

**LAKE TOWNSHIP  
ROSCOMMON COUNTY, MICHIGAN  
Michigan Construction Code Ordinance**

Ordinance No. 58

At a regular meeting of the Township Board of Lake Township, Michigan, held at the Lake Township Hall on July 14, 2020 at 7:00 p.m., Township Board Member EMMONS moved to adopt the following ordinance, which motion was seconded by Township Board Member TRIER.

*An Ordinance to promote the public health, safety and welfare of the residents of Lake Township, Roscommon County, Michigan, by enforcing the Michigan Construction Code pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Act 230 of 1972, MCL 125.1501 et seq. (the "Act"), to designate the Houghton Lake Building Agency as the enforcing agency to discharge the responsibilities of the Township under the provisions of the Act, to establish a violation of any provision of this Ordinance a municipal civil infraction, and repeal all other ordinances or parts of ordinances in conflict with this Ordinance in their entirety.*

THE TOWNSHIP OF LAKE, ROSCOMMON COUNTY, MICHIGAN ORDAINS:

**SECTION 1. TITLE.** This Ordinance shall be known and cited as the Lake Township Michigan Construction Code Ordinance.

**SECTION 2. JOINT ENFORCEMENT AGENCY.** Pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Act 230 of 1972, MCL 125.1501 et seq., and the Urban Cooperation Act of 1967, Act 7 of 1967, MCL 124.501 et seq., authorizing joint enforcement of the State Construction Code, Lake Township, in conjunction with the Townships of Denton, Markey, Backus and Roscommon, hereby establishes and adopts a five-township joint enforcement agency, to be known as the Houghton Lake Building Agency, to discharge the responsibilities of the Townships for the administration and enforcement of the State Construction Code.

**SECTION 3. MICHIGAN CONSTRUCTION CODES.** Lake Township hereby assumes responsibility for the administration and enforcement of the State Construction Code within the Township pursuant to the Act, consisting of the Michigan Building Code, the Michigan Residential Code, the Michigan Uniform Energy Code, the Michigan Electrical Code, the Michigan Mechanical Code, and the Michigan Plumbing code, as amended within its political boundary (collectively the Construction Code) and hereby delegates responsibility for administration and enforcement of said Act throughout the Township of Lake to the Houghton Lake Building Agency, including administration and enforcement of the Construction Code, and reviewing permit applications and issuing permits on behalf of the Township.

**SECTION 4. HOUGHTON LAKE BUILDING AGENCY.** The Houghton Lake Building Agency shall consist of a Board of five members, one to be an appointed member of the Township Board of each of the Townships of Denton, Lake, Backus, Markey and Roscommon. The Houghton Lake Building Agency shall be and act as the governing board purposes of the Construction Code for the five townships and shall be empowered to employ an official and/or inspector to make all inspections called for by the State Construction Code Act and the rules promulgated thereunder. Each township shall pay its allocable share of the expenses of the Houghton Lake Building Agency. The five townships may further memorialize their administration, operation, and obligations of as a member of the Houghton Lake Building Agency through an intergovernmental agreement executed by all five parties. The failure to enter into any such agreement shall neither impact the individual township's responsibility and obligations to the Authority or to one another nor existence of the Agency or its authority to enforce the Construction Codes within each respective jurisdiction consistent with the historical customary actions and practices within all five townships.

**SECTION 5. ISSUANCE OF BUILDING PERMITS/FEES.** Building permits provided for in the State Construction Code Act shall be issued pursuant to applications filed with the Houghton Lake Building Agency, and fees shall be collected from the applicant, according to the building permit fee schedule approved by the Houghton Lake Building Agency Board, in conformity with the State Construction Code Rules based upon the following factors:

- A. Residential buildings and additions to residential buildings, porches included, and additions to existing structures that incorporate living quarters without altering ground area.
- B. All structures on property zoned commercial, other than residential structures.
- C. Sheds and private garages and any accessory buildings and other new dwelling structures.
- D. No permit required for utility or accessory buildings under 200 square feet.
- E. Larger utility or accessory buildings and garages.
- F. No permit required for structures under 150 square feet.
- G. Mobile homes, double-wide mobile homes, and modular homes, having a state inspection seal.
- H. Energy Code: plan review fee which will include the insulation inspection.
- I. Minor repairs.
- J. Reinspection charge.

**SECTION 6. CONSTRUCTION BOARD OF APPEALS.**

- A. Pursuant to Section 14 of the State Construction Code Act, the Township delegates to the Houghton Lake Building Agency the authority to establish a Construction Code Board of Appeals consisting of three members. The members shall be appointed by the Board of the Houghton Lake Building Agency. One member shall be qualified with expertise and

experience in building, one member shall be a qualified with expertise and experience in electrical, and one member shall be qualified with expertise and experience in plumbing and mechanical. The term of members of the Board of Appeals shall be three years.

- B. If the Building Official refuses to grant an application for a building permit, or makes any other decision pursuant or related to the Act or the Construction Code, an interested person, or the person's authorized agent, may appeal in writing to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of the Construction Code or the rules governing construction have been incorrectly interpreted, the provisions of the Construction Code do not fully apply, or an equally good or better form of construction is proposed.
- C. When an appeal is made, notice of the hearing before the Board of Appeals shall be given according to applicable state or local law. 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 for purposes of authorizing the institution of an appeal to the State Construction Code Commission. 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.

#### **SECTION 7. PENALTIES.**

- A. The Building Official/Inspector of the Houghton Lake Building Agency, the Township Supervisor, or Township Ordinance/Code Enforcement Officer are hereby designated as the authorized officials to issue municipal civil infraction citations or municipal civil infraction notices within the Township in accordance with the Act and the Township's Municipal Civil Infractions Ordinance.
- B. Any person, firm, association, partnership, corporation, or other entity who violates any of the provisions of this Ordinance shall be deemed responsible for a municipal civil infraction and is subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses which the Township has incurred in connection with the violation, including attorney's fees. Each day on which any violation of the Construction Code or the Act occurs or continues constitutes a separate offense subject to separate sanctions.
- C. A violation of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as authorized under Michigan law.

**SECTION 8. SEVERABILITY.** The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 9. REPEAL.** All other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

**SECTION 10 EFFECTIVE DATE.** This Ordinance shall become effective within thirty (30) days after notice of its adoption is published in a local newspaper.

On a roll call vote:

YEAS: 5-TRIER-Y, FARHAT-Y, CLARE-Y, LUKATCH-Y, EMMONS-Y

NAYS : NONE

ABSENT/ABSTAIN : NONE

ORDINANCE DECLARED ADOPTED.

Dave Emmons (ORIGINAL SIGNATURE ON FILE)

Dave Emmons, Supervisor  
Lake Township

#### **CERTIFICATION**

I, Tonya Clare, Clerk for Lake Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 58 of Lake Township, adopted by resolution at a meeting of the Township Board held on July 14, 2020, the whole thereof is now in my custody, and that copies of the ordinance were transmitted and published as directed.

Dated: July 23, 2020

Respectfully submitted,

By Tonya Clare (ORIGINAL SIGNATURE ON FILE), Township Clerk

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**LAKE TOWNSHIP  
ROSCOMMON COUNTY, MICHIGAN  
NOTICE OF ADOPTION OF MICHIGAN CONSTRUCTION CODE ORDINANCE**

Ordinance No. 58

On July 14, 2020, the Lake Township Board adopted Ordinance No. 2020-58, an Ordinance to promote the public health, safety and welfare of the residents of Lake Township, Roscommon County, Michigan, by enforcing the Michigan Construction Code pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Act 230 of 1972, MCL 125.1501 *et seq.*, to designate the Houghton Lake Building Agency as the enforcing agency to discharge the responsibilities of the Township under the provisions of the Act, to establish a violation of any provision of the Ordinance a municipal civil infraction, and repeal all other ordinances or parts of ordinances in conflict with the Ordinance in their entirety.

The Ordinance contains the following sections and catch lines: Section 1: Title, which is the Lake Township Michigan Construction Code Ordinance; Section 2: Joint Enforcement Agency, which adopts a five-township joint enforcement agency, the Houghton Lake Building Agency, to enforce the State Construction Code; Section 3: Michigan Construction Codes; Section 4: Houghton Lake Building Agency; Section 5: Issuance of Building Permits/Fees; Section 6: Construction Board of Appeals; Section 7: Penalties; Section 8: Severability; Section 9: Repeal, which repeals all ordinances in conflict herewith; Section 10: Effective date, which is thirty (30) days after the publication of this notice of adoption.

A true copy of the proposed Ordinance was available for inspection at the Township Hall, located at 1380 N Michelson Road, Houghton Lake, MI 48629, or by contacting the Township Clerk at (989) 202-4684 or [laketownshipclerk@gmail.com](mailto:laketownshipclerk@gmail.com).

Tonya Clare, Clerk  
LAKE TOWNSHIP  
(989) 202-4684

Adopted: July 14, 2020  
Published: July 23, 2020  
Effective Date: August 22, 2020