

CHIKAMING TOWNSHIP
ORDINANCE NO. 26

AN ORDINANCE TO ADOPT BY REFERENCE THE BOCA BASIC BUILDING CODE, 1970 EDITION, TOGETHER WITH THE ACCUMULATIVE SUPPLEMENT THERETO, 1973 EDITION; AND THE BOCA BASIC PLUMBING CODE, ACCUMULATIVE SUPPLEMENT, 1973 EDITION, PUBLISHED BY BUILDING OFFICIALS AND CODE ADMINISTRATORS INTERNATIONAL, INC. FOR THE PURPOSE OF REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, OCCUPANCY AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES IN THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN; OF PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFORE; OF PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND OF REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Sec. 1, Code Adopted. Pursuant to the provisions of Sec. 8 of the State Construction Code Act (Act 230 of the Public Acts of 1972, Compiled Laws of 1948, Sec. 125.1501 et seq.) the BOCA Basic Building Code, 1970 Edition, together with the Accumulative Supplement thereto, 1973 Edition; and the BOCA Basic Plumbing Code, Accumulative Supplement, 1973 Edition, published by Building Officials and Code Administrators International, Inc. is hereby adopted by reference subject to the modifications contained in this ordinance. All future editions, deletions, amendments, supplements or other changes contained in subsequent editions and supplements of the BOCA Basic Building Code and the BOCA Basic Plumbing Code published by Building Officials and Code Administrators International, Inc., are hereby referred to, adopted and made a part of this ordinance as though fully set out herein.

Sec. 2, References in Code. References in the BOCA Basic Building Code and the BOCA Basic Plumbing Code to "state" and (name of state), shall mean the State of Michigan; references to "municipality" and (name of municipality) shall mean the Township of Chikaming; references to "local ordinances" shall mean the ordinances of the Township of Chikaming.

Sec. 3, Changes in Code. The following sections and subsections of the BOCA Basic Building Code together with all accumulative supplements thereto are hereby amended or deleted as set forth in additional sections and subsections as hereafter indicated. The following section numbers refer to like numbers of sections and subsections of the BOCA Basic Building Code.

Sec. 122.3 of the BOCA Basic Building Code is hereby amended to read:

Sec. 122.3 Violation penalties: Any person who shall violate a provision of the BOCA Basic Building Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of the Basic Code shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 or by imprisonment not exceeding ninety (90) days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Sec. 127.0 and subsections 127.1 through subsections 127.6, inclusive, are hereby deleted in their entirety and amended to read:

Section 127.0 Board of Appeals: In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and is hereby created a Board of Appeals. The Chikaming Township Zoning Board of Appeals is hereby constituted the Building Board of Appeals under the BOCA Basic Building Code. The building official shall be an ex-officio member and shall act as Secretary of the Board. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant and may recommend to the Township Board from time to time such new legislation as is consistent therewith.

All appellants shall be afforded a public hearing and the appellant, his representative, the official of the municipality and any other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard.

Any person aggrieved by the decision of the Board of Appeals or any municipal officer or official board of the municipality may appeal any decision of the Board of Appeals to the Circuit Court of Berrien County within fifteen days after the filing of the Board's decision in the office of the building official.

Sec. 4. Repeal of Conflicting Ordinances: All ordinances and parts of ordinances of Chikaming Township inconsistent with the provisions of this ordinance are hereby repealed.

Dec. 5, Public Inspection and Distribution of the Code: Printed

copies of the BOCA Basic Building Code and the BOCA Basic Plumbing Code together with accumulative supplements thereto are available in the Clerk's office of the Township of Chikaming for inspection and use by the public. Copies of the BOCA Basic Building Code and the BOCA Basic Plumbing Code together with supplements thereto are also available to the public at cost.

Sec. 6, Enactment: This ordinance was enacted on the 3rd day of October, 1974 by the Chikaming Township Board and ordered to be published in the St. Joseph Herald Press on the 12th day of October, 1974, being within ten (10) days of its enactment, and ordered to be made effective on the 12th day of November, 1974 being thirty (30) days after publication thereof.

Lena Abrahamsen
Lena Abrahamsen, Clerk
Chikaming Township

Attest:

Herbert Seeder
Herbert Seeder, Supervisor

Chikaming Township

CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 26, adopted by the Chikaming Township Board on the 3rd day of October, 1974.

I hereby certify that the foregoing Ordinance No. 26 was adopted by the Township Board at a Regular meeting held on the 3rd day of October, 1974, and that a resolution that the aforesaid ordinance be enacted was made by Harrington and supported by Abrahamsen.