

## Chapter 105

### BUILDINGS AND BUILDING REGULATIONS

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### ARTICLE I.

#### IN GENERAL

Secs. 105-1--105-18. Reserved.

### ARTICLE II.

#### CONSTRUCTION CODE\*

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\* **State Law References:** State construction code, MCL 125.1501 et seq.

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#### Sec. 105-19. Agency for administration and enforcement designated.

Pursuant to the provisions of the state building, electrical, mechanical, plumbing, and residential codes, in accordance with section 8b(6) of Public Act No. 230 of 1972 (MCL 125.1508b(6)), the building, electrical, mechanical and plumbing officials employed or retained by the building inspection department of the township are hereby designated as the enforcing agencies to discharge the responsibilities of the township under such Act.

The township assumes responsibility for the administration and enforcement of the said Act throughout its corporate limits.  
(Compiled Ords. 1990, § 22.021)

**Sec. 105-20. Construction board of appeals.**

A construction board of appeals is hereby established, pursuant to the Single State Construction Code Act, which shall function in connection with the enforcement of the state building code, the residential code, the mechanical code, the plumbing code, and the electrical code. Said board of appeals shall have as its membership persons who are qualified to determine questions of interpretation, appeals and requests for variances under the said codes. It shall consist of five members who shall be appointed from time to time to the township board. The board of appeals shall retain additional advisors with particular expertise as required to adequately decide the issues before it. The actions of the construction board of appeals shall be in compliance with state law regarding interpretations, requests and variances.  
(Compiled Ords. 1990, § 22.023)

**State Law References:** Construction board of appeals, MCL 125.1514.

**Sec. 105-21. Fees.**

Fees for applications, permits and appeals under the said codes shall be set as by resolution of the township board.  
(Compiled Ords. 1990, § 22.024)

**Secs. 105-22--105-46. Reserved.**

**ARTICLE III.**

**MOVING OF BUILDINGS**

**Sec. 105-47. Permit required.**

From the effective date of the ordinance from which this article is derived, no building of any kind shall be moved from one point in the township to another or from any point outside the township to a location in the township, or from a location in the township to a point outside the township by any person, firm, entity, or corporation unless a permit has been issued by the building inspector of the township upon proper application.  
(Compiled Ords. 1990, § 22.052)

**Sec. 105-48. Permit application.**

An application shall contain a complete description of the building to be moved, its location, and the legal description and street address of the property to which it is to be moved, together with the street address of the property from which the building is being moved, and any other data which the township building inspector deems to be appropriate for the purpose of protecting the health, safety, and welfare of the citizens of the township, as well as providing for proper and safe use of the roads of the township, and achieving the purpose of ensuring that buildings erected or moved within the township comply with all codes, rules, laws and regulations of the township regarding buildings, health and safety requirements as well as such other laws and regulations of the county, state, or federal governments, as may apply.

(Compiled Ords. 1990, § 22.053)

**Sec. 105-49. Determination regarding issuance of permit.**

Upon receipt of an application, the building inspector shall forthwith make examination of the property to which the building is to be moved, including the exact site to which it is to be moved, and shall cause such exhibits, pictures or other data to be deposited with him for the purpose of making a determination that the permit shall be issued.

(Compiled Ords. 1990, § 22.054)

**Sec. 105-50. Applicable codes and ordinances.**

No permits shall be issued under this article unless the building, after it has been moved to the proposed site, shall be in compliance with the provisions of the building code, electrical, plumbing, mechanical, and energy codes, as well as the zoning ordinances and any other applicable ordinance of the township, together with any rules, regulations, ordinances, or statutes of the county, state, or the United States. The building inspector may require the applicant to submit such plans, specifications or other material which will ensure compliance with this requirement. In addition, the building inspector may require the applicant to obtain the requisite permits under the said codes for the purpose of erecting or altering or in other ways reconstructing or setting the building on the proposed site.

(Compiled Ords. 1990, § 22.055)

**Sec. 105-51. Certificate of occupancy.**

The permit to be issued shall be conditioned upon the commitment of the applicant to obtain a certificate of occupancy before occupying or using the building, and complying in every respect with the codes, laws, and regulations referenced in 105-50.

(Compiled Ords. 1990, § 22.056)

**Sec. 105-52. Bond.**

In connection with said application, the applicant shall file a performance bond or completion bond in at least the penal sum of \$5,000.00, conditioned upon the completion of the building after the move to its new location according to the said codes referenced in section 105-50, and in accordance with the specifications and requirements submitted by the applicant. In the event of the failure of the applicant to complete the said building within the time specified in the permit, the said bond shall be forfeited to the township.

(Compiled Ords. 1990, § 22.057)

**Sec. 105-53. Permit fees.**

Permit fees for moving buildings under this article shall be as established by resolution.

(Compiled Ords. 1990, § 22.059)

**Secs. 105-54--105-80. Reserved.**

**ARTICLE IV.**

## OUTDOOR FURNACES

### Sec. 105-81. Purpose.

It is the purpose of this article to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the township for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the township and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other products of combustion that can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property.

(Ord. No. 2006-03, § 1, 9-18-2006)

### Sec. 105-82. Definition.

The term, "outdoor furnace" shall mean, but is not limited to, any device, appliance, equipment, apparatus or structure that:

- (1) Is designed, intended and/or used to provide heat and/or hot water to any associated structure;
- (2) Operates by burning wood or any other solid fuel, including but not limited to coal, paper pellets, and agricultural products;
- (3) Is not located within the structure to be heated; and
- (4) Includes, but is not limited to, devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves.

(Ord. No. 2006-03, § 2, 9-18-2006)

### Sec. 105-83. Regulations.

No person shall install, use or maintain an outdoor furnace unless a permit is obtained from the township building inspector (a mechanical permit from the mechanical inspector is also required) and the outdoor furnace complies with these regulations:

- (1) Outdoor furnaces shall comply with all applicable state and federal statutes and regulations and shall be approved by a nationally recognized testing agency such as Underwriters Laboratories.
- (2) Outdoor furnaces shall be placed in a rear or side yard, if possible, or screened from general public view as determined by the township building inspector.
- (3) Outdoor furnaces shall have a chimney stack height of at least eight feet or as required by the testing agency.
- (4) The smoke source on the outdoor furnace shall not be less than 65 feet from any property line. Any future land division or property line change shall maintain such setback or require removal

or relocation of the outdoor furnace.

- (5) Outdoor furnaces shall be constructed and installed in strict accordance with the manufacturer's instructions and specifications.
- (6) No fuel other than natural wood without additives, wood pellets without additives and agricultural products or seeds in their natural state may be burned in an outdoor furnace or as allowed by the testing agency.
- (7) Outdoor furnaces and associated installations shall be subject to inspection by the township building inspector at any reasonable time to assure compliance with the terms hereof.
- (8) A permit application shall include a drawing providing and identifying all of the information necessary to assure compliance herewith and a copy of the manufacturer's instructions and specifications and the approval of an approved testing agency.

(Ord. No. 2006-03, § 3, 9-18-2006)

#### **Sec. 105-84. Existing outdoor furnaces.**

Use of outdoor furnaces existing on the effective date of the ordinance from which this article is derived may continue on the condition that within 12 months of such date the owner obtain a permit for continued use and bring the outdoor furnace into compliance with the requirements hereof as near as is practically possible.

(Ord. No. 2006-03, § 4, 9-18-2006)

#### **Sec. 105-85. Enforcement.**

(a) Before commencing prosecution under this section, the enforcement officer shall give notice to the person charged with violating this article. Such notice shall be in writing, and shall be served upon said person or, at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address. The notice shall specify that failure to remedy the violation within ten days of the date of personal service or 12 days from the date of mailing shall result in the issuance of a citation.

(b) Nothing contained herein shall authorize any installation or use that is a public or private nuisance, regardless of compliance herewith. This section shall not be a defense to any civil claims.

(Ord. No. 2006-03, § 5, 9-18-2006)

#### **Sec. 105-86. Penalty.**

Failure to comply with the requirements of this article shall constitute a municipal civil infraction. Each day's continued violation shall constitute a separate and distinct offense.

(Ord. No. 2006-03, § 6, 9-18-2006)