

**CHARTER TOWNSHIP OF COOPER**

**RESOLUTION NO. 16-85**

**RESOLUTION TO ADOPT ORDINANCE NO. 241, ORDINANCE TO AMEND THE STATE CONSTRUCTION CODE ORDINANCE, ORDINANCE NO. 221**

At a regular meeting of the Township Board of the Charter Township of Cooper (the "Township"), Kalamazoo County, Michigan, held at the Township Hall in the Township on September 12, 2016, at 7:00 p.m., Eastern Standard Time.

PRESENT: **Schiedel, Buiskool, DeHaan, Sorensen, Sytsma, Janssen, Vlietstra**

ABSENT: None.

The following resolution was offered by **Sytsma** and supported by **Janssen**.

**WHEREAS**, the Township wishes to amend its State Construction Code Ordinance to amend the designation of the enforcement agency and to amend the establishment and appointment of the construction board of appeals; and

**WHEREAS**, the Township has caused to be prepared a proposed Ordinance to Amend the State Construction Code Ordinance, Ordinance No. 221 ("Ordinance"), which is attached hereto; and

**WHEREAS**, the Township wishes to consider adoption of the Ordinance; and

**NOW, THEREFORE**, the Township Board of the Charter Township of Cooper, Kalamazoo County, Michigan, resolves as follows:

1. The Township adopts Ordinance No. 241, an Ordinance to Amend the State Construction Code Ordinance, Ordinance No. 221 ("Ordinance"), which is attached as Exhibit A.
2. The Ordinance shall be filed with the Township Clerk.
3. Pursuant to Section 20 of the Michigan Charter Township Act, Act 82 of 1994, MCL 42.1 *et seq.* (the "Act"), the Clerk is directed to publish the Ordinance in accordance with

Section 8 of the Act by posting it in the office of the Clerk and on the Township's web site. The Clerk is further directed to publish notice of the posting in a form substantially conforming to Exhibit B to this Resolution in a newspaper of general circulation within the Township within seven (7) days after the posting. The notice shall describe the purpose of the Ordinance and state that the Ordinance is posted in the office of the Clerk and on the Township's web site.

4. A copy of the Ordinance shall be available for examination at the office of the Clerk, and copies may be provided for a reasonable charge.

5. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

YEAS: **Schiedel, Buiskool, DeHaan, Sorensen, Sytsma, Janssen, Vlietstra**

NAYS: None

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN            )  
  )  
COUNTY OF KALAMAZOO        )

I the undersigned, the duly qualified and acting Township Clerk of the Charter Township of Cooper, Kalamazoo County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board at a regular meeting held on the 12th day of September, 2016, at 7:00 p.m.

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Bonnie L. Sytsma, Township Clerk

**EXHIBIT A**

**ORDINANCE AMENDING COOPER CHARTER TOWNSHIP  
ORDINANCE NO. 221, STATE CONSTRUCTION CODE ORDINANCE**

An Ordinance to amend the Cooper Charter Township State Construction Code Ordinance to provide for the designation of an enforcing agency to discharge the responsibilities of the Township hereunder.

**THE CHARTER TOWNSHIP OF COOPER  
KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**Section 1. Purpose.**

The Charter Township of Cooper (“Township”) adopts the following revision to the State Construction Code Ordinance, Ordinance No. 221.

**Section 2. Amendment to Section III.** Section III, entitled *Designation of Enforcing Agency* is amended as follows:

**SECTION III. DESIGNATION OF ENFORCING AGENCY.**

In accordance with the Urban Cooperation Act (1967 P.A. Ex. Ses 7), Section 8b of the Construction Code Act, and other pertinent Michigan statutes, the Township is authorized to enter into an agreement with other governmental subdivisions for the joint administration and enforcement of the Construction Code Act, the State Construction Code and this Ordinance through a separate legal entity which shall be a public body corporate established under the Urban Cooperation Act (“Agreement”) hereinafter referred to as the Authority. The Township hereby designates the person(s) appointed and employed by the Authority as Building Official(s) of the enforcing agency to discharge the responsibility of the Township for the administration and enforcement of the Construction Code Act, the State Construction Code, and this Ordinance. If no Authority is established, the Township Board shall establish a Building Department to administer and enforce the Construction Code Act, the State Construction Code and this Ordinance.

**Section 3. Amendment to Section IV.** Section IV, entitled *Fees* is amended as follows:

**SECTION IV. FEES.**

If the Township Board becomes a participating municipality in the Authority, the Board of Directors of the Authority is hereby given the authority to establish by resolution at any public meeting a schedule of fees, rates and charges for the administration and enforcement of the Construction Code Act, the State Construction

Code and this Ordinance, and for the conducting of various activities authorized by said Act/Code and this Ordinance; provided that the same shall be reasonable and bear a reasonable relationship to the cost and expense of such administration, enforcement and activity. The Board of Directors of the Authority shall further have the right to amend by resolution the aforementioned schedule from time to time within the foregoing limits of reasonableness. If no Authority is established, the Township Board shall set the fees identified in this Section.

**Section 4. Amendment to Section V.** Section V.A, entitled *General*, of Section V, entitled *Construction Board of Appeals*, is amended to read in its entirety as follows:

**SECTION V. CONSTRUCTION BOARD OF APPEALS.**

- A. General. There is hereby established a Construction Board of Appeals (also referred to as a “Building Board of Appeals”) of seven (7) members appointed as provided in the Agreement. If no Authority is established, the Township Board shall establish a seven (7) member Construction Board of Appeals as permitted by law.

**Section 5. Severability.**

Should any part of this Ordinance or the aforementioned Code being administered and enforced hereunder be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

**Section 6. Repeal of Conflicting Ordinance/Savings Clause.**

All ordinances or parts of ordinances in conflict herewith, including any construction codes or construction code ordinances previously adopted by the Township, are hereby repealed and shall be of no further force or effect upon the effective date of this Ordinance; provided, however, that construction permits validly issued before the effective date of this Ordinance shall not be invalidated by this Ordinance and the construction may be completed in compliance with any such permits, or renewals thereof, and in compliance with any previous construction code under which the permits were issued. Further, any pending proceedings, including prosecutions for violations, or rights and liabilities acquired or incurred under any previous ordinance or construction code being repealed hereby, shall not be affected by this Ordinance and may be continued pursuant to said previous ordinances and codes.

**Section 7. Effective Date.**

This Ordinance shall take effect upon publication in accordance with Michigan law.

BONNIE SYTSMA, CLERK  
COOPER CHARTER TOWNSHIP

**EXHIBIT B**

**CHARTER TOWNSHIP OF COOPER**

**NOTICE OF POSTING OF THE ADOPTED ORDINANCE TO AMEND THE STATE  
CONSTRUCTION CODE ORDINANCE, ORDINANCE NO. 221 (“ORDINANCE”):**

**PLEASE TAKE NOTICE** that at its regular meeting on September 12, 2016, the Township Board adopted the Ordinance to Amend the State Construction Code Ordinance, Ordinance No. 221 (“Proposed Ordinance”). The Ordinance will amend the provisions of Cooper Charter Township’s Ordinance No. 221, the State Construction Ordinance regarding the designation of the enforcement agency and the establishment and appointment of the Construction Board of Appeals.

The Ordinance is available in its entirety for public inspection. The Ordinance is posted at the office of the Township Clerk, 1590 West D Avenue, Kalamazoo, Michigan, and is posted on the website of the Charter Township of Cooper, <http://www.coopertwp.org>.

BONNIE SYTSMA, Clerk  
Cooper Charter Township Hall  
1590 West D Avenue  
Kalamazoo, MI 49009  
(269) 382-0223