

# TOWNSHIP OF RILEY – ST. CLAIR COUNTY, MICHIGAN

## BUILDING CODE AND MAINTENANCE ORDINANCE

Ordinance Number 37-2023

AN ORDINANCE EXEMPTING THE TOWNSHIP OF RILEY FROM THE PROVISIONS OF PUBLIC ACT 230, PUBLIC ACT OF 1972, AS AMENDED, AND REGULATING AND ESTABLISHING MINIMUM REGULATIONS GOVERNING ERECTION, CONSTRUCTION, DESIGN, ENLARGEMENT, ALTERATION, REPAIR, **BLIGHT**, MOVING, REMOVAL, CONVERSION, DEMOLITION, OCCUPANCY, USE, EQUIPMENT USE, LOCATION, HEIGHT, AREA, AND MAINTENANCE OF ALL **PROPERTY**, BUILDINGS AND STRUCTURES IN THE TOWNSHIP OF RILEY; AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECITON OF FEES THEREFORE MAKING INSPECTIONS; PRIVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF RILEY ORDAINS:

### SECTION 1: TITLE

This ordinance shall be known and cited at the Riley Township Building Code **and Maintenance Ordinance**.

### SECTION 2: PURPOSE

The purpose of this ordinance is to establish minimum regulations and to provide minimum standards to safeguard life and/or limb, and **to** the public health, safety, and general welfare of persons and property by regulating and controlling design, enlargement, construction, alteration, addition, conversion, repair, **blight**, removal, moving, demolition, quality of materials, use, and occupancy, location and maintenance of all **property**, buildings and structures within the Township of Riley, and certain equipment specifically regulated therein.

### SECTION 3: ADOPTION OF BUILDING AND MAINTENANCE CODE

The Township of Riley does hereby adopt by reference the BOCA National Building Code, Thirteenth Edition, 1996, **as amended**, as the Building Code of Riley Township, **and the International Property Maintenance Code, 2021 Edition, as amended, as the Maintenance Code**.

### SECTION 4: EXEMPTION FROM STATE CONSTRUCTION CODE

The Township of Riley exempts itself from the State Construction Code Act of 1972 and the State Construction Code.

### SECTION 5: ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be administered and enforced by the Riley Township Building **Official, and Ordinance Enforcement Officer** as appointed by the Riley Township Board.

### SECTION 6: FEE SCHEDULE

Fees for inspections and permits under and pursuant to this Ordinance shall be determined, and established by resolution of the Riley Township Board.

## SECTION 7: ADDITIONS AND INSERTIONS

The provisions for date in Section 103.4 of the 1996 BOCA National Building Code **and 2021 International Property Maintenance Code**, shall be the date of the Riley Township Building **and Maintenance** Code Ordinance.

## SECTION 8: BOND AND LIABILITY INSURANCE

The amount of the Bond/Bonds and/or liability insurance, as provide for in the 1996 BOCA National Building Code, shall be determined and established by resolution of the Riley Township Board.

## SECTION 9: AVAILABILITY OF CODE FOR INSPECTION

The BOCA National Building Code of 1996, **and International Property Maintenance Code** shall be available for inspection **during available business hours** at the **Riley Township** office.

## SECTION 10: VIOLATION, PENALTIES AND SANCTIONS; INJUCTIVE RELIEF

(A) A violation of any provision of this ordinance by any person or entity shall constitute a **Municipal Civil Infraction**.

(B) The penalty of this ordinance shall be a civil fine of **\$250.00** for a **Municipal Civil Infraction violation plus costs, inspection fees and other expenses incurred by the township, unless a specific penalty is otherwise provided for the violation by a specific ordinance involved as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, Public Acts 12-26 of 1994, as amended, and other applicable laws.**

(C) The sanction for a violation which is a **Municipal Civil Infraction** shall be a civil fine in the amount as provided by the ordinances involved, plus any costs, damages, expenses and other sanctions,

Unless otherwise specifically provided for a particular municipal civil infraction violation by an ordinance (or if the ordinance involved is silent, as set by the Township Board by resolution), the civil fine shall be not less than **\$250.00**, plus costs and other sanctions, for each infraction.

Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of an ordinance. As used in this Ordinance, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or ordinance (i) committed by a person within any twelve (12) month period (unless some other period is specifically provided by an Ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by an ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

- 1) The fine for any offense which is a first repeat offense shall be not less than **\$375.00**, plus costs, inspection fees and other expenses incurred by the township.
- 2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than **\$750.00**, plus costs, inspection fees and other expenses incurred by the township.

3) The fine for any offense which is a third or subsequent repeat offense shall be not less than **\$1,500.00**, plus costs, inspection fees and other expenses incurred by the township.

(D) A “violation” includes any act which is prohibited or made or declared to be unlawful or an offense by an ordinance, and any omission or failure to act where the act is required by an ordinance.

1) Each day on which any violation of an ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(E) In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any Township ordinance.

**SECTION 11: SEVERABILITY**

This Ordinance and its parts, sections, subsections, sentences, phrases and/or clauses are declared to be severable.

**SECTION 12: REPEAL**

Ordinances and parts of Ordinances, which are inconsistent with, or in conflict with, and the present Building Code Ordinance of the Township of Riley are repealed.

**SECTION 13: ADOPTION, AMENDMENT, EFFECTIVE DATE**

This Ordinance was duly adopted and ordered published by the Riley Township Board at a regular meeting thereof held on the 6<sup>th</sup> day of January 1997 and published on January 22<sup>nd</sup>, 1997.

Motion to Amend Ordinance offered at a regular board meeting held on the 14<sup>th</sup> day of November, 2023 made by Mark Baranowski, seconded by Mike Rushing.

Roll Call Vote: Yeas: Al Titus, Mike Rushing, Dawn Behem, Mark Baranowski, Duane Hagle; Nays: None; Absent: None; Abstained: None.

The Amended Ordinance declared adopted by the Township Supervisor.

This Ordinance Amendment was duly adopted and ordered published by the Riley Township Board at a regular meeting held on the 14<sup>th</sup> day of November, 2023.

This **Amended** Ordinance shall take **immediate** effect following the Notice of Adoption publication or summery hereof as provided by law.

**CERTIFICATION**

I hereby certify that the above is a true copy of an ordinance adopted by the Riley Township Board at a regular meeting held at the Riley Township Hall held on November 14th, 2023, at 7:00 p.m., pursuant to the required statutory notice and procedures and published in a newspaper of general circulation within Riley Township as required by law on November 22<sup>nd</sup>,2023 in both editions of The Blue Water Voice and The Bay Voice newspapers.

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Dawn Behem, Riley Township Clerk