

ORDINANCE NO. 353

AN ORDINANCE TO ADOPT BY REFERENCE THE BOCA NATIONAL BUILDING CODE, 1996 EDITION; TO PROVIDE FOR CERTAIN MODIFICATIONS THEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. Building Code Adopted by Reference. Pursuant to the provisions of the Section 8 of the State Construction Code Act (Act No. 230 of the Public Acts of 1972, as amended) (the "Act"), the BOCA National Building Code/1996 Thirteenth Edition ("Building Code"), as published by the Building Officials & Code Administrators International, Inc., is hereby adopted by reference, subject to the modifications contained in this Ordinance.

Section 2. Reference in Code. References in the Building Code to "jurisdiction" and "name of jurisdiction" shall mean the Charter Township of Grand Rapids. References in the Building code to "building official" shall mean the building inspector furnished by Cascade Charter Township pursuant to the Inspection Services Agreement between Grand Rapids Charter Township and Cascade Charter Township.

Section 3. Changes in Code. The sections and subsections of the Building Code referred to in (1) through (13) below are hereby amended as set forth and additional section and subsections are added as hereinafter set forth. The section and subsection numbers set forth refer to like numbers of sections and subsections of the Building Code:

(1) Subsection 104.2 is hereby amended to read as follows:

104.2. Appointment: The code official shall be the building inspector furnished by Cascade Charter Township pursuant to the Inspection Services Agreement between Grand Rapids Charter Township and Cascade Charter Township.

(2) Subsection 107.2 is hereby amended to read as follows:

107.2. Form of Application: The application for a permit shall be submitted in such form as the building official may prescribe and shall be accompanied by the required fee as prescribed in Section 112.0. The application for a permit shall be accompanied by copies of all permits required by other governmental bodies or

agencies to be obtained before commencement of the construction, enlargement, alteration, demolition, change of occupancy or use, or installation or alteration of equipment, sought by the applicant.

(3) Subsection 112.3.1 is hereby amended to read as follows:

112.3.1. Fee Schedule: A fee for each plan examination, building permit and inspection shall be paid in accordance with a schedule established by resolution of the Township Board.

(4) Subsection 116.3 is hereby amended to read as follows:

116.3. Failure to Correct Violations. If the notice of violation is not complied with within the time prescribed by the building official, the building official may:

(a) Commence a municipal civil infraction action by issuing a municipal civil infraction citation directing the alleged violator to appear in court (as authorized by section 21 of Act No. 359 of the Public Acts of 1947, as amended, and the Grand Rapids Charter Township Municipal Civil Infraction Ordinance); or

(b) Request the legal counsel for the Township to institute the appropriate proceedings at law or equity to restrain, correct or abate the violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of the order of direction made pursuant thereto. **[Section 116.3 amended 9/8/98 by Ord. No. 364]**

(5) Subsection 116.4 is hereby amended to read as follows:

Section 116.4. Civil Infractions; Fines. Any person, firm or corporation who violates any provision of this Code or who continues any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$100.00, plus costs and other sanctions, for each infraction (as authorized by Section 21 of Act No. 359 of the Public Acts of 1947, as amended, and the Grand Rapids Charter Township Municipal Civil Infraction Ordinance). Repeat offenses under this Code shall be subject to increased fines as provided by this section. As used in

this section, Arepeat offense@ means a second (or any subsequent) violation of the same requirement or provision of this Code (i) committed by a person within any 90 day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Code shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be not less than \$250.00, plus costs.

(b) The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be not less than \$500.00 each, plus costs.

Each day on which any violation of this Code occurs or continues constitutes a separate offense subject to separate sanctions. The Building Inspector as appointed by resolution of the Township Board is hereby designated as the authorized township official to issue municipal civil infraction citations for violations of this Code. **[Section 116.4 amended 9/8/98 by Ord. No. 364]**

(6) Subsection 117.2 is hereby amended to read as follows:

Section 117.2. Unlawful Continuance. Any person who continues any work in or about the building after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition, is responsible for a municipal civil infraction as provided by Section 116.4. **[Section 117.2 amended 9/8/98 by Ord. No. 364]**

(7) Subsection 121.1 is hereby amended to read as follows:

121.1. Application for Appeal: The owner of a building or structure or any other person may appeal to the Building Code Board of Appeals (ABoard@) from a decision of the code official. The board of appeals shall be known as the building Code Board of Appeals of the Charter Township of Grand Rapids. Application for appeal may be made when it is claimed that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent form of construction is used. At the time of making application for appeal under this section, the applicant shall pay to the Township Clerk a fee established by resolution of the Township Board to defray expenses of compensation of board members for one hearing. Any further expenses incurred by the Township in connection with any appeal shall be paid in full by the applicant prior to the issuance of any ruling on said appeal.

(8) Subsection 121.2.6 is hereby amended to read as follows:

121.2.6. Compensation of Members. Compensation of members shall be established by resolution of the Township Board.

(9) Subsection 121.3 is hereby deleted.

(10) Subsection 121.4.2 is hereby added immediately following 124.4.1 to read as follows:

121.4.2. Quorum: Three members of the Board shall constitute a quorum.

(11) Subsection 121.5 is hereby deleted.

(12) Subsection 121.6 is hereby amended to read as follows:

121.6. Action of the Board. The Board shall affirm, modify or reverse the decision of the building official by majority vote of those members present.

(13) Exception 8 in Subsection 1014.6 is hereby amended to read as follows:

8. In occupancies in Use Group R-3 and within dwelling units in occupancies in Use Group R-2, the maximum riser height shall be 8-1/4 inches (210 mm) and the minimum tread depth shall be 9 inches (229 mm). A 1-inch (25 mm) nosing shall be provided on stairways with solid risers.

(14) Subsection 3408.2 is hereby amended to read as follows:

3408.2. Applicability: Structures existing prior to the effective date of the Ordinance adopting this Code, in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of this section or the provisions of Sections 3403.0 through 3407.0.

The provisions of Sections 3408.2.1 through 3408.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Use Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Use Group H or I.

Section 4. Conflict with Zoning Ordinances. If any provision of the Building Code conflicts with any provision of the Zoning Ordinance of the Charter Township of Grand Rapids, as amended from time to time, the most stringent provision shall control.

Section 5. Swimming Pools. The construction of swimming pools in the Charter Township of Grand Rapids shall, in addition to the requirements imposed by the building Code, be constructed and maintained in accordance with the provisions of the Grand Rapids Township Swimming Pool Ordinance adopted by the Grand Rapids Township Board on September 20, 1966, and effective October 11, 1966.

Section 6. Severability. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 7. Repeal. Ordinance No. 308 is hereby repealed.

Section 8. Effective Date. Pursuant to Section 8(1) of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, this Ordinance shall take effect ninety (90) days after a certified copy of this Ordinance as adopted is filed with the State Construction Code Commission.

[Ord. Adopted 3/19/98]

