

The following Building Code and Residential Code Enforcement Agency Ordinance was introduced and a first reading completed at the Tallmadge Charter Township Board meeting on March 8, 2011.

ORDINANCE NO. 030811-2

**BUILDING CODE AND RESIDENTIAL CODE  
ENFORCEMENT AGENCY ORDINANCE**

AN ORDINANCE TO DESIGNATE AN ENFORCEMENT AGENCY TO DISCHARGE THE BUILDING CODE AND RESIDENTIAL CODE RESPONSIBILITIES OF THE CHARTER TOWNSHIP OF TALLMADGE UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE, BEING ACT NO. 230 OF 1972, AS AMENDED.

THE CHARTER TOWNSHIP OF TALLMADGE, COUNTY OF OTTAWA, STATE OF MICHIGAN, ORDAINS:

Section 1. AGENCY DESIGNATED.

- A. Pursuant to the provisions of the Building and Residential Code of the State of Michigan (the "Building and Residential Code"), promulgated pursuant to Act No. 230 of the Public Acts of 1972, as amended (the "Act"), the enforcement agency or the building official, or both, obligated to discharge the Building and Residential Code responsibilities of the Township under the Building and Residential Code and under the Act shall be designated from time to time by Township Board resolution.
- B. The Township assumes responsibility for the administration and enforcement of the Building and Residential Code pursuant to the Act throughout the Township's geographical limits.
- C. The fees for Building and Residential Code permits and the required inspections shall be established by the Township Board from time to time by resolution.

Section 2. CONSTRUCTION OF ORDINANCE. The headings of the titles, chapters or sections of this Ordinance are for convenience only and shall not be considered in any construction or interpretation of this Ordinance as enlarging or restricting the terms and provisions of this Ordinance in any respect.

Section 3. SEVERABILITY. This Ordinance and its various parts, sections, subsections, paragraphs, sentences, phrases and clauses are severable. If any part, section, subsection, paragraph, sentence, phrase or clause is ruled unconstitutional or invalid, the remainder of this Ordinance shall not be affected by that ruling.

Section 4. REPEAL. All resolutions, ordinances or orders, in conflict in whole or in part with any of the provisions of this Ordinance, are repealed to the extent of that conflict. However, nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court.

Section 5. ADMINISTRATIVE LIABILITY. No officer, agent, employee, appointee, or member of the Township Board shall be personally liable for any damage that may occur to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 6. PENALTY. Any person who violates a provision of this Ordinance or the Building and Residential Code or fails to comply with any of its requirements shall be responsible for a municipal civil infraction, subject to enforcement procedures as set forth in the Building and Residential Code and the Ordinance Enforcement Ordinance adopted by the Township, and subject to a fine of \$50.00, plus costs and other sanctions, for each infraction. Each day during which any violation continues after notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations. A repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any 12 month period and for which a person admits responsibility or is determined to be responsible. An increased civil fine for repeat violations shall be as follows.

- A. The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions.
- B. The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be \$500.00, plus costs and other sanctions.

The Township Supervisor, Township Code Enforcement Officers, Township Building Officials, members of the Ottawa County Sheriff's Department assigned to the Township, members of the Ottawa County Sheriff's Department whose services are contracted for by the Township, and any other individuals who may from time to time be appointed by resolution of the Township Board are designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court).

Section 7. EFFECTIVE DATE. This Ordinance was approved and adopted by the Township Board on \_\_\_\_\_, 20\_\_\_\_, after introduction and a first reading on \_\_\_\_\_, 20\_\_\_\_, and publication after such first reading as required by Public Act 359 of 1947, as amended. This Ordinance shall be effective on \_\_\_\_\_, 20\_\_\_\_, which date is at least 30 days after publication of this Ordinance.

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James VanEss  
Township Supervisor

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Lenore Cook  
Township Clerk

RB0101637

**CERTIFICATE**

I, Lenore Cook, Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Building Code and Residential Code Enforcement Agency Ordinance was adopted at a regular meeting of the Tallmadge Charter Township Board held on \_\_\_\_\_, 20\_\_\_\_. The following members of the Township Board were present at that meeting: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

The following members of the Township Board were absent: \_\_\_\_\_

\_\_\_\_\_.

The Ordinance was adopted by the Township Board with members of the Board \_\_\_\_\_

\_\_\_\_\_ voting in

favor and members of the Board \_\_\_\_\_

voting in opposition. Notice of Adoption of the Ordinance was published in the *Ottawa Advance* on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Lenore Cook, Clerk

**AFFIDAVIT OF POSTING**

STATE OF MICHIGAN     )  
  )ss  
COUNTY OF OTTAWA    )

The undersigned, Lenore Cook, the Tallmadge Charter Township Clerk, being first duly sworn, deposes and says as follows:

1. That she posted a proposed Building Code and Residential Code Enforcement Agency Ordinance for Tallmadge Charter Township, after its first reading at a meeting of the Tallmadge Charter Township Board held on March 8, 2011, in the Township Clerk's office and on the Township's website at [www.tallmadge.com](http://www.tallmadge.com) on \_\_\_\_\_, 2011.

\_\_\_\_\_  
Lenore Cook, Clerk  
Tallmadge Charter Township

Subscribed and sworn to before this  
\_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public, Ottawa County, Michigan  
Acting in Ottawa County, Michigan  
My commission expires: \_\_\_\_\_