

**NOTTAWA TOWNSHIP**  
**ST. JOSEPH COUNTY, MICHIGAN**  
**ORDINANCE NO. 53**

**ADOPTED:** \_\_\_\_\_

**EFFECTIVE:** \_\_\_\_\_

An Ordinance to allow the Township Board to permanently appoint members to the Township Construction Board of Appeals; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

**THE TOWNSHIP OF NOTTAWA**  
**ST. JOSEPH COUNTY, MICHIGAN**

ORDAINS:

**PART 249**

**SECTION I**

**AUTHORITY**

Pursuant to the provisions of the Single State Construction Code Act, being Act 230 of the Public Acts of 1972, as amended, the Township of Nottawa has assumed responsibility for the administration and enforcement of the State Construction Code and the nationally recognized codes which comprise the same as incorporated by reference or pursuant to an administrative rule adopted thereunder.

Section 14 of Act 230 of 1972 being MCL 125.1415(1) requires the Township to create and maintain a Construction Board of Appeals whose purpose is to hear and render decisions on appeals made pursuant to the administration and enforcement of the State Construction Code.

MCL 125.1415(1) provides that appointments to the Construction Board of Appeals shall be made every two years unless otherwise provided for by local law or ordinance.

**SECTION II**

**FINDINGS**

The Township Board of the Township of Nottawa has determined that the two-year reappointment requirement should be eliminated, due in large part to the relatively rare situation in which a Construction Board of Appeals hearing is requested or required. 2

The Township of Nottawa has appointed a 5-member construction board of appeals by resolution, and such appointment has been confirmed by the chairperson of the County Board of Commissioners. All members are qualified to be appointed as members of a Construction Board of Appeals by experience or training to perform the duties of members of the Construction Board of Appeals.

The Township Board that making permanent appointments to the Construction Board of Appeals, with individuals named by resolution, to be preferable to making appointments every other year when an appeal request is rarely made.

The Township Board finds that enacting a local law by making the appointments to the Construction Board of Appeals permissible in accordance with MCL 125.1415(1).

### **SECTION III**

#### **PERMANENT APPOINTMENTS**

#### **TO THE CONSTRUCTION BOARD OF APPEALS**

All appointments to the 5-member Construction Board of Appeals for the Township of Nottawa shall be made by Resolution and shall constitute permanent appointments unless a member thereof dies, resigns, or is no longer qualified to be a member as specified in MCL 125.1514(1).

The Township Clerk shall retain the Resolution containing the names of such permanent appointees and shall provide the same to the Township Building Official and Code Compliance Officer.

All permanent appointments to the Construction Board of Appeals shall be made by the Township Supervisor and approved by the Chairperson of the County Board of Commissioners as required by MCL 125.1514 (1).

### **SECTION IV**

#### **SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid.

### **SECTION V**

#### **REPEAL OF CONFLICTING ORDINANCES**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations, under any previous ordinance provision being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous Ordinance provisions. 3

**SECTION VI**  
**EFFECTIVE DATE**

This Ordinance shall take effect one day after publication, after adoption.

Township of Nottawa, Michigan