

Charter Township of Sandstone State Construction Code Ordinance

Ordinance No. ____

An Ordinance to adopt by reference the Michigan state construction code and to designate the Township as the enforcing agency.

The Charter Township of Sandstone, Jackson County, Michigan ordains:

Section 1. Adoption of Code by Reference

The State Construction Code Act, 1972 PA 230, as amended, being the Stille-DeRossett-Hale Single State Construction Code Act (MCLA §§ 125.1501 to 125.1531) (the Act), and the building, plumbing, mechanical and electrical codes promulgated thereunder, as amended to the date of the enactment of this article, as well as all future amendments and revisions to said Act and the codes promulgated thereunder when such amendments and revisions are promulgated and take effect, are hereby adopted by reference. The Township assumes responsibility for the administration and enforcement of the Act and the codes promulgated thereunder throughout the corporate limits and jurisdiction of the Township.

Section 2. Designation of Enforcing Agency

Pursuant to the provisions of the Michigan Residential Code and Michigan Building Code and in accordance with Section 8b of the Stille-DeRossett-Hale Single Construction Code Act, being MCLA § 125.1501 et seq. (the Act), the Charter Township of Sandstone Building Department, through its Building Official and various inspectors, is hereby designated as the enforcing agency to discharge the responsibility of the Charter Township of Sandstone of Jackson County, State of Michigan, under the Act. The Charter Township of Sandstone assumes responsibility for the administration and enforcement of the Act and the codes promulgated thereunder throughout its corporate limits.

Section 3. Code appendix enforced.

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Charter Township of Sandstone, Michigan.

Section 4. Reserved.

Section 5. Fees.

The Township may establish, by resolution of the Township Board, any and all fees, including, but not limited to, inspection and permit fees payable to the Township as

authorized under the Act and each of the codes promulgated thereunder.

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 Sandstone 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. *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 Sandstone Charter Township Municipal Civil Infractions and Ordinance Enforcement.
- B. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Sandstone 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.
- C. *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 8. 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 9. 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 Sandstone, which insertion shall be made within thirty (30) days after its passage. This ordinance shall take effect immediately upon its publication.

Section 10. Repealer

All ordinances inconsistent with the provisions of this ordinance are hereby repealed, including without limitation Ordinances 13, 14, 15 and 37 which are repealed in their entirety.

On motion by _____, second by _____.

YEAS: _____

NAYS: _____

ABSENT: _____

Ordinance declared adopted on _____, 2021.

L. Keith Acker
Township Supervisor
Charter Township of Sandstone

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Kim Britten, the duly elected Clerk of the Charter Township of Sandstone certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Sandstone on _____, 2021. A notice of the adoption of the ordinance, in the form required by statute, was published in a newspaper circulated in the Charter Township of Sandstone on _____, 2021 and a copy of the ordinance as adopted was posted at the offices of the Township Clerk and the Township’s website: www.sandstonetownship.org.

Kim Britten
Township Clerk
Charter Township of Sandstone

