

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

ORDINANCE #02-2020

AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES; AMENDING CHAPTER 10, “BUILDINGS AND BUILDING REGULATIONS”, BY THE REPEAL AND READOPTION OF ARTICLE II, “STATE CONSTRUCTION CODE”, DIVISION 2, “CONSTRUCTION BOARD OF APPEALS”, TO UPDATE THE PROVISION FOR A CONSTRUCTION BOARD OF APPEALS.

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

Chapter 10, Buildings and Building Regulations, is hereby amended to hereafter read as follows:

Chapter 10, Buildings and Building Regulations
Article II, State Construction Code
Division 2, Construction Board of Appeals

Sec. 10-53. – Purpose and creation.

The city recognizes the need for a Construction Board of Appeals to serve as a neutral and efficient arbiter of appealable issues that may develop during enforcement of codes and ordinances including, but not limited to, the following:

- the Stille-DeRossett-Hale Single State Construction Code Act (Act 230 of 1972),
- all state building codes enforced by the city,
- the international property maintenance code,
- the city’s rental registration ordinance,
- the city’s point of sale inspection ordinance,
- all property and code inspection ordinance provisions that are contained in the city code.

A Construction Board of Appeals is hereby created to address any and all appeals, including but not limited to pre-inspection issues, and all issues concerning the city’s enforcement of these codes and ordinances within the city.

Sec. 10-54. - Membership.

The construction board of appeals shall consist of three members appointed by the mayor, subject to approval by council.

Sec. 10-55. - Qualifications of members.

The construction board of appeals shall consist of three individuals who shall be qualified by experience or training to perform the duties of members of the board of appeals. Members shall not be employees of the city or in any way work for a department enforcing the various building or property maintenance codes.

Sec. 10-56. - Term of members.

Existing members shall serve their remaining terms. Thereafter, each member shall serve for three years or until a successor has been appointed and qualified.

Sec. 10-57. - Officers.

The construction board of appeals shall annually elect one of its members to serve as chairperson, vice-chairperson and secretary.

Sec. 10-58. - Disqualification of member.

No member shall hear an appeal in which that member has any personal, professional or financial interest.

Sec. 10-59. - Meetings.

The construction board of appeals may meet as called by any member,, but shall meet within twenty days of the filing of an appeal.

Sec. 10-60. - Hearing procedure.

- (a) All hearings shall be open to the public pursuant to the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.).

- (b) The appellant, the code official or building inspector and any person whose interests are affected by the code official or building inspector's decision shall be given an opportunity to be heard at the hearing.
- (c) All parties shall also be entitled to be represented at the hearing.
- (d) Any party may present witnesses and any evidence necessary to support the requested relief sought from the construction board of appeals.
- (e) An official record of the decision of the hearing shall be kept.
- (f) A simple quorum of the construction board of appeals members present is necessary to render a decision. However, any party to the proceeding may request a postponement until such time as the full construction board of appeals would be available to render a decision.
- (g) The decision of the construction board of appeals shall be by resolution and all parties to the proceeding shall receive a copy of the resolution.
- (h) The decision of the construction board of appeals shall become final when it is filed with the chief building inspector.
- (i) The construction board of appeals shall adopt such other rules and procedures as necessary to implement the review process.

Sec. 10-61. - Action on decision.

The code official or building inspector shall, immediately after receipt of the construction board of appeals' decision, take action in accordance with the decision of the construction board of appeals.

Sec. 10-62. - Review of decisions.

Any person who was a party to the hearing shall have the right to apply to circuit court for a review as to errors of law within 21 days.

SECTION 2. Repeal. All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Codification; Scrivener's Errors:

- (a). Section 1 of this Ordinance shall be codified, and all other sections shall not be codified.
- (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.
- (c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator, or designee, without the need for a public hearing.

SECTION 6. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 7. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the 23rd day of June, 2020.

GAIL McLEOD, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park