

STATE OF MICHIGAN
COUNTY OF WAYNE
CHARTER TOWNSHIP OF PLYMOUTH

CREATION OF CONSTRUCTION BOARD OF APPEALS

ORDINANCE NO. 1016
Amendment #20

AN ORDINANCE TO AMEND CHAPTER XII, ARTICLE 5 TO PROVIDE FOR THE CREATION OF THE CONSTRUCTION CODE OF APPEALS; TO PROVIDE FOR THE COMPOSITION, APPOINTMENT OF A CHAIRMAN, AND QUALIFICATIONS FOR MEMBERS OF THE CONSTRUCTION BOARD OF APPEALS; TO PROVIDE FOR REGULAR MEETINGS AND COMPLIANCE WITH THE OPEN MEETINGS ACT; TO PROVIDE FOR OPERATION OF THE CONSTRUCTION BOARD OF APPEALS; TO PROVIDE THAT THE TOWNSHIP BOARD MAY ESTABLISH A FEE SCHEDULE FOR APPEALS TO THE CONSTRUCTION BOARD OF APPEALS; TO PROVIDE FOR ADDING SECTION 5.07; TO PROVIDE FOR PENALTY; TO PROVIDE FOR REPEAL; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR PUBLICATION AND EFFECTIVE DATE.

THE CHARTER TOWNSHIP OF PLYMOUTH ORDAINS:

Ordinance No. 1016, is hereby adopted to read as follows:

SECTION I. AMENDMENT TO CHAPTER XII, ARTICLE 5

Chapter XII, Article 5, Sections 5.06 the Code of Ordinances is hereby amended to read as follows:

XII-5.06 Construction Code of Appeals

A. Created.

There is hereby created in and for the Township a construction board of appeals.

B. Composition; chairman; qualifications.

The building board of appeals shall consist of 3 appointed members, plus the Building Official, whom shall be an ex officio member of said board but shall have no vote on any matter before the board. The members of the board of appeals shall be nominated by the Supervisor, and approved by the Township Board. Each member's term shall be two years. One member of the board shall be chosen and appointed by the Township Board to act as chairman. Persons appointed to the board of appeals shall be qualified by experience or training to perform the duties of members of the board of appeals.

C. Meetings.

Meetings of the building board of appeals shall be held at regular intervals and at such other times as the board chairman may determine. All meetings shall be held in compliance with the Open Meetings Act, MCL 15.261 et seq.

D. Operation.

If the Building Official refuses to grant an application for a permit for a matter regulated by the State Construction Code, or makes any other decision pursuant or related to the State Construction Code, an interested person, or the person's authorized agent, may appeal in writing to the board of appeals. 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 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. 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. The building board of appeals may adopt rules of procedure and shall keep records of appeals to it and decisions rendered.

F. Fees

The Township Board may establish a fee schedule for submitting an appeal to the construction board of appeals.

Chapter XII, Article 5, Sections 5.07 the Code of Ordinances is hereby added to read as follows:

Unless otherwise provided, any person, corporation, partnership or any other legal entity who violates the provisions of this ordinance shall be guilty of a misdemeanor and may be fined not more than \$500 or imprisoned for not more than 90 days, or both, at the discretion of the court.

SECTION II. PENALTY.

Unless otherwise provided, any person, corporation, partnership or any other legal entity who violates the provisions of this ordinance shall be guilty of a misdemeanor and may be fined not more than \$500 or imprisoned for not more than 90 days, or both, at the discretion of the court.

SECTION III. REPEAL.

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION IV. SEVERABILITY.

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION V. SAVINGS CLAUSE.

The repeal or amendment herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending litigation or prosecution of any right established or occurring prior to the effective date of this Ordinance.

SECTION VI. PUBLICATION.

The Clerk for the Charter Township of Plymouth shall cause this Ordinance to be published in the manner required by law.

SECTION VII. EFFECTIVE DATE.

This Ordinance shall take full force and effect upon publication.

CERTIFICATION

The foregoing Ordinance was duly adopted by the Township Board Trustees of the Charter Township of Plymouth at its regular meeting called and held on the 13th day of June, 2017, and was ordered to be given publication in the manner required by law.

Introduced: May 23, 2017, First Reading
June 13, 2017, Second Reading
Published: June 15, 2017
Adopted: June 13, 2017
Effective upon Publication: June 15, 2017

Jerry Vorva, Clerk
Charter Township of Plymouth