

**FRENCHTOWN CHARTER TOWNSHIP BOCA NATIONAL BUILDING,
INTERNATIONAL PLUMBING AND INTERNATIONAL MECHANICAL
CODE ADOPTION ORDINANCE**

Ord. No. 187; Date of Adoption: September 1999

An Ordinance adopting various National and International Codes establishing regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, maintenance, installation of mechanical and plumbing systems and use of all buildings and structures; providing for the issuance of permits, collection of fees, making of inspections; providing penalties for violation thereof; and repealing existing ordinances.

THE CHARTER TOWNSHIP OF FRENCHTOWN ORDAINS:

Section 1. Title.

This Ordinance shall be known as the "Frenchtown Charter Township BOCA National Building, International Plumbing and International Mechanical Code Adoption Ordinance."

Section 2. Adoption of Building Code.

"The BOCA National Building Code, Thirteenth Edition, 1996" as published by the Building Officials and Code Administrators International, Inc. is hereby adopted as the building code of Frenchtown Charter Township in the County of Monroe, State of Michigan; for the control of buildings and structures as herein provided and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 3. Adoption of Mechanical Code.

"The International Mechanical Code, 1998 Edition" as published by the International Code Council is hereby adopted as the mechanical code of Frenchtown Charter Township in the County of Monroe, State of Michigan; for the control of buildings and structures as herein provided and each and all of the regulations, provisions penalties, conditions and terms of said International Mechanical Code, are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 4. Adoption of Plumbing Code.

"The International Plumbing Code, 1997 Edition" as published by the International Code Council is hereby adopted as the plumbing code of Frenchtown Charter Township in the County of Monroe, State of Michigan; for the control of buildings and structures as herein provided and each and all of the regulations, provisions, penalties, conditions and terms of said International Plumbing Code, are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 5. Amendments to 1996 Edition of the BOCA National Building Code.

The following sections of the 1996 Edition of the BOCA National Building Codes are hereby revised as follows:

Section 101.1. Insert: [Frenchtown Charter Township]

Section 104.1. Insert: [Code Official. The administration and enforcement of the basic Code shall be the responsibility of the enforcing agency in accordance with the Act. The Building Official shall be registered pursuant to Act Number 54 of the Public Acts of 1986, being Section 338.2301 et seq. of the Michigan Compiled Laws and known as the Building Officials and Inspectors Registration Act.]

Section 104.4. Add at the End of the Section: Deputy. Inspector shall be registered pursuant to Act Number 54 of the Public Acts of 1986 being Section 338.2301 et seq. of the Michigan Compiled Laws and known as the Building Officials and Inspectors Registration Act.

Section 107.1. Add 7. General Remodeling, such as but not limited to roofing, siding, windows, etc.

Section 107.1. Add 8. Concrete and Asphalt Replacement, such as but not limited to parking lots, driveways, sidewalks, etc.

Section 107.11. Delete First Sentence of 107.11 and Replace as Follows:
[Application and notice to the Building Department is not required for minor repairs to structures as determined by the Code Official.]

Section 112.3.1. Insert. [See Fee schedule adopted by resolution of Township Board as may be amended from time to time.]

Section 112.3.1. Add at End of Section: If a person starts work prior to obtaining a permit, then they shall be subject to a fine up to twice the permit fee amount as determined by the Code Official.

Section 114.1. Insert:

(a) Alterations as determined by the Building Official to be of a minor nature.

(b) This Section shall not apply to work completed by a governmental subdivision or state agency costing less than \$15,000.00 or to a building in use group R-3 or R-4 containing not more than 3,500 square feet of calculated floor area.

Section 116.4. Insert. [Misdemeanor] [\$500.00] [90 days]

Section 117.2. Insert: [\$250.00] [\$500.00]

Section 1005.5. Add at End of Section:

6. Porches or exterior walking surface which are of use group R-3 occupancies and which are not more than 30 inches above grade.

Section 1014.5.8. Delete and Replace to Read as Follows:

8. In occupancies in use group R-3 and within dwelling units in occupancies in use group R-2, the maximum riser height shall be 8 1/4 (210 mm) and the minimum tread depth shall be 9 inches (229 mm). A 1 inch (25 mm) nosing shall be provided on stairways that have solid risers.

Section 1806.1. Delete and Insert:

Frost Protection: Except when erected upon solid rock or otherwise protected from frost, a foundation wall, pier, and other permanent support of all buildings and structures, except those of use group U, shall extend a minimum of 42 inches (1,067 mm) below actual grade and spread footings of adequate size shall be provided where necessary to properly distribute the load within the allowable bearing value of the soil. Alternatively, the structures shall be supported on piles when solid earth or rock is not available. Footings shall not be founded on frozen soils unless the frozen condition is of a permanent character.

Exception: Upon evidence of the existence of any of the following conditions, the Building Official may modify the footing depth accordingly:

- (a) Freezing temperatures (freezing degree day).
- (b) Soil type.
- (c) Groundwater conditions.
- (d) Snow depth experience.
- (e) Exposure to the elements.
- (f) Other specific conditions identified by the Building Official that might affect the foundation system.

Section 6. Amendment to 1998 Edition of International Mechanical Code.

The following sections of the 1998 Edition of the International Mechanical Code are hereby revised as follows:

Section 101.1. Insert: [Frenchtown Charter Township]

Section 106.5.2. Insert: [Fee schedule adopted by resolution of the Township Board as may be amended from time to time]

Section 106.5.3(2) and (3). Insert: [50%]

Section 108.4. Insert: [Misdemeanor] [\$500.00] [90 days]

Section 108.5. Insert: [\$250.00] [\$500.00]

Chapter 16 Codes. **Insert:** [1996 BOCA National Building Code]

Section 7. Amendments to 1997 Edition of International Plumbing Code.

The following sections of the 1997 Edition of the International Plumbing Code are hereby revised as follows:

Section 101.1. **Insert:** [Frenchtown Charter Township]

Section 106.5.2. **Insert:** [Fee schedule adopted by resolution of the Township Board as may be amended from time to time]

Section 106.5.3(2) and (3). **Insert:** [50%]

Section 108.4. **Insert:** [misdemeanor] [\$500.00] [90 days]

Section 108.5. **Insert:** [\$250.00][\$500.00]

Section 305.6.1 **Insert:** [8 inches] [253 mm] [below recorded frost penetration] [305 mm]

Section 904.1. **Insert:** (12 inches) (305 mm)

Chapter 14 Codes. **Insert:** [1996 BOCA National Building Code] [] [1997 International Plumbing Code]

Section 8. Board of Appeals.

Provisions of Chapter 1, Section 121.2, 121.2.1, 121.2.2, 121.6 and 121.6.1 of the 1996 BOCA National Building Code and Sections 109.2, 109.2.1, 109.2.2, 109.6 and 109.6.1 of the 1998 International Mechanical Code and 1997 International Plumbing Code are hereby repealed and the following is hereby enacted and substituted therefore.

A. **General.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals (consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction). The Building Official shall be an ex officio member of and shall act as secretary to said Board but shall have no vote on any matter before the Board. The Board of Appeals shall consist of five (5) members and shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

B. **Limitations of Authority.** The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code.

All decisions of the Board shall be final, and binding upon the appellant and upon the Building Official.

2. Alternate Members

The chief appointing authority may appoint two alternate members who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership, and shall be appointed for five (5) years or until a successor has been appointed.

3. Meetings

The Board of Appeals shall meet at the request of the Township Board, the Building Official or the Chairperson of the Board of Appeals. The Board of Appeals shall meet at least once annually on the second Wednesday of January. The Board shall also meet upon notice from the Chairperson within ten (10) days of the filing of an appeal.

4. Board Decision

The Board shall only modify or reverse the decision of the code official by a concurring vote of three members.

5. Recorded in Minutes

The decision of the Board shall be recorded in the minutes. Approved copies shall be furnished to the appellant and to the code official.

Section 9. Exemption of State Construction Code Act.

The Charter Township of Frenchtown hereby declares that it is its policy to exempt Frenchtown Charter Township, Monroe County, Michigan from certain provisions of the State Construction Code Act, No. 230 Public Acts of 1972 as amended.

Section 10. Conflict With Uniform Fire Code.

To the extent that there is any conflict between the BOCA National Building, International Plumbing and International Mechanical Codes and the Uniform Fire Code, the provisions of the Uniform Fire Code shall control.

Section 11. Enforcement and Penalty.

Any person, firm or corporation who or which shall fail to comply with any of said code shall upon conviction thereof be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment in the Monroe County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 12. Repeal of Previous Ordinance.

All ordinances, except as set forth in Section 9, which are inconsistent with the provisions of this Ordinance are hereby repealed including Ordinance 171 and 171-1.

Section 13. Severability.

Should any section, subdivision, sentence, clause or phrase of this Ordinance, or of the codes adopted by this Ordinance, be declared invalid by any court, such declaration shall not affect the validity of the remainder of the Ordinance or Code, standing apart from the portion so invalidated.

Section 14. Effective Date.

This Ordinance shall take effect ninety (90) days after final passage and publication in a newspaper having general circulation in the Charter Township of Frenchtown, Monroe County, Michigan. A further requirement for this Ordinance to take effect is the expiration of ninety (90) days after a certified copy of this Ordinance is delivered to the Michigan State Construction Code Commission. Both of the requirements must be met, pursuant to Michigan Compiled Laws, Section 125.1508, before this Ordinance shall take effect.

Adopted September 28, 1999.

This Ordinance was duly adopted on September 28, 1999, at a regular meeting of the Frenchtown Charter Township Board and will become effective _____, 1999.

Date: _____

James K. Spas, Supervisor
Frenchtown Charter Township

Date: _____

Peggy L. Barton, Clerk
Frenchtown Charter Township

I, Peggy L. Barton, Clerk of the Charter Township of Frenchtown, do hereby certify that the above is true and exact copy of a resolution adopted by the Frenchtown Charter Township Board, at a regular meeting of said Board held September 28, 1999, at the Township Hall, 2744 Vivian Road, Monroe, Michigan.

Peggy L. Barton, C.M.C
Frenchtown Charter Township

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