ORDINANCE NO. 355

AN ORDINANCE TO ADOPT BY REFERENCE THE INTERNATIONAL MECHANICAL CODE, 1996 EDITION; TO PROVIDE FOR CERTAIN MODIFICATIONS THEREOF AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION THEREOF

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. Mechanical Code Adopted by Reference. Pursuant to the provisions of Section 8 of the State Construction Code Act (Act No. 230 of the Public Acts of 1972, as amended) (the AAct@), the International Mechanical Code/1996 Edition (AMechanical Code@), as published by the International Code Council, is hereby adopted be reference.

Section 2. Reference in Code. References in the Mechanical Code to Ajurisdiction@ and Aname of jurisdiction@ shall mean the Charter Township of Grand Rapids. References in the Mechanical Code to Acode official@ shall mean the building inspector furnished by Cascade Charter Township pursuant to the Inspection Services Agreement between Grand Rapids Charter Township and Cascade Charter Township.

Section 3. Changes in Code. The section and subsections of the Mechanical Code referred to in (1) through (9) below are hereby amended or deleted as set forth and additional sections and subsections are added as hereinafter set forth. The section and subsection numbers set forth refer to the like numbers of sections and subsections of the Mechanical Code:

(1) Section 102.8 is hereby amended to read as follows:

102.8. Referenced Codes and Standards: The codes and standards referenced in this code shall be those that are listed in Chapter 16 and considered part of the requirements of this code to the prescribed extent of each such reference. References in Chapter 16 to the ABuilding Code@ shall be deemed to refer to the BOCA National Building Code/1996 Edition. References in Chapter 16 to the AFire Prevention Code@ shall be deemed to refer to the BOCA National Fire Prevention Code/1996 Edition. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

(2) Section 103.2 is hereby amended to read as follows:

103.2. Appointment: The code official shall be the building inspector furnished by Cascade Charter Township pursuant to the Inspection Services Agreement between Grand Rapids Charter Township and Cascade Charter Township.

(3) Section 106.5.2 is hereby amended to read as follows:

106.5.2. Fee Schedule: The amount of the fees for all mechanical work shall be established by resolution of the Township Board.

(4) Section 106.5.3 is hereby amended to read as follows:

106.5.3. Fee Refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.

2. Not more than 75% of the permit fee paid when no work has been done under a permit issued in accordance with this code.

3. Not more than 50% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

(5) Section 108.4 is hereby amended to read as follows:

Section 108.4. Civil Infractions; Fines. Any person who violates any provision of this Code or who shall fail to comply with any of the requirements of this Code or who erects, constructs, alters or repairs mechanical equipment or systems in violation of an approved plan or other directive of the mechanical official, or a notice, permit or certificate issued under the provisions of this Code, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than $100.00, plus costs and other sanctions, for each infraction (as authorized by Section 21 of Act No. 359 of the Public Acts of 1947, as amended, and the Grand Rapids Charter Township Municipal Civil Infraction Ordinance). Repeat offenses under this Code shall be

subject to increased fines as provided by this section. As used in this section, Arepeat offense@ means a second (or any subsequent) violation of the same requirement or provision of this Code (i) committed by a person within any 90-day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Code shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be not less than $250.00, plus costs.

(b) The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be not less than $500.00, plus costs.

Each day on which any violation of this Code occurs or continues constitutes a separate offense subject to separate sanctions. The code official as appointed by resolution of the Township Board is hereby designated as the authorized township official to issue municipal civil infraction citations for violations of this Code. **[Section 108.4 amended 9/8/98 by Ord. 364]**

(6) Section 108.5 is hereby amended to read as follows:

Section 108.5 Stop Work Orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner=s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who continues any work in or about the building after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition, is responsible for a municipal civil infraction as provided by Section 108.4. **[Section 108.5 amended 9/8/98 by Ord. No. 364]**

(7) Section 109.1 is hereby amended to read as follows:

109.1. Application for Appeal: The owner of a building or structure or any other person may appeal to the board of appeals from a decision of the mechanical official refusing to grant a modification to the provisions of this Code covering the manner of construction or materials to be used in the erection, alteration or repair of a mechanical system. Application for appeal may be made when it is claimed that the true intent of this Code or the rules legally adopted thereunder have been incorrectly

interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is used. At the time of making application for appeal under this section, the applicant shall pay to the Township Clerk a fee established by resolution of the Township Board to defray expenses of compensation of board members for one hearing. Any further expenses incurred by the Township in connection with any appeal shall be paid in full by the applicant prior to the issuance of any ruling on said appeal. The application for appeal shall be filed on a form obtained from the code official within 20 days after the notice was served.

(8) Section 109.2 is hereby amended to read as follows:

109.2. Board of Appeals. The board of appeals shall be the Building Code Board of Appeals of the Charter Township of Grand Rapids. All appeals shall be governed by the procedures for appeals to the Building Code Board of Appeals.

(9) Section 109.2.1 through 109.7, inclusive, are hereby deleted.

Section 4. Severability. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 5. Repeal. Ordinance No. 310 is hereby repealed.

Section 6. Effective Date. Pursuant to Section 8(1) of the State Construction Code act, Act No. 230 of the Public Acts of 1972, as amended, this Ordinance shall take effect ninety (90) days after a certified copy of this Ordinance as adopted is filed with the State Construction Code Commission.