

GRAND TRAVERSE COUNTY
CONSTRUCTION CODE ENFORCING AGENCY ORDINANCE
ORDINANCE No. 4

PREAMBLE

The Board of Commissioners of the County of Grand Traverse adopts this ordinance to designate an enforcing agency to discharge the responsibility of the Grand Traverse County under the provisions of the State Construction Code Act, Public Act No. 230 of 1972, as amended.

Section I: Name

This ordinance shall be known and cited as the "Grand Traverse County Construction Code Enforcing Agency Ordinance, Ordinance No. 4."

Section II: Purpose

The purpose of this ordinance is to officially establish an enforcing agency and an appeal process under the provisions of the State Construction Code Act.

Section III: Definitions

- A. "Act" shall refer to the State Construction Code Act, Public Act No. 230 of 1972, as amended.
- B. "Board" shall mean the Building Code Board of Appeals.
- C. "County" shall mean Grand Traverse County.

Section IV: Regulations

- A. Agency Designated.
 1. Pursuant to the provisions of the Michigan Electrical, Mechanical and Plumping Code, in accordance with Section 9 of the Act, the Electrical, Mechanical and Plumbing Official of the County is designated as the enforcing agency to discharge the responsibility of the County under the Act.
 2. The County assumes the responsibility for the administration and enforcement of the act throughout the County's corporate limits excepts in those local units of government that have designated its own enforcement agency under the Act.
- B. Building Code Board of Appeals
 1. Application for Appeal. The owner of a building or structure or any other person may appeal to the Board from a decision of the construction code official, health official, and soil erosion sedimentation official refusing to grant a modification of the provisions of the building, health and safety regulations including the Michigan Building Code, Electrical Code, Mechanical Code, Plumbing Code, International Fire Code, Health Code and Grand Traverse County Soil Erosion and Sedimentation Ordinance.
 2. Variance. The Board, after a public hearing as provided in the below section, may grant a specific variance to a substantive requirement of one of the above listed codes 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:
 - 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 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 Board 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.

3. **Membership of the Board.** The Board of Appeals shall consist of not less than three but not more than seven members. Each member shall have a background, training, or experience in construction, and working knowledge of the various codes provided in Section 3.1. Each member shall also be appointed by the Chairperson of the Board of Commissioners for a period of four years.
4. **Absence of Members.** During absences of a member by reason of disability or disqualification, the Chairperson of the Board of Commissioners shall designate a qualified substitute.
5. **Compensation of Board of Appeals.** Compensation of appointed members of the board shall be determined by the Board of Commissioners.
6. **Public Hearings.** All hearings shall be public, and the appellant, his or her representative, the County official, and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard.
7. **Records of the Board.** Minutes of each meeting shall be kept in accordance with the Open Meetings Act, Public Act 267 of 1975, MCL 15.261, et seq.
8. **Prior Appeals Boards Abolished.** The following appeal boards are hereby abolished by the adoption of this ordinance: the Appeals Board for Building Code, Soil Erosion, Health, and Boca Fire, and the Board of Appeals for Inspections for Electrical, Mechanical and Plumbing. Any appeal pending before either board listed in this section at the time this ordinance is adopted, shall be transferred to, and heard by, the Building Code Board of Appeals.

Section V: Miscellaneous

- A. This ordinance shall take effect thirty (30) days after publications as required by law. All ordinances or parts of ordinances in conflict with any of the provision of this ordinance are hereby repealed.
- B. The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by a court of competent jurisdiction the remaining portions of said ordinance shall remain in force.



Chairperson of the Board of Commissioners
of Grand Traverse County

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