

WINDSOR CHARTER TOWNSHIP
EATON COUNTY, MICHIGAN
MICHIGAN CONSTRUCTION CODE ORDINANCE
ORDINANCE NO. 50

At a regular meeting of the Township Board of Windsor Charter Township, Eaton County, Michigan, held at the Windsor Charter Township Hall on May 14, 2024 at 7:00 p.m., Township Board Member Kern Slucter moved to adopt the following ordinance, which motion was seconded by Township Board Member Curt Myers.

An Ordinance to promote the public health, safety and welfare of the residents of Windsor Charter Township, Eaton County, Michigan, by enforcing the Michigan State Construction Code pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Act 230 of 1972, MCL 125.1501 et seq., including building, mechanical, plumbing, and electrical, to designate the Windsor Charter Township Building Official as the enforcing official to discharge the responsibilities of the Township under the provisions of the Act, to establish a violation of any provision of this Ordinance as a municipal civil infraction, and repeal all other ordinances or parts of ordinances in conflict with this Ordinance in their entirety.

WHEREAS, Windsor Charter Township (the “Township”) has previously adopted a Michigan Construction Code Ordinance pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Act 230 of 1972, MCL 125.1501 *et seq.* (the “Act”); and

WHEREAS, the purpose for the Township’s Michigan Construction Code Ordinance was to adopt and assume responsibility for the enforcement and administration of the State Construction Codes, as set forth in MCL 125.1504(2), to provide for the inspection, permitting, and enforcement under the State Construction Codes within the Township; and

WHEREAS, it is necessary to amend the Township’s Michigan Construction Code Ordinance by repealing the previous Ordinance and enacting this Ordinance for the Township’s effective enforcement and administration of the State Construction Codes; and

WHEREAS, it is necessary for the public health, safety, and general welfare of the Township residents and visitors that the efficient and effective enforcement and administration of the State Construction Codes is conducted within the Township; and

WHEREAS, it is an emergency that this Ordinance be enacted to allow the State to review and approve of the Township’s adoption and enforcement of the State Construction Codes to preserve the health, safety, and general welfare of the Township’s residents and visitors; and

WHEREAS, pursuant to MCL 42.20, a charter township can declare an ordinance an emergency ordinance, which allows the ordinance to be enacted at the same meeting it is introduced; and

WHEREAS, the Township hereby declares that this Ordinance is an emergency ordinance, pursuant to MCL 42.20, because of the imminent need to secure State approval of the Township’s enforcement and administration of the State Construction Codes to better preserve the health, safety, and general welfare of the Township’s residents and visitors by efficiently and effectively administering the State Construction Codes by the Township.

THE CHARTER TOWNSHIP OF WINDSOR ORDAINS:

SECTION 1. TITLE. This Ordinance shall be known and cited as the Windsor Charter Township Michigan Construction Code Ordinance.

SECTION 2. INTENT. It is the intent of the Township to adopt all of the Codes listed in the Act, specifically MCL 125.1504(2), to be uniform under the Act and to provide for a process for permitting, inspecting, and enforcing the Act and relevant Codes within the Township.

SECTION 3. ADMINISTRATION ENFORCEMENT OF CONSTRUCTION CODES. Pursuant to the Act, the Township hereby assumes responsibility for the administration and enforcement of the international residential code, the international building code, the international mechanical code, the international plumbing code, the international existing building code, and the international energy conservation code published by the international code council and the national electrical code published by the national fire prevention association, with amendments, additions, or deletions (collectively referred to herein as “the State Construction Code”).

SECTION 4. WINDSOR CHARTER TOWNSHIP BUILDING OFFICIAL. The Windsor Charter Township Board (the “Township Board”) shall appoint a Windsor Township Building Official (the “Building Official”) who will be an employee of the Township. The Building Official will be the enforcement official who shall discharge the responsibilities of the Township for the administration and enforcement of the State Construction Code. The Building Official shall be a licensed code inspector with sufficient expertise, technical competence, and is registered under Article 10 of the Skilled Trades Regulation Act, MCL 339.6001 *et seq.* The Township Board may approve contracts with independent contractors or other professional services to assist the Building Official with conducting inspections, reviewing plans, or otherwise enforcing the State Construction Code. Such contracts between the Township and a private organization or independent contractor shall be subject to the conflict-of-interest requirements set forth in Contracts of Public Servants with Public Entities, Act 317 of 1968, MCL 15.321 *et seq.*

SECTION 5. MICHIGAN CONSTRUCTION CODES–GENERALLY. Consistent with Section 3 of this Ordinance, Windsor Charter Township hereby assumes responsibility for the administration and enforcement of the State Construction Codes within the Township pursuant to the Act, consisting of the codes listed in MCL 125.1504(2) and specifically set forth in Section 2 of this Ordinance. This includes, but is not limited to, those codes and regulations commonly referred to as the Michigan building code, Michigan electrical code, Michigan plumbing code, and Michigan mechanical code, as amended, within its political boundary, and hereby delegates responsibility for administration and enforcement of said Act to the Windsor Charter Township Building Official, including administration and enforcement of the State Construction Codes, and reviewing building permit applications and issuing building permits on behalf of the Township.

SECTION 6. ISSUANCE OF BUILDING PERMITS/FEES. Building permits provided for in the Act shall be issued pursuant to applications filed with the Township Building Official, and fees shall be collected from the applicant according to the building permit fee schedule approved by the Township Board, in conformity with the Act and any other applicable state law or regulation.

SECTION 7. CONSTRUCTION BOARD OF APPEALS.

- A. Pursuant to Section 14 of the Act, the Township establishes a Construction Code Board of Appeals (the “Board of Appeals”) consisting of three members. The members shall be appointed by the Township Supervisor with the advice and consent of the Township Board. The members of the Board of Appeals shall be qualified by experience or training to perform the duties of members of the Board of Appeals. The term of members of the Construction Code Board of Appeals shall be three years.
- B. If the Building Official refuses to grant an application for a building permit or makes any other decision pursuant or related to the Act or the Construction Code, an interested person, or the person's authorized agent, may appeal in writing to the Construction Code 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.
- C. 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 Building Official from whom the appeal was taken not more than 30 days after submission of the appeal. Failure by the Construction Code 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 8. PENALTIES.

- A. The Building Official, the Township Supervisor, the Township Zoning Administrator, or the Township’s Code Enforcement Officer are hereby designated as the authorized officials to issue municipal civil infraction citations or municipal civil infraction notices within the Township in accordance with the Act and the Township’s Municipal Civil Infractions Ordinance.
- B. Any person, firm, association, partnership, corporation, or other entity who violates any of the provisions of this Ordinance shall be deemed responsible for a municipal civil infraction and is subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses which the Township has incurred in connection with

the violation, including attorney's fees. Each day on which any violation of the Construction Code or the Act occurs or continues constitutes a separate offense subject to separate sanctions.

C. A violation of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as authorized under Michigan law.

SECTION 9. SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction, or if the State Construction Code Commission deems any of the sections above in conflict with each other, state law or rules promulgated thereunder, in its initial review and approval of the Township's application for administration and enforcement of the Codes sets forth above, that provision/section shall be severed, and it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 10. REPEAL. All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed in their entirety.

SECTION 11. EFFECTIVE DATE. This Ordinance shall become effective immediately after notice of its adoption is published in a local newspaper and the Commission approves the Township's authority to administer and enforce the State Construction Codes.

On a roll-call vote:

YEAS: Pisano, Pray, Fritts, Slucter, Piper and Myers

NAYS: None

ABSENT/ABSTAIN: Rumsey

ORDINANCE DECLARED ADOPTED.

Kern G. Slucter
Kern Slucter, Supervisor
Windsor Charter Township

CERTIFICATION

I, Lisa Rumsey, Clerk for Windsor Charter Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 50 of Windsor Charter Township, adopted by resolution at a meeting of the Township Board held on May 14, 2024, the whole thereof is now in my custody, and that copies of the Ordinance were transmitted and published as directed.

Dated: May 16, 2024

Lisa A. Rumsey, Township Clerk