STATE OF MICHIGAN, COUNTY OF OAKLAND
CASS LAKE VILLAGE

ORDINANCE NO. 2026-__

ORDINANCE ADOPTING STATE CONSTRUCTION CODE AND PROVIDING FOR ITS ENFORCEMENT

An Ordinance to adopt the State Construction Code for application in Cass Lake Village, to provide for its enforcement, and to create a construction Board of Appeals for Cass Lake Village.

CASS LAKE VILLAGE ORDAINS:

Section 1 of Ordinance

Article I. Adoption of State Construction Code.

Sec 1-01. Purpose and Intent.

This Ordinance is enacted to establish a code of construction standards and specifications applicable within Cass Lake Village. It is the purpose of this Ordinance to provide rules and regulations for the uniform control of buildings and structures, and promote and protect the public health, safety, and welfare of persons in Cass Lake Village.

Sec 1-02. Adoption of Construction Code.

1. In accordance with the Stille-Derossett-Hale Single State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended (the "Act 230"), the Village adopts and incorporates by reference the State Construction Code, as amended.

2. The Construction Code shall consist of the international residential code, the international building code, the international mechanical code, the international plumbing code, the international existing building code, and the international energy conservation code published by the international code council and the national electrical

code published by the national fire prevention association, with amendments, additions, or deletions as the State determines appropriate, and its Appendices, including Appendix G.

3. The Village assumes responsibility for the administration and enforcement of Act 230 and the State Construction Code, as amended, throughout its corporate limits.

CROSS REFERENCES
State Construction Code – see MCL §§ 125.1501 et seq.

Sec 1-03. Enforcement

1. A violation of Act 230 or code adopted in this Ordinance shall be a municipal civil infraction, and the Village may issue a citation or municipal ordinance violation notice pursuant to chapter 87 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8701 to 600.8735, for a violation of the act or code.

2. The Village Council shall designate by Resolution the enforcing agency that shall discharge the responsibilities of the Village under Act 230, and may provide by agreement for joint enforcement of the Act by or with another local government. The Village Council may also contract with a private organization for the administration of Act 230 and Code.

3. Fees authorized under the State Construction Code shall be as prescribed by resolution of the Village Council and/or the joint enforcement agency designated by the Village Council.

Section 2 of Ordinance

Article II. Creation and Regulation of Construction Board of Appeals.

Sec 2-01. Creation of Board

1. A construction board of appeals for Cass Lake Village is hereby created, consisting of 3 members.

2. The members of the board of appeals shall be recommended for 2-year terms by the Village President, subject to approval by the Council, with such appointments and their expiration dates to be recited and taken down in the minutes of the meeting at which such appointments are made.

3. A member of the board of appeals shall be qualified by experience or training to perform the duties of members of the board of appeals. A person may serve on the board of appeals of more than 1 governmental subdivision.

Sec 2-02. Procedures of the Board

1. If an enforcing agency refuses to grant an application for a building permit, or if the enforcing agency makes any other decision pursuant or related to Act 230 or the Construction Code, an interested person, or the person's authorized agent, may appeal in writing to the construction board of appeals.

2. The construction board of appeals shall hear the appeal and render and file its decision with a statement of reasons for the decision with the enforcing agency from whom the appeal was taken not more than 30 days after submission of the appeal. Failure by the construction board of appeals to hear an appeal and file a decision within the time limit is a denial of the appeal for purposes of any further proceedings.

3. A copy of the decision and statement of the reasons for the decision shall be delivered or mailed, before filing, to the party taking the appeal.

4. The business performed by the board of appeals shall be conducted at a public meeting held in compliance with Act No. 267 of the Public Acts of 1976 (Open Meetings Act). Public notice of the time, date, and place of the meeting shall be given in the manner required by that Act.

5. A record of decisions made by the construction board of appeals, properly indexed, and any other 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 in accordance with the Freedom of Information Act.

CROSS REFERENCES
see MCL §§ 125.1514

Sec 2-03. Authority to Grant Variances

1. After a public hearing, a construction board of appeals may grant a specific variance to a substantive requirement of the code if the literal application of the substantive requirement would result in an exceptional, practical difficulty to the applicant, and if all of the following requirements are satisfied:

   (a) The performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the code of that particular item or part for the health, safety and welfare of the people of this state.

   (b) The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment of the code with respect to the condition reasonably practical or desirable.

   (c) The condition alleged as justifying the variance shall not have been self-created by the applicant or the applicant's predecessors.

2. A board of appeals may attach in writing any condition in connection with the granting of a variance that in its judgment is necessary to protect the health, safety and welfare of the people of this state. The breach of a condition shall automatically invalidate the variance and any permit, license and certificate granted on the basis of it. In no case shall more than minimum variance from the code be granted than is necessary to alleviate the exceptional, practical difficulty.

   CROSS REFERENCES
   see MCL §§ 125.1515

Section 3 of Ordinance

The Village Clerk shall submit a notice of intent on the part of the Village to administer and enforce the code to the office of the Director of the Department of Licensing and Regulatory Affairs.

This Ordinance shall be effective immediately upon publication.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was duly adopted by the Village Council of Cass Lake Village, Oakland County, Michigan, at a meeting of the Council duly called and held on the 13th day of October, 2026.

CASS LAKE VILLAGE

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Marc Edelstein, Clerk

Date of Publication : _____