

ORDINANCE OF THE LAWRENCE TOWNSHIP

BOARD OF TRUSTEES

AN ORDINANCE TO AMEND IN PART
LAWRENCE TOWNSHIP CODE OF COMPILED ORDINANCES, VOL. II, ADDING
ORDINANCE 28.

Said **ORDINANCE** amending **AND** adding to the **LAWRENCE TOWNSHIP CODE OF
COMPILED ORDINANCES, VOL. II**, is adopted at a **REGULAR** meeting held on
4/12/18 at 7:00 P.M. at 205 N. Paw Paw St., Lawrence, MI 49064.

WHEREAS, Lawrence Township, Van Buren County, Michigan, has adopted the Still-DeRossett-Hale Single State Construction Code Act;

WHEREAS, Lawrence Township has previously operated its Construction Board of Appeals under the Still-DeRossett-Hale Single State Construction Code Act's default rules;

WHEREAS, the Board of Trustees of Lawrence Township wishes to formalize its Construction Board of Appeals in an Ordinance to provide notice to the public;

THEREFORE, THE MUNICIPALITY OF LAWRENCE TOWNSHIP, VAN BUREN, MICHIGAN, ORDAINS:

1. LAWRENCE TOWNSHIP CODE OF COMPILED ORDINANCES, VOL. II, shall be amended to add the following Ordinance:

ORDINANCE 28 CONSTRUCTION BOARD OF APPEALS ORDINANCE

Section 1: Title

This Ordinance shall be known and cited as the Lawrence Township "Construction Board of Appeals Ordinance."

Section 2: Preamble

The Township of Lawrence is a governmental subdivision for the purposes of the Still-DeRossett-Hale Single State Construction Code Act. Prior to the enactment of this Ordinance, the Township's Construction Board of Appeals operated under default rules under said Act. This Ordinance is adopted for the purpose of effecting all of the functions described in Act 230 of 1972, to allow for modifications, and to give notice to the citizens of the Township.

Section 3: Establishment

The Township of Lawrence hereby establishes a Construction Board of Appeals (also known as the "C.B.A."). The C.B.A shall consist of three to five members who shall be

appointed by the Lawrence Township Supervisor. Each C.B.A Member shall be qualified by experience or training to perform the duties necessary to determine the appropriateness of questions brought before the C.B.A. The C.B.A shall consist of members who are not employees of the governmental subdivision or the agency enforcing the code. See R 408.30514 (citing R 112.3).

C.B.A. members shall be appointed for 4-year terms. A person may serve on the board of appeals of more than 1 governmental subdivision.

The Board of Trustees of Lawrence Township may remove a member of the C.B.A. for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

The C.B.A. members may be compensated for their services and reimbursed for their expenses as provided by the township board.

Section 4: Appeals

If the Township or its designated agent refuses to grant an application for a building permit, or makes any other decision pursuant or related to the Act or Building Code, an interested person, or the person's authorized agent, may appeal in writing to the C.B.A. All such appeals shall be in writing, shall contain a detailed statement of the reasons why the appeal should be granted and shall be signed by the applicant or the applicant's authorized agent. The Township may provide a form for use in appeals if it chooses.

All appeals shall be accompanied by a fee set by the Township. Applicants shall pay all expenses incurred by the Township in the appeal process, including, in part, inspection fees, engineering fees, attorney fees and all out of pocket expenses.

Section 5: The Hearing.

The C.B.A shall conduct a public hearing, 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 thirty (30) days after submission of the appeal. An appeal from the C.B.A. must be filed with the State Construction Commission within 10 business days after the filing of the decision with the enforcing agency. Failure by the C.B.A. to hear an appeal and file a decision within the aforementioned 30 days is a denial of the appeal for purposes of authorizing the institution of an appeal to the State Construction Commission. The applicant must be served before the decision is filed with enforcing agency.

Section 6: Construction Variances

After a public hearing, the C.B.A may grant a specific variance to a substantive requirement of the Building Code 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 public, and

(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. No variance shall be granted which is greater than the minimum variance required to alleviate the exceptional, practical difficulty

Section 7: Conditional Variances

The C.B.A.'s decision may include in writing any condition with the grant of any variance that the C.B.A. judges to be necessary to protect the health, safety and welfare of the public. The breach of any such condition shall automatically invalidate the variance and any permit, license and certificate granted on the basis of the condition.

Section 8: Other Powers and Duties

Pursuant to MCL 125.1514(2), the Township may from time to time, by resolution, grant its C.B.A. additional powers or duties, and establish procedures to be followed, insofar as the powers, duties, and procedures do not conflict with this act.

Section 9: Public Nature of Board Actions

The business which the C.B.A. performs shall be conducted at a public meeting of the C.B.A. held in compliance with Act No. 267 of the Public Acts of 1976. Public Notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

Section 10: Record of Decisions

A record of decisions made by the C.B.A, properly indexed, and any other writing prepared, owned or used in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, including but not limited to the following: notices, pleadings, motions, and intermediate rulings; questions and offers of proof, objections, and rulings thereon; evidence presented; matters officially noticed, except matters so obvious that a statement of them would serve no useful purpose, i.e., Lansing is in Michigan; findings and exceptions; decisions and reasons for the decisions.

Section 11: Duration

This Ordinance shall remain in effect until repealed or modified by the Township Board.

Section 12: Severability

The various Articles and provisions of this Ordinance shall be deemed to be severable, and should any Article or provision of this Ordinance be declared by any court or competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any Article or provision of this Ordinance other than the Article or provision so declared to be unconstitutional or invalid.

Section 13: Effective Date

This Ordinance shall become effective upon publication. Any existing Ordinance or portion of an Ordinance in conflict with this Ordinance is repealed to the extent of such conflict.

2. All other acts, sections, and provisions of the Lawrence Township Code of Compiled Ordinances shall remain in full force and effect except as changed by this Ordinance. The above modifications can be inserted directly into the respective acts, sections, and provisions of the LAWRENCE TOWNSHIP CODE OF COMPILED ORDINANCES, Vol. II.

3. CONFLICTING ORDINANCES: All other ordinances and parts of ordinances, or amendments thereto, of Lawrence Township in conflict with the provisions of this ordinance are hereby repealed.

4. RECODIFICATION: That the Ordinance is hereby amended to recodify the numbering of articles and sections to conform to a standard or model codification scheme established by the Ordinance.

5. SEVERABILITY. If more restrictive, State or Federal Law or Regulations exist, they shall govern. The invalidity of any clause, sentence, paragraph, or part of this ordinance shall not affect the validity of the remaining parts of this ordinance. This Ordinance is to be construed as consistent with State and Federal Law and Regulations.

6. SAVINGS CLAUSE. A prosecution that is pending on the effective date of this ordinance and that arose from a violation of an ordinance repealed or amended by this ordinance, or a prosecution that is started within 1 year after the effective date of this ordinance arising from a violation of an ordinance repealed or amended by this ordinance and that was committed before the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed or amended.

7. EFFECTIVE DATE: This ordinance amendment shall take effect upon the date of publication.

Motion offered by Thompson and supported by Reynells.

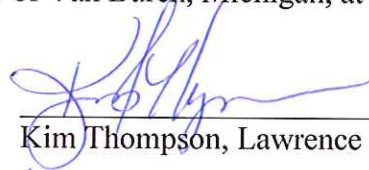
Roll Call Vote: Yes: Thompson, Campagna, Stroud, Spenner, Reynells

No: _____

ORDINANCE DECLARED ADOPTED:

I hereby certify the foregoing constitutes a true and complete copy of the ordinance adopted by the Lawrence Township Board of Trustees, County of Van Buren, Michigan, at a regular meeting held on the 12th of April, 2018.

Date: 4/12/18



Kim Thompson, Lawrence Township Clerk

This Ordinance amendment was published on 4/20/18.

