

Introduced:  
Adopted:  
Effective:

**CITY OF CHARLOTTE**

**ORDINANCE NO. 2021-03**

AN ORDINANCE TO AMEND CHAPTER 14 – STATE CONSTRUCTION CODE –OF THE CODE OF THE CITY OF CHARLOTTE BY AMENDING ARTICLE II TO RESCIND THE CITY’S AUTHORITY TO ENFORCE THE STATE CONSTRUCTION CODE.

Councilmember \_\_\_\_\_ moved that the following ordinance be passed to a second reading:

THE CITY OF CHARLOTTE ORDAINS:

**SECTION 1. RESCINDING AUTHORITY TO ENFORCE.** Chapter 14, *ARTICLE II. STATE CONSTRUCTION CODE*, Sections listed below shall hereby be rescinded and shall no longer have any force or effect

§ 14-28 AGENCY DESIGNATED.

Pursuant to the provisions of the State Construction Code, in accordance with § 8b(6) of Public Act 230 of 1972, as amended, the Building Official and his or her designees of the city are hereby designated as the enforcing agency to discharge the responsibilities of the city under such act. The city assumes responsibility for the administration and enforcement of such 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 § 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.

#### § 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 § 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.

**SECTION 2. EFFECT ON REMAINING SECTIONS.** The remaining Sections of Chapter 14, Article II as listed below shall remain in full force and effect.

#### § 14-26 ADOPTED.

Pursuant to the provisions of the State Construction Code Act, Public Act 230 of 1972, § 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.

#### § 14-33 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 § 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.

§§ 14-35 -- 14-55 RESERVED.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall become effective May 1, 2021.

Second, \_\_\_\_\_ ( ) Yeas. ( ) Nays.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Michael Armitage, Mayor

\_\_\_\_\_  
Pearl Tidwell, Clerk



## Memo

**Date:** March 12, 2021  
**To:** Honorable Mayor Armitage; City Council  
**From:** Erin LaPere, City Manager  
**Re:** Ordinance to update Chapter 14 – Buildings and Building Regulations

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On the agenda for a first reading by Council is an amendment to Chapter 14 Buildings and Building Regulations. This Chapter and accompanying Articles adopted the state construction code and designated the City as the authorized agency to administer and enforce that code. Due to the upcoming retirement of the Building Official, the City does not have personnel on staff who are licensed to continue to perform inspections and administer the state construction code. Accordingly, the city has decided to rescind that authority which would result in the county having jurisdiction over the construction activity in the city limits. The county building department currently administers permitting for trade activities, i.e., plumbing, HVAC, and electrical, for the city. Additionally, they are the agency which issues and enforces the building code for 21 other cities, villages, and townships within the county. The state has advised us that there are two steps to provide the county that jurisdiction; 1 – rescind our ordinance, and 2 – write a letter of intent stating our desire to have the county administer the code within the city limits. Given the timeline to make this change, a first reading is required at this time so that a second reading, public hearing, and notification upon adoption can take place before effective date of May 1<sup>st</sup>. The language has been reviewed by Attorney Hitch.

Article VI of this chapter establishes the Building Board of Appeals as the appeals body for this section of the code. That Article was adopted in 2015 with a four-year sunset provision. Upon discussion with Attorney Hitch, that section is not in effect and does not require formal rescission by Council. The other articles which outline street numbering and movement of existing houses will remain in effect.

Property maintenance, including blight, are addressed separately under Chapter 52 – Property Maintenance and Nuisance Abatement and will continue to be enforced through the Fire Department pending the outcome of the ad hoc committee discussion of code enforcement.

Procedurally, ordinances except for those related to Zoning are adopted pursuant to the Home Rule City Act, City Charter, and Council Policy 2021-03. A first reading is held at which time Council may set a public hearing and second reading/adoption. Upon Council adoption, the ordinance or a summary must be published and 20 days elapsed prior to the language taking effect.

Council Policy 2021-03 requires a public hearing notice to be published seven days prior to the hearing date. Therefore, I recommend Council schedule a public hearing and second reading for the April 5<sup>th</sup> meeting.

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