

ORDINANCE NO. 410

**AN ORDINANCE TO ADOPT BY
REFERENCE THE STATE CONSTRUCTION
CODE AND TO PROVIDE SANCTIONS FOR
VIOLATIONS THEREOF.**

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. Adoption, Administration and Enforcement of State
Construction Code.

Pursuant to the provisions of this Section 8a and 8b of the Act, the Charter Township of Grand Rapids (the "Township") hereby adopts by reference the Construction Code. The Township assumes responsibility for the administration and enforcement of the Construction Code and the Act within the Township.

1. For purposes of this Ordinance, the following words, terms and phrases shall have the meaning ascribed to them in this section:

(a) "Act" means the State Construction Code Act, as amended (Act No. 230 of the Public Acts of Michigan of 1972, as amended, being MCL 125.1501 *et seq.*)

(b) "Construction Code" means the State Construction Code promulgated from time-to-time by the director of the Department of Consumer and Industry Services pursuant to Section 4 of the Act consisting of the Michigan Building Code, the Michigan Residential Code, the Michigan Uniform Energy Code, the Michigan Electrical Code, the Michigan Mechanical Code and the Michigan Plumbing Code.

2. The Building Inspector shall be the "enforcing agency" of the Construction Code within the Township pursuant to the Act, shall be responsible for the administration and enforcement of the Construction Code and the Act, and shall be responsible for reviewing permit applications and issuing permits pursuant to the Construction Code.

Section 2. Reference in Code.

References in the Construction Code to "jurisdiction" and "name of jurisdiction" shall mean the Township. References in the Construction

Code to "Building Official," "Code Official," "Electrical Inspector," "Mechanical Inspector," and "Plumbing Inspector" shall mean the Building Inspector furnished by Cascade Charter Township pursuant to the Inspection Services Agreement between the Township and Cascade Charter Township.

Section 3. Civil Infractions; Fines.

Any person, firm or corporation who violates any provision of the Construction Code or Act 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 359 of the Public Acts of 1947, as amended, and the Charter Township of Grand Rapids Municipal Civil Infraction Ordinance). Repeat offenses shall be subject to the increased fines as provided by this section. As used in this section, "repeat offense" means a second "or any subsequent" violation of the same requirement or provision of the Construction Code or the Act (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 the Construction Code or the Act shall be as follows:

1. The fine for any offense which is a repeat offense shall be not less than \$250.00, plus costs.
2. 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.
3. Each day on which any violation of the Construction Code or the Act occurs or continues constitutes a separate offense subject to separate sanctions. The Township's Building Inspector is hereby designated as the authorized official to issue municipal civil infraction citations for violations of the Construction Code or Act.

Section 4. Construction Code Board of Appeals.

Pursuant to Section 14 of the Act, the Township hereby establishes a Construction Code Board of Appeals consisting of three (3) members appointed by the Township Board. A member of the Township Board of Appeals shall be qualified by experience or training to perform the duties of members of the Township Board of Appeals. The term of members of the Township Board of Appeals shall be three years.

1. If the Building Inspector refuses to grant an application for

a building permit, or makes any other decision pursuant or related to the Act, or the Construction Code, on interested person, or the persons authorized agent, may appeal in writing to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of the Construction Code or the rules governing construction have been incorrectly interpreted, the provisions of the Construction Code do not fully apply, or an equally good or better form of construction is proposed.

2. When an appeal is made, notice of the hearing before the Board of Appeals shall be given according to applicable state or local law. The Board of Appeals shall hear the appeal and render and file its decision with a statement of reasons for the decision with the enforcing agency from whom the appeal was taken not more than thirty (30) days after submission of the appeal. Failure by the Board of Appeals to hear an appeal and file a decision within the time limit is a denial of the appeal for purposes of authorizing the institution of an appeal to the State Construction Code Commission. A copy of the decision and statement of the reasons for the decision shall be delivered or mailed, before filing, to the party taking the appeal.

Section 5. Appointment and General Powers and Duties of Building Inspector.

The Code Official responsible for the administration and enforcement of the Construction Code and the Act shall be the Building Inspector furnished by Cascade Charter Township pursuant to the Inspection Service Agreement between the Township and Cascade Charter Township.

Section 6. Records to be kept by Building Inspector.

The Building Inspector shall keep a reasonable and comprehensive record of all permits issued by him/her and of all orders and other acts made and taken by him/her, either by keeping a copy thereof or an accurate statement thereof, which records shall at all time be available to the officials of the Township. He/she shall keep an account of all fees and other monies collected and received by him/her as such official and the names of the persons from whom such monies were obtained, and the date thereof.

Section 7. Building Permit Fees.

The fee for any permit issued to the Construction Code shall be established by resolution of the Township Board pursuant to Section 22 of the Act. No permit shall be issued unless such fee has been paid to the

Township Treasurer.

Section 8. Violations Generally.

It shall be unlawful for any person to demolish, erect, construct, enlarge, alter, repair, improve, convert, equip, use, occupy, maintain or move into or within the Township any building or structure contrary to or in violation of any of the provisions of this Ordinance, the Act or Construction Code, or to refuse or fail to obtain such permit, unless written consent shall have been given by the Building Inspector to the modification of such plan and drawings.

Section 9. Conflict with Zoning Ordinances.

If any provision of the Construction Code conflicts with any provision of the Township's Zoning Ordinance, as amended from time to time, the most stringent provision shall control.

Section 10. 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 11. Repeal.

Ordinance Nos. 353, 354, 355, 356 and 363 are hereby repealed.

Section 12. Effective Date.

This Ordinance shall become effective on July 31, 2001.

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| FIRST READING: | July 3, 2001 |
| SECOND READING: | July 17, 2001 |
| EFFECTIVE DATE: | July 31, 2001 |