

Introduced: November 8, 2010
Adopted: November 22, 2010
Effective: December 12, 2010

CITY OF CHARLOTTE

ORDINANCE NO. 2010-06

AN ORDINANCE TO AMEND ARTICLE II - STATE CONSTRUCTION CODE, OF CHAPTER 14 BUILDING AND BUILDING REGULATIONS OF THE CHARLOTTE CITY CODE BY AFFIRMING THE DESIGNATION OF THE CITY OF CHARLOTTE AS ENFORCING AGENCY UNDER THE STATE CONSTRUCTION CODE AND ADDING NEW SUBSECTIONS 14-33 AND 14-34 TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED.

Councilmember Kruger moved the following:

THE CITY OF CHARLOTTE ORDAINS:

Section 1. Article II of Chapter 14 of the Charlotte City Code shall be amended to read as follows:

14-26 Adopted.

Pursuant to the provisions of the State Construction Code Act, Public Act 230 of 1972, Section 8b(6), as amended, the State Construction Code is hereby adopted by reference subject to the modifications contained in this chapter.

14-27 References in Code.

References in the State Construction Code to “state” and “Michigan” shall mean the State of Michigan; references to “municipality” shall mean the City of Charlotte; references to the “municipal charter” shall mean the Charter of the City of Charlotte and references to “local ordinances” shall mean the Charlotte City Code.

14-28 Agency Designated.

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230 of the Public Acts of 1972, as amended, the Building Official of the City of Charlotte is hereby designated as the enforcing agency to discharge the responsibility of the City of Charlotte under Act 230 of the Public Acts of 1972, as amended. The City of Charlotte assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

14-29 Changes in Code

Sections 14-30 through 14-32 amend sections of the State Construction Code as set forth.

14-30 Board of Appeals

The Zoning Board of Appeals is hereby constituted as the Building Code Board of Appeals under the code adopted in this Article.

14-31 Fees

(A) *Generally.* A permit to begin work for new construction, alteration, removal, demolition or other building operation shall not be issued until fees prescribed in this section shall have been paid to the Department of Building Inspection or other authorized agency of the City, nor shall an amendment to a permit necessitating an additional fee, because of an increase in the estimated cost of the work involved, be approved until the additional fee shall have been paid.

(B) *Special fees.* The payment of the fee for the construction, alteration, removal or demolition and for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for water taps, sewer connections, electrical permits, erection of signs and display structures, marquees or other appurtenant structures or fees of inspection, certificates of use and occupancy or other privileges or requirements, both within and without the jurisdiction of the Department of Building Inspection.

(C) *New construction and alterations.* The fees for all building activities permits shall be as prescribed by resolution of the City Council from time to time.

(D) *Fee schedule.* A fee for each plan examination and building permit shall be paid in accordance with a schedule to be adopted by resolution of the City Council.

14-32 Code Appendix Enforced.

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230 of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency with the City of Charlotte.

14-33 Designation of Regulated Flood Prone Hazard Areas.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Eaton County, Michigan (all jurisdictions) dated November 26, 2010 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers 26045C; 303E, 304E, 311E, 312E and 325E dated November 26, 2010 are adopted by reference for the purposes of administration of the Michigan Construction Code and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

14-34 Violations

(A) Any person erecting, using, moving, demolishing, occupying or maintaining any building or structure in violation of the code adopted in this article or causing, permitting or suffering any such violation to be committed, shall be punished as prescribed in Section 1-16 of this Code.

(B) Any building or structure erected, used, moved, demolished, occupied or maintained in violation of this chapter is hereby declared to be a nuisance per se. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation or threatened violation restrained and enjoined.

Sections 14-35 – 14-55 Reserved.

This ordinance shall become effective 20 days after adoption and that the above ordinance be passed to a second reading.

Second by Sanders. Carried. 7 Yeas. 0 Nays.

DATED: November 22, 2010.

Deleski R. Smith, Mayor

Michelle King, Clerk