

22-808 Created; purpose.

There is hereby created a board of appeals to hear appeals and to hear all of the cases and carry out all of the duties of the city council described in section 141(3) and (4) of the Housing Law of Michigan, Act 167 of 1917.

(Ord. No. 2239, § 1, 1-13-12)

22-809 Composition; qualifications.

The board of appeals shall be appointed by the city council and shall consist of the following members:

- a. A building contractor.
- b. A registered architect or engineer.
- c. Two members of the general public.
- d. An individual registered as a building official, plan reviewer, or inspector under the building officials and inspectors registration act, Act No. 54 of the Public Acts of 1986, being sections [338.2301](#) to [338.2313](#) of the Michigan Compiled Laws. The individual may be an employee of the city.

(Ord. No. 2239, § 1, 1-13-12)

22-810 Terms.

Board of appeals members shall be appointed for 3 years, except that of the members first appointed, two members shall serve for 1 year, two members shall serve for 2 years, and one member shall serve for 3 years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be appointed for additional terms.

(Ord. No. 2239, § 1, 1-13-12)

22-811 Officers.

The board of appeals shall elect a chairperson, vice-chairperson, and other officers that the board considers necessary.

(Ord. No. 2239, § 1, 1-13-12)

22-812 Quorum.

A majority of the board of appeals members appointed and serving constitutes a quorum. Final action of the board of appeals shall be only by affirmative vote of a majority of the board members appointed and serving.

(Ord. No. 2239, § 1, 1-13-12)

22-813 Compensation.

The city council shall fix the amount of any per diem compensation provided to the members of the board of appeals. Expenses of the board of appeals incurred in the performance of official duties may be reimbursed as provided by law for employees of the city.

(Ord. No. 2239, § 1, 1-13-12)

22-814 Open meetings.

A meeting of the board of appeals shall be held pursuant to the open meetings act, Act No. 267 of the Public Acts of 1976, being sections [15.261](#) to [15.275](#) of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(Ord. No. 2239, § 1, 1-13-12)

22-815 Records to be public.

A writing prepared, owned, used, in the possession of, or retained by the board of appeals in the performance of an official function shall be made available to the public pursuant to the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections [15.231](#) to [15.246](#) of the Michigan Compiled Laws.

(Ord. No. 2239, § 1, 1-13-12)

22-816 Appeal to Circuit Court.

An owner aggrieved by a final decision or order of the board of appeals may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days of the date of the decision.

(Ord. No. 2239, § 1, 1-13-12)

22-817 Application; fees.

Any person shall have the right to appeal a decision of the hearing officer to the board of appeals. The application shall be filed on a form obtained from building official. No application shall be processed until the required application fee is paid. Such application fee shall be set by city council resolution upon adoption of the annual budget or by Order of the Emergency Manager.

(Ord. No. 2239, § 1, 1-13-12)

22-818, 22-819 Reserved.

DIVISION 9. PRE-SALE HOUSING INSPECTION

22-820 Pre-sale housing inspection required in neighborhood enterprise zone.

Before a structure containing a dwelling unit in an established neighborhood enterprise zone shall be sold, the owner of said structure shall pay the appropriate inspection fees established from time to time by resolution of the City Council and apply for, obtain, and pass a property maintenance inspection. Such inspection shall follow the same standards as used by the City in the inspection of a rental dwelling. Upon passage of the inspection, the Director of Community Development or his designee shall issue the appropriate certificate of compliance. Any owner aggrieved by the results of such inspection may, upon paying the appropriate fee established from time to time by resolution of the City Council, request a hearing before the Board of Appeals, the decision of which shall be final.