

TOWNSHIP OF BAINBRIDGE
COUNTY OF BERRIEN, MICHIGAN

Ordinance No. 37A

Adopted: September 6, 2012

Published: September 13, 2012

Effective: October 13, 2012

WHEREAS, the Bainbridge Township Board, Berrien County, Michigan, desires to proceed under the terms and provisions of the Michigan State Construction Code Act of 1972, No. 230 (MCL 125.1514), as amended, and create thereunder a Construction Board of Appeals for said Township.

THE TOWNSHIP OF BAINBRIDGE, BERRIEN COUNTY, MICHIGAN, ORDAINS:

SECTION I

The Bainbridge Township Board does hereby create a Township Construction Board of Appeals consisting of three members qualified by experience or training to perform the duties of members of the Board of Appeals, under the authority of and subject to the powers, duties and limitations provided in the Michigan State Construction Code Act of 1972 (MCL 125.1514), as amended, and the terms and conditions of this ordinance and any amendments thereto which might hereafter be adopted.

SECTION II

The Township Construction Board of Appeals shall consist of three qualified persons by experience or training who are hereby appointed by the Supervisor with the unanimous approval of the Township Board for a term of two years and until a successor or successors have been appointed or such terms have been sooner terminated under the provisions of said Public Act 230. All terms shall commence on the effective date of the appointing resolution.

SECTION III

The members of the Township Construction Board of Appeals shall receive as compensation for their service, as provided by Township Board resolution.

SECTION IV

All powers, duties and responsibilities provided by Michigan Public Act 230 of 1972, as amended, for construction boards created thereunder, are hereby transferred to said Township Construction Board of Appeals, to become effective following publication of this resolution.

SECTION V

1. The Construction Board of Appeals shall elect a chairman, vice chairman and secretary from its members and create and fill such other offices or committees, as it may deem advisable. The Construction Board of Appeals may appoint advisory committees outside of its membership. The terms of all officers shall be one year.
2. 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 this Act, or the Code, an interested person, or the person's authorized agent, may appeal in writing to the Construction Board of Appeals.
3. The Construction 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 days after submission of the appeal.
4. The Township Board of Trustees may grant its Construction Board of Appeals additional powers or duties not inconsistent with this Act, or from establishing procedures to be followed by its Construction Board of Appeals insofar as the procedures do not conflict with this Act.
5. The Construction Board of Appeals shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. It shall make an annual written report to activities.
6. A record of decisions made by the Construction Board of Appeals, properly indexed, and any other writing prepared, owned, used, in the possession of, or retained by the Construction 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.
7. The business which the Construction Board of Appeals may perform shall be conducted at a public meeting of the Construction Board of Appeals held in compliance with Act No. 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 No. 267 of the Public Acts of 1976.

SECTION VI

After a public hearing the Construction 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:

1. 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.
2. 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.

The Construction Board of Appeals may attach in writing any condition in connection with the granting of a variance that in its judgment 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 certificate 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 VII

This ordinance may be amended or repealed at any time by a majority vote of the entire membership of the Bainbridge Township Board of Trustees.

SECTION VIII

Any amendments which may hereafter be made to the Michigan State Construction Code Act of 1972, as amended, shall hereby be deemed to automatically control the activities of the Township Construction Board of Appeals created hereunder unless the same are specifically determined not to so apply, by resolution of the Bainbridge Township Board of Trustees.

SECTION IX

This ordinance shall take effect thirty days following publication of a notice of the same in a newspaper having general circulation within the Township.

SECTION X

The Township Clerk shall, within 10 days of the passage of this ordinance, transmit copies of the same to the Bureau of Construction Code, OLGCS, as notice of the action hereby taken.

SECTION XI

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

A motion that said Ordinance be enacted was made by and supported by at a regular meeting of the Bainbridge Township Board on the 6th day of September, 2012.

The names of the Township Board members and their votes are as follows:

	<u>Yes</u>	<u>No</u>
Jerry Jollay	x	
Patty Hiler-Molter	x	
John Yetzke	x	
Don Baiers	x	
Nancy Weber	x	

Patty Hiler-Molter, Township Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Bainbridge Township Board at a meeting held on the 6th day of September, 2012, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: September 6, 2012

Patty Hiler-Molter , Clerk

I hereby certify that a summary of the foregoing Ordinance was published in the Tri-City Record, Watervliet, Michigan, on the 13th day of September, 2012.

Dated: September 6, 2012

Patty Hiler-Molter , Clerk