adopting building, electrical, plumbing, fire prevention, zoning, and housing regulations, the Tribe has established a comprehensive framework for managing development on Tribal lands. Although challenges related to staffing, funding, code administration, and updating the building codes remain, Bay Mills demonstrates how Tribal regulatory authority can support safe, resilient, and sustainable community development while reinforcing Tribal sovereignty.

Sources

Bay Mills Indian Community. *Constitution and bylaws of the Bay Mills Indian Community*. <https://www.baymills.org/tribal-constitution>

Bay Mills Indian Community. *Tribal organization*. <https://www.baymills.org/tribal-organization>

Native American Rights Fund. *Bay Mills Indian Community tribal code*. National Indian Law Library. <https://narf.org/nill/codes/baymillscode/>

Map Source:

Native Ministries International. Bay Mills Indian Community, Michigan. <https://data.nativemi.org/tribeslisting/Details/bay-mills-indian-community-michigan-198749>