

ORDINANCE NUMBER 58
Charter Township of Ironwood
Building Code and Residential Code
Enforcement Agency Ordinance

The Charter Township of Ironwood, Michigan, Ordains:

An Ordinance to repeal Ordinance 14 and Article XXI Building Permits of the Township Zoning Ordinance and to designate an enforcement agency to discharge the Michigan Building Code and the Michigan Residential Code responsibilities of the Charter Township of Ironwood under the provisions of the State Construction Code, being Act No. 230 of 1972, as amended.

Section 1. AGENCY DESIGNATED

1. Pursuant to the provisions of the State Construction Code in accordance with Section 8b of Act 230, of the Public Acts of 1972, as amended, the Charter Township of Ironwood is designated as the enforcing agency to discharge the responsibilities of the Charter Township of Ironwood under the Act. The Building Official is designated and obligated to discharge the responsibilities of the Charter Township of Ironwood under the Act and shall be designated from time to time by Township Board resolution.
2. Pursuant to the provisions of the State Construction Code, including the Michigan Building Code and the Michigan Residential Code, and in accordance with Section 8b of the Act, the township assumes responsibility for the administration and enforcement of the Act, including Appendix G of the Michigan Building Code, and Appendix E of the Michigan Residential Code, throughout the Township's geographical limits.
3. No structure shall be erected, altered or excavation started until a building permit for such work shall have been issued by the Building Official. Electrical, Plumbing and Mechanical permits shall be applied for through the State of Michigan. (See Ordinance # 34.)
4. The fees for Building and Residential code permits shall be established by the Township Board from time to time by resolutions.
5. No permit application shall be valid until the required fee is paid and all permits expire twelve (12) months from the date of issue. Extensions are subject to approval by the Building Official

Section 2 CONSTRUCTION OF ORDINANCE

The headings of the titles, chapters or sections of this ordinance are for convenience

only and shall not be considered in any construction or interpretation of this Ordinance as enlarging or restricting the terms and provisions of this Ordinance in any respect.

Section 3 SEVERABILITY

This Ordinance and its various parts, sections, subsections, paragraphs, sentences, phrases and clauses are declared severable. If any Part, section, subsection, paragraph, sentence, phrase or clause is ruled unconstitutional or invalid, the remainder of this Ordinance shall not be affected by that ruling.

Section 4 REPEAL

All resolutions, ordinances or orders, in conflict in whole or in part with any of the provisions of this Ordinance, are repealed to the extent of such conflict. However, nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court.

Section 5 ADMINISTRATIVE LIABILITY

No officer, agent, employee, appointee, or member of the township Board shall be personally liable for any damages that may occur to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 6 PENALTY

Any person who violates a provision of this Ordinance or the Building and Residential Code or fails to comply with any of its requirements shall be responsible for a municipal civil infraction, subject to enforcement procedures as set forth in the Township Civil Infraction Ordinance adopted by the Township and subject to the schedule of Civil Fines and/Costs set forth in the Civil Infraction Ordinance. Each day during which any violation continues after notice has been served shall be deemed a separate and distinct offense. Civil fines for repeat violations are increase for the 2nd offense and 3rd offense in accordance with the Township Civil Infraction Ordinance.

Section 7 OTHER ENFORCEMENT OPTIONS

Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of a Municipal Civil Infraction Violation Notice. As to each Ordinance violation designated as municipal civil infraction, the Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take

such other enforcement action as is authorized by law, including, without limitation, injunctive relief or criminal enforcement.

Section 8 CONSTRUCTION BOARD OF APPEALS

1. The Charter Township of Ironwood Construction Board of Appeals shall consist of 5 members. They shall be appointed for 2 year terms by the Township Supervisor.
2. A member of the board of appeals shall be qualified by experience or training to perform the duties of members of the board of appeals. A person may serve on the board of appeals of 1 or more governmental subdivision.
3. If an enforcing agency refuses to grant an application for a building permit, or if the enforcing agency makes any other decision pursuant or related to the State Construction Code Act, an interested person or the person's agent may appeal in writing to the Board of Appeals.
4. The board of appeals shall hear the appeal and render and file its decision with a statement of reasons for the decision with the building official from whom the appeal was taken not more than 30 days after submission of the appeal. Failure by the board of appeal to hear an appeal and file a decision within the time limit is a denial of the appeal for the purposes of authorizing the institution of an appeal to the 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.
5. Except as otherwise provided by the Act, or by other laws or ordinances, the board of appeals may by rules establish its own procedures.
6. The business which the board of appeals may perform shall be conducted at a public meeting of the board of appeals held in compliance with Act 267 of the Public acts of 1976. Public notice of the time, date and place of the meeting shall be given in the manner required by Act 267 of the Public Acts of 1976.
7. A record of decisions made by the board of appeals, properly indexed, and any other writing prepared, owned, used, in the possession of, or retained by the board of appeals in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976.
8. After a public hearing the board of appeals may grant a specific variance to a substantive requirement of the code 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:
 - a. The performance of the particular item or part of the building or structure with respect to which the variance is granted shall be

adequate for its intended use and shall not substantially deviate from performance required by the code of that particular item or part for the health, safety and welfare of the people of this state.

- b. The specific condition justifying the variance 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.
- c. The board of appeals may attach in writing any condition in connection with the granting of a variance that in its judgement is necessary to protect the health, safety and welfare of the people of this state. The breach of a condition shall automatically invalidate the variance and any permit, license and certification granted on the basis of it. In no case shall more than minimum variance from the code be granted than is necessary to alleviate the exceptional, practical difficulty.

Section 9 EFFECTIVE DATE

This Ordinance shall take effect 30 days following Publication or posting after adoption by the Township Board.

AFFIDAVIT OF POSTING AND PUBLICATION

I HEREBY CERTIFY THAT:

- 1. The above is a true copy of an Ordinance introduced for publication and subsequent final adoption by the Charter Township of Ironwood Board at a duly scheduled and noticed meeting of the Township Board held on August 26, 2019, pursuant to the required statutory procedures.
- 2. The complete text of the proposed Ordinance was posted at the Township Clerk’s Office and on the Townships website on August 28, 2019.
- 3. The attached Notice of Posting of the Ordinance was duly posted within the Charter Township of Ironwood, on August 29, 2019 at the following places.

ATTESTED:

Charter Township of Ironwood Clerk

A true copy of the proposed Ordinance can be inspected or obtained from the Township Clerk during normal business hours and is available on the township website www.ironwoodtownship.com. Written comments may be sent to:

Mary Segalin, Clerk for the Charter Township of Ironwood, N10862 Lake Road, Ironwood, MI 49938.

Posting locations are as follows:

Forslund's Building Supply-Lake Road
Gogebic Community College-Jackson Road
Lindquist Center-Jackson Road
Hautala's Bar-Lake Road
Rick's Muffler Center-Lake Road
Charter Township of Ironwood Hall-Lake Road