

State Construction Code Ordinance

An ordinance to assume responsibility pursuant to Act No. 230 of the Public Acts of Michigan of 1972, as amended, for administration and enforcement of said Act as to those portions of the State Construction Code promulgated thereunder consisting of the Michigan Building Code, the Michigan Residential Code, the Michigan Electrical Code, the Michigan Plumbing Code and the Michigan Mechanical Code; to provide for the designation of an enforcement officials hereunder; to provide for a Township Construction Board of Appeals; to permit the Township Board to set certain fees by Resolution of said Township Board; to provide for sanctions for violations of the aforementioned Act and Codes; and to repeal Madison Township Ordinance 16.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Title

This Ordinance shall be known and cited as the Madison Charter Township State Construction Code Ordinance.

Section 2. Assumption of Administration and Enforcement

The Charter Township of Madison hereby assumes responsibility pursuant to Act No. 230 of the Public Acts of Michigan of 1972, as amended, for administration and enforcement of said Act as to those portions of the State Construction Code promulgated thereunder consisting of the Michigan Building Code, the Michigan Residential Code, the Michigan Plumbing Code, the Michigan Mechanical Code and the Michigan Electrical Code.

Section 3. Enforcement Officials

- a. The officials and inspectors listed in subsection (b) of this section, who shall be designated by Resolution of the Township Board, are hereby specifically authorized to investigate violations of the state construction code, serve notices of violation of the state construction code, issue and serve appearance tickets or uniform law citations as authorized by state statute, appear in court or other judicial proceedings to assist in the prosecution of any code violations, prepare cases for prosecution for violations of the state construction code, and perform such other state construction code enforcement duties as may be delegated by the enforcement agency/building official.
- b. The officials and inspectors whose authorities and duties are established in subsection (a) of this section are as follows:

1. The building official and deputy building official are authorized to administer and enforce the Building Code, Residential Code, Electrical Code, Mechanical Code, and Plumbing Code.
2. The designated building inspector(s) is/are authorized to enforce the Building Code and Residential Code.
3. The designated electrical inspector(s) is/are authorized to enforce the Electrical Code.
4. The designated mechanical inspector(s) is/are authorized to enforce the Mechanical Code.
5. The designated plumbing inspector(s) is/are authorized to enforce the Plumbing Code.

Section 4. Fees

The Township Board of the Charter Township of Madison is authorized to establish by Resolution at any regular public meeting a schedule of fees, rates and charges for the administering of State Construction Code Act, the aforementioned Code sections and this Ordinance, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity. The Township Board shall further have the right to amend the aforementioned Resolution from time to time within the foregoing limits of reasonableness.

Section 5. Plans Specification

With each application for a building permit, and when required by the a designated inspector for enforcement of any provisions of the State Construction Code, two sets of plans and specifications shall be submitted. All plans and specifications shall comply with the provisions of such applicable code and all other applicable state or local regulations.

Section 6. Construction Board of Appeals

- a. *General.* There is established a Construction Board of Appeals (also referred to as a "Building Board of Appeals") of three (3) members appointed by the Township Board as follows:
 1. One person who is experienced as a general contractor.
 2. One person who is licensed electrician.
 3. One person who is a licensed plumber.
- b. *Tenure of Board.* The current members of the Construction Board of Appeals shall continue to serve until the expiration of their current terms. Thereafter, members

shall be appointed for terms of three (3) years.

- c. *Duties of the Construction Board of Appeals.* The Construction Board of Appeals shall act as an advisory board to the Township and shall have the following further powers and duties:
1. To provide for reasonable interpretation of the provisions of the Michigan Building Code, the Michigan Residential Code, the Michigan Plumbing Code, the Michigan Mechanical Code and the Michigan Electrical Code.
 2. Hear and decide appeals from and review any order, requirement, decision and determination made by the Madison Charter Township Building Official, except the Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the aforementioned Codes, nor shall the Board have the power to waive the requirements of the Codes except as provided below.
 3. Do acts, make decisions, and make such determinations as authorized or directed by Township Ordinance.
 4. To grant or approve alternatives from a substantive requirement of the aforementioned Codes if the literal application of the substantive requirement would result in an exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied:
 - i The performance of the particular item or part of the building or structure with respect to which an alternative is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the Code for that particular item or part for the health, safety and welfare of the people of the Township.
 - ii The specific condition justifying the alternative shall be neither so general nor recurrent in nature as to make an amendment of the Code with respect to the condition reasonably practical or desirable.
 5. The Construction Board of Appeals is also assigned with the responsibility for interpreting, hearing appeals, approving alternate methods, and making other designated determinations as described above with respect to all other portions of the Michigan Construction Code administered and enforced by the Township.
- d. *Procedure for Appeals.* Appeals from the rulings of any official charged with the enforcement of the aforementioned Codes may be made to said Board within such time as shall be prescribed by the Township Board. The Appellant shall file with the Building Official and with the Township Clerk a notice of appeal specifying the ground therefore and stating the address of the Appellant. The Building Official shall set the matter for hearing and give due notice thereof to all interested parties. The

Construction Board of Appeals shall hear said matter and decide the same not later than thirty (30) days after submission of the appeal. Failure by the Board to hear an appeal and file a decision within the time limit is deemed a denial of the appeal for purposes of instituting a further appeal. The Construction Board of Appeals shall hear said matter and decide the same. Within the limits of its jurisdiction hereinabove described, the Construction Board of Appeals may reverse or affirm, in whole or in part, or may make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have the powers of the official from whom said appeal is taken. The final disposition of such appeal shall be in writing and shall state the grounds therefore and shall be forthwith delivered to the Appellant at his or her last known address. Any person, including the Building Official, may file with the Construction Board of Appeals a request for an interpretation, approval of methods or materials, or any other matter provided for under the powers and duties of the Construction Board of Appeals in the same manner as provided for appeals herein. The Construction Board of Appeals may make such other further procedural rules as shall be necessary to perform its duties and exercise its powers hereunder.

- e. *Decisions of the Construction Board of Appeals - Finality.* An interested person or his authorized agent may appeal a decision of the Construction Board of Appeals to the Michigan State Construction Code Commission in accordance with the provisions of Act No. 230 of the Public Acts of 1972, as amended. In the absence of such an appeal, decisions of the Construction Board of Appeals become effective on the 11th business day after filing of the decision with the Building Official.
- f. *Meeting, Rules of Procedure, Quorum.* The Construction Board of Appeals shall meet at such times as said Board may determine. It may adopt bylaws and rules of procedure covering any matters upon which it may act. The Building Official or such person as he or she shall designate shall serve as secretary of the Construction Board of Appeals and shall keep records of the meetings. The minutes of the meetings shall be in writing, but may state the substance of any matter considered. Any orders shall be set out in full and shall state the grounds of the order in a manner reasonably stated to apprise the Appellant/Petitioner of the basis thereof. The presence of all three (3) members shall be necessary to constitute a quorum. The majority of the members present shall be necessary to decide any question.

Section 7. Violations and Penalties

A person who violates any provision of the state construction code for which the township has assumed enforcement responsibility is responsible for a municipal civil infraction for each and every day that the violation occurs.

Section 8. Sanctions

- a. *Civil Infraction.* A person who violates any provision of the State Construction Code for which the Township has assumed enforcement responsibility is responsible for a municipal civil infraction for each and every day that the violation occurs,

punishable by a civil fine determined in accordance with the following schedule:

	Fine
1st Offense within 5-year period*	\$100
2nd Offense within 5-year period*	\$150
3rd Offense within 5-year period*	\$250
4th or More Offense within 5-year period*	\$500

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Madison Charter Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$50 nor more than \$500 be ordered.

- b. *Other Remedies.* In addition to the foregoing, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance, 1972 PA 230, as amended and/or the aforementioned Codes. Each day that a violation exists shall constitute a separate offense.

Section 9. Severability

Should any part of this Ordinance or the aforementioned Codes being administered and enforced hereunder be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

Section 10. Publication and Effective Date

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in a newspaper circulating with the Charter Township of Madison, which insertion shall be made within thirty (30) days after its passage. This ordinance shall take effect immediately upon its publication.

Section 11. Repealer

All ordinances inconsistent with the provisions of this ordinance, including without limitation Ordinance 16, are hereby repealed.

YEAS: ()
 NAYS: ()
 ABSENT: ()

Ordinance declared adopted on October 12, 2004.

Theodore C. Dusseau
Township Supervisor for the
Charter Township of Madison

CERTIFICATION OF ADOPTION AND PUBLICATION

I, Arnold Harper, the duly elected Township Clerk, certify that the foregoing ordinance was properly enacted by the township board of the Charter Township of Madison, Lenawee County, Michigan on October 12, 2004 and that it was published in the Adrian Daily Telegram on September 28, 2004 and on October 19, 2004.

Arnold Harper
Township Clerk for the
Charter Township of Madison