

KOCHVILLE TOWNSHIP
ORDINANCE No. 15-06
ESTABLISHMENT OF A CONSTRUCTION BOARD OF APPEALS

An Ordinance establishing a Construction Board of Appeals pursuant to Section 14 of the Michigan State Construction Code Act, being Act 230 of the Public Acts of 1972.

The Township of Kochville hereby ordains:

1. **Creation and Composition.** That there be and hereby is established a Construction Board of Appeals for the Township of Kochville which shall consist of three (3) members to be appointed for 2-year terms by resolution of the Township Board of Trustees. The Township Board of Trustees may also appoint an alternate member to serve on the board in the case of an absence. Construction Board of Appeals members shall be qualified by experience or training to perform the duties of members of the Board of Appeals.
2. **Appeal Procedure.** If a Township enforcing agency refuses to grant an application for a permit, or if the enforcing agency makes any other decision related to enforcement of construction codes and/or the Construction Code Act (generally, the "Code") adverse to an interested person, that person, or the person's agent, may appeal in writing to the Construction Board of Appeals.
3. **Time for Appeal.** Failure of a Township enforcing agency to grant, in whole or in part, or deny an application for permit within a maximum of 15 days, is deemed a denial of the application for purposes of authorizing the institution of an appeal. Appeals from adverse determinations by a Township enforcing agency, or from the failure or refusal to grant, in whole or in part, an application for permit, may be taken at any time not otherwise prohibited by law.
4. **Procedure.** The Construction Board of Appeals shall conduct all hearings and other business in compliance with Act No. 267 of the Public Acts of 1976. Notice of meetings shall be posted at the Township offices, and shall be posted within 18 hours of any special meeting held for that purpose. Minutes of each meeting shall be kept, indicating the date, time and place of the meeting, as well as a description of all business conducted therein, including all votes taken and the manner in which each member voted.
5. **Notice to Interested Parties.** The Construction Board of Appeals shall hear appeals and requests for variances without undue delay. The Board of Appeals shall hear the appeal and render and file its decision with a statement of reasons for the decision with the Township 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 provided is a denial for purposes of authorizing an appeal to the State Construction Code Commission.

Interested parties in an appeal or variance proceeding must be properly notified of the hearing and be given reasonable notice of hearing. The notice should include:

- (a) A statement of the date, hour, place, and nature of the hearing..
- (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- (c) A reference to the particular sections of the statutes, rules, or code involved.
- (d) A short statement of the matters asserted.

6. **Variances from the Code.** The Construction Board of Appeals may grant a specific variance from substantive requirements of the Code if the literal application of the substantive requirements 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 general 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 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 permits, license, and certificate granted on the basis of it.
- (d) In no case shall more than minimum variance from the Code be granted than is necessary to alleviate the exceptional, practical difficulty.

7. **Decisions.** Decisions of the Construction Board of Appeals shall be made in writing with a statement of reasons for the decision. A record of decisions made by the Construction Board of Appeals, properly indexed, shall be maintained at the Township offices.

8. **Appeal to Commission.** An interested person may appeal a decision of the Construction Board of Appeals to the State Construction Code Commission within ten (10) business days after filing

of the decision with the enforcing agency. In the case of an appeal because of failure of the Construction Board of Appeals to act within the prescribed time, an interested party may appeal to the Commission at any time before filing of the decision.

9. **Interpretation of Ordinance.** In the case of conflict between this ordinance and any resolution or other ordinance, the provisions of this ordinance shall control. In the case of conflict between this ordinance and any resolution or other ordinance, the provisions of this ordinance shall control. The catch line headings which precede each paragraph of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this ordinance.

10. **Effective Date.** This Ordinance shall take immediate effect upon publication.

This ordinance is hereby declared to have been adopted by the Kochville Township Board, County of Saginaw, State of Michigan, at a special meeting held on the 28th day of October, 2015, and ordered to be given publication in the manner prescribed by law.


Motion by Clerk Machata and seconded by Supervisor Loiacano to adopt Ordinance No. 15-06.

YEAS: Supervisor Loiacano, Clerk Machata, Treasurer Brewster, Trustee Ferrell & Trustee Thon

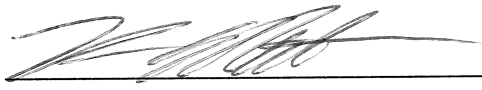
NAYS: None

ABSTAINS: None

ABSENT: None



Jim Loiacano, Supervisor
Kochville Township



Kevin Machata, Clerk
Kochville Township

CERTIFICATION

State of Michigan, County of Saginaw:

I, the undersigned Township Clerk for the Township of Kochville, Saginaw County, Michigan, certify that the above Ordinance No.15-06, adopted by the Township Board of Trustees of the Township on the **28th day of October, 2015** was recorded in full in the Minutes of Township Board of Trustees on said date. It was signed by the Supervisor and the Clerk of the Township.

Dated:



Kevin Machata, Kochville Township Clerk

Date of Publication: *November 8, 2015*

Newspaper: The Township Times