

CHARTER TOWNSHIP OF UNION
ORDINANCE NUMBER 20-05
CONSTRUCTION CODES ORDINANCE

Please take notice that the Charter Township of Union Board of Trustees adopted a new Construction Codes Ordinance Number 20-05 following a Second Reading at their regular meeting on August 26, 2020, which was held as an electronic meeting via video/telephone conference with notice and instructions for access posted at the Township Hall and on the Township website's homepage per the Open Meetings Act, Public Act 267 of 1976, as amended (MCL 15.261 to 15.272) and the Governor's executive orders authorizing electronic meetings.

The First Reading of the proposed ordinance was held during the regular August 12, 2020 Board of Trustees meeting, also as an electronic meeting with notice and instructions for access posted per the Open Meetings Act and the Governor's executive orders. Following the First Reading, an ordinance summary and notice of the date, time, and place of the Second Reading was published in The Morning Sun newspaper and posted at the Township Hall as required by the Charter Township Act, Public Act 359 of 1947, as amended (MCL 42.1 et seq.).

A true copy of the adopted Construction Codes Ordinance Number 20-05 may be inspected or obtained by appointment upon request via telephone call to (989) 772-4600 during business hours at the Charter Township of Union office, 2010 South Lincoln Road, Mt. Pleasant, MI 48858, and at any time on the Township's website at <http://www.uniontownshipmi.com>. The following is a summary of the adopted ordinance:

Section 1 (Title) establishes the title of the ordinance.

Section 2 (Enforcing Agency Designated) reaffirms that the Charter Township of Union is designated as the local enforcing agency for the state construction code under Public Act 230 of 1972, as amended, and confirms that Appendix G of the Michigan Building Code for flood-resistant construction is enforced by the Township.

Section 3 (Flood Hazard Areas Designated) adopts by reference the relevant FEMA flood hazard maps for the Township.

Section 4 (International Property Maintenance Code) adopts by reference the current edition of the International Property Maintenance Code.

Section 5 (Violations; Penalties) establishes penalties for violations of this ordinance, including a municipal civil infraction and other remedies available to the Township to correct, remedy or abate non-compliance.

Section 6 (Severability) confirms that the elements of this ordinance are severable as provided by law.

Section 7 (Repeal) confirms the repeal of certain Township ordinances that conflict with provisions of this Ordinance.

Section 8 (Publication) confirms that state law publication requirements will be met.

Section 9 (Effective Date) establishes the effective date of the ordinance, based on adoption and publication requirements.

Publication of the adopted ordinance was made by this notice and posting of the true copy of the ordinance at the Charter Township of Union office and on the Township's website pursuant to Charter Township Act requirements. The ordinance is effective immediately upon publication of this notice.

**CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN**

CONSTRUCTION CODES ORDINANCE NO. 20-05

[An ordinance adopted under provisions of the Stille-DeRossett-Hale Single State Construction Code Act (Public Act 230 of 1972, as amended, being MCL 125.1501 – MCL 125.1531) and Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL42.34) to protect the general health, safety, and welfare by reaffirming the designation of the Charter Township of Union code officials as the enforcing agency to discharge the responsibilities of the Township for the administration and enforcement of the state construction code, including Appendix G (Flood-Resistant Construction); and to provide for severability, repeal, publication, and an effective date.]

CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Title.

This Code shall be known as the “Construction Codes Ordinance” and may be cited as such and will be referred to herein as “this Ordinance.”

Section 2. Enforcing Agency Designated.

Pursuant to the provisions of the state construction code and in accordance with Section 8b(6) of the Stille-DeRossett-Hale Single State Construction Code Act (Public Act 230 of 1972, as amended, being MCL 125.1501 – MCL 125.1531), this ordinance reaffirms that the Charter Township of Union code officials are designated as the enforcing agency to discharge the administration and enforcement responsibilities of the Township under the state construction code (“Code”) and Stille-DeRossett-Hale Single State Construction Code Act (“this Act”); and that the Township assumes responsibility for the administration and enforcement of this Act and Code throughout its corporate limits.

Pursuant to the provisions of the Code and in accordance with this Act, Appendix G of the Michigan Building Code shall be enforced by the Township’s enforcing agency throughout its corporate limits.

Section 3. Flood Hazard Areas Designated.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) for Isabella County, Michigan and Flood Insurance Rate Map (FIRM) panel numbers, 26073C-0193D, -0194D, -0200D, -0215D, -0305D, -0306D, -0307D, -0308D, -0309D, and -0330D dated February 5, 2014 are hereby adopted by reference for purposes of administration and enforcement of the state construction code.

Section 4. International Property Maintenance Code.

The current edition of the International Property Maintenance Code, including any and all future amendments thereto, is hereby adopted and incorporated by reference in its entirety together with and subject to the provisions of this Ordinance for the purposes of regulating and governing the conditions and maintenance of all property, buildings and structures by providing: the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and for the condemnation and removal of buildings and structures determined to be unfit for human occupancy and use.

Section 5. Violations; Penalties.

Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance or the state construction code, or who impedes or interferes with the enforcement of this Ordinance or the state construction code, shall be deemed in violation of this Ordinance and shall be subject to the following:

- (A) **Public nuisance.** Violations of any provision of this Ordinance or the state construction code are hereby declared to be a nuisance per se and shall be subject to abatement or other action by a court of appropriate jurisdiction.
- (B) **Violators.** Each owner or other person who commits, participates in, assists in, or maintains any violation of this Ordinance or the state construction code may be held responsible for a separate offense and may be subject to the penalties provided in this Section. The cost of prosecution shall also be assessed against each violator. The imposition of any penalty shall not exempt the offense from compliance with the requirement of this Ordinance or the state construction code.
- (C) **Municipal civil infraction.** Any person who violates or permits the violation of this Ordinance or the state construction code shall be responsible for a municipal civil infraction and shall be subject to a fine not to exceed the limits specified in the Township’s Municipal Ordinance Violation Bureau Ordinance. Proceedings for the municipal civil infraction shall proceed as provided in that ordinance.
 - (1) The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue.
 - (2) A person who violates or permits the violation of this Ordinance or the state construction code shall also be subject to additional sanctions, remedies, injunctions, judicial orders, penalties, enforcement costs and expenses as provided for under Chapter 87 of the Revised Judicature Code, being MCL §600.8701, et. seq., as amended. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- (D) **Other remedies.** The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this Ordinance or the state construction code to correct, remedy or abate such non-compliance.
- (E) **Rights and remedies preserved.** Any failure or omission to enforce provisions of this Ordinance or the state construction code or to prosecute a violation of this Ordinance shall not constitute a waiver of any rights and remedies provided by this Ordinance, the state construction code, or other remedies provided by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Ordinance or the state construction code.

Section 6. Severability.

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

Section 7. Repeal.

All ordinances or parts of ordinances in conflict with this Ordinance, including Ordinance No. 1986-2

(Union Township Code Adoption Ordinance), Ordinance No. 1989-5 (Moving Buildings), Ordinance No. 1992-3 (Uniform Code for the Abatement of Dangerous Buildings), Ordinance No. 1998-14 (Uniform Building Code), Ordinance No. 2013-05 (Ordinance Addressing Floodplain Management Provisions of the State Construction Code), Ordinance No. 2014-06 (International Property Maintenance Code), and the House Trailer Ordinance of June 6, 1967 are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the adopted Township Zoning Ordinance.

Section 8. Publication.

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

Section 9. Effective Date.

This Ordinance was approved and adopted by the Township Board of Trustees, Isabella County, Michigan, on August 26, 2020, after a first reading by the Township Board of Trustees on August 12, 2020 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township, following adoption by the Township Board of Trustees.

CERTIFICATION OF ADOPTION AND PUBLICATION OF TOWNSHIP ORDINANCE

I, Lisa Cody, the duly elected Clerk of the Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance was adopted at a meeting of the Charter Township of Union Board of Trustees on the twenty-sixth day of August, 2020, at which the following named members of the Charter Township of Union Board of Trustees were present and voted in person as follows:

(a) Voting in favor of the Ordinance: Gunning, Cody, Rice, Hauck, Mielke, and Woerle

(b) Voting against adoption of the Ordinance: 0

I further certify that a summary and notice of adoption of this Ordinance were published in the Morning Sun, a newspaper of general circulation within the Charter Township of Union on the 29th day of August, 2020 and that proof of same is filed in the Charter Township of Union Ordinance Book.

Certification Date: _____, 2020

Lisa Cody, Clerk

I, Ben Gunning, the duly elected Supervisor of the Charter Township of Union, Isabella County, Michigan, hereby confirm the authenticity of this record and Ordinance.

Ben Gunning, Supervisor

Date: _____, 2020