



CITY of NOVI CITY COUNCIL

**Agenda Item 2
September 30, 2013**

SUBJECT: Consideration of an Ordinance No. 13-180 to amend the city of Novi Code of Ordinances, Chapter 7, Buildings and Building Regulations, Article II, State Construction Code, to update and provide uniform references to the State Construction Code Act and State Construction Code, provide for future amendments of the State Construction Code, and to modify the adoption by reference of the FEMA Flood Insurance Study and Rate Maps that designate flood prone hazard areas. **First Reading**

SUBMITTING DEPARTMENT: Community Development Department *UM*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION: *[Signature]*

The adoption and application of the Michigan Building Codes is administered by the State of Michigan under the Stille-DeRossett-Hale Single State Construction Code Act, Act No. 230 of 1972. This means that most of the Code provisions are determined at the State level and a limited number of issues such as designation of inspectors, Temporary Certificate of Occupancy conditions and establishment of a Construction Board of Appeals are addressed in the local Ordinance. Chapter 7 also addresses Flood Resistant Construction practices and designation of regulated flood prone hazard areas in compliance with Federal Emergency Management Agency (FEMA) and Flood Insurance Rate Maps (FIRMS) required for participation in Federal flood insurance programs.

The proposed Ordinance amendments are essential to properly reference State Law and accurately reference the updated FEMA Flood Insurance Rate Maps and revised location of the Flood Resistant Construction requirements in Appendix G of the Michigan Building Code.

RECOMMENDED ACTION Approval of an Ordinance No. 13-180 to amend the city of Novi Code of Ordinances, Chapter 7, Buildings and Building Regulations, Article II, State Construction Code, to update and provide uniform references to the State Construction Code Act and State Construction Code, provide for future amendments of the State Construction Code, and to modify the adoption by reference of the FEMA Flood Insurance Study and Rate Maps that designate flood prone hazard areas. **First Reading**

	1	2	Y	N
Mayor Gatt				
Council Member Casey				
Council Member Fischer				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Staudt				
Council Member Wrobel				



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September 23, 2013

Mayor Robert J. Gatt
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

City Council Members
City of Novi
45175 West Ten Mile Road
Novi, MI 48375

Re: Proposed Construction Code Ordinance Amendment

Dear Mayor Gatt and Council Members:

The proposed Ordinance Amendment that accompanies this letter was requested by and prepared in consultation with Mr. Boulard. The first purpose of the Ordinance is to update references to the State Construction Code Act to reflect its proper name and the most current listing in the statute of the codes comprising the "State Construction Code." The second purpose of this Ordinance is to confirm and provide for City administration and enforcement of the Flood-Resistant Construction provisions in Appendix G of the Michigan Building Code, compliance with which, while included in that Code, is not mandatory unless specifically referenced in the Ordinance. The final change in Section 7-24 of the Ordinance is to update the adoption by reference language for the FEMA Flood Insurance Study and Rate Maps to remove references to two (2) rate maps and to include the purpose for adoption of the Study and Maps.

Very truly yours,



Gary L. Dovre

GLD:jah
Enclosures

cc: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Maryanne Cornelius, City Clerk

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 13-_____

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, CHAPTER 7, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, STATE CONSTRUCTION CODE, TO UPDATE AND PROVIDE UNIFORM REFERENCES TO THE STATE CONSTRUCTION CODE ACT AND STATE CONSTRUCTION CODE, PROVIDE FOR FUTURE AMENDMENTS OF THE STATE CONSTRUCTION CODE, AND TO MODIFY THE ADOPTION BY REFERENCE OF THE FEMA FLOOD INSURANCE STUDY AND RATE MAPS THAT DESIGNATE FLOOD PRONE HAZARD AREAS.

THE CITY OF NOVI ORDAINS:

PART I. That Sections 7-16, 7-17, 7-19, 7-21, 7-23, and 7-24 of Chapter 7, Buildings and Building Regulations, Article II, State Construction Code, of the City of Novi Code of Ordinances, are amended to read as follows:

Sec. 7-16. Administration and enforcement by city.

The city hereby assumes responsibility for the administration and enforcement within the city of the Stille-DeRossett-Hale Single State Construction Code Act, Act. No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq.), as amended, referred to in this Article as the "Act", and the building, plumbing, mechanical, residential, existing building, energy conservation, electrical, and other codes promulgated as the State Construction Code under Section 4 of the Act, as amended, referred to in this Article as the Construction Code.

Sec. 7-17. Enforcing agency designated.

Pursuant to the Act, the city hereby designates the building official and such building inspectors, plumbing inspectors, heating and refrigeration inspectors and other officers and employees as shall be designated by the building official as the enforcing agency to discharge the responsibilities of the city under the Act and Construction Code.

Sec. 7-19. Construction board of appeals.

Pursuant to Section 14 of the Act, MCL 125.1514, there is hereby established a construction board of appeals, which shall consist of not less than three (3) regular members and not more than seven (7) members appointed by the city council. Appointments to the board shall be for terms of four (4) years. Members serving at the time of amendment to this section shall continue to serve for the remainder of their terms, absent resignation or removal by council.

The construction board of appeals shall have the powers and duties set forth in Section 14 of the Act, in the Construction Code, and to hear and decide variance requests from any Flood-Resistant Construction provisions being enforced by the city pursuant to Section 7-23.

Sec. 7-21. Temporary certificates of occupancy for single-family residences.

Whenever, pursuant to Section 13 of the Act, MCL 125.1513, the building official grants a temporary certificate of occupancy for a single-family residential structure, the temporary certificate of occupancy shall list, upon the certificate or by attachment, those items that remain to be completed prior to the issuance of a final certificate of occupancy, and shall state a time period for such items to be completed. The builder shall deposit with the city an appropriate performance guarantee as set forth in chapter 26.5 of this Code as security for completion of those items listed as part of the temporary certificate of occupancy. Upon failure of the builder to complete said items within the time provided under the temporary certificate of occupancy, such security shall be deemed forfeited in accordance with the provisions of chapter 26.5.

Sec. 7-23. Flood-Resistant Construction Code Appendix compliance and enforcement.

Compliance with the Flood-Resistant Construction provisions that are part of the Construction Code, currently as Appendix G of the Michigan Building Code, and as amended, is required, with enforcement to be by the city enforcing agency designated in Section 7-17.

Sec. 7-24. Designation of regulated flood prone hazard areas.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Flood Insurance Study, Oakland County, Michigan, and Incorporated Areas" dated September 29, 2006, and the FEMA Flood Insurance Rate Maps (FIRMS) panel numbers of 26125C0457F, 26125C0488F, 26125C0489F, 26125C0493F, 26125C0606F, 26125C0607F, 26125C0608F, 26125C0609F, 26125C0620F, 26125C0626F, 26125C0627F, 26125C0628F, 26125C0629F, 26125C0631F, 26125C0633F, dated September 29, 2006, are adopted by reference to confirm the established flood hazard areas and supporting data for purposes of the Flood-Resistant Construction (Appendix G), Flood Design Data, Flood Loads, and any other regulations in the Construction Code that may refer to the FIS or FIRMS.

PART II.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this ____ day of _____, 2013.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ____ day of _____, 2013.

Maryanne Cornelius, City Clerk

Adopted:
Published:
Effective:

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 13-_____

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, CHAPTER 7, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, STATE CONSTRUCTION CODE, TO UPDATE AND PROVIDE UNIFORM REFERENCES TO THE STATE CONSTRUCTION CODE ACT AND STATE CONSTRUCTION CODE, PROVIDE FOR FUTURE AMENDMENTS OF THE STATE CONSTRUCTION CODE, AND TO MODIFY THE ADOPTION BY REFERENCE OF THE FEMA FLOOD INSURANCE STUDY AND RATE MAPS THAT DESIGNATE FLOOD PRONE HAZARD AREAS.

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The city hereby assumes responsibility for the administration and enforcement within the city of the Stille-DeRossett-Hale Single State Construction Code Act, Act. No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq.), as amended, referred to in this Article as the "Act", and the building, plumbing, mechanical, residential, existing building, energy conservation, and electrical, and other codes promulgated as the State Construction Code under Section 4 of the Act thereunder, as amended, referred to in this Article as the Construction Code.

Sec. 7-17. Enforcing agency designated.

~~Pursuant to the Act, Section 9 of the State Construction Code, Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1509), as amended, the city hereby designates the building official and such building inspectors, plumbing inspectors, heating and refrigeration inspectors and other officers and employees as shall be designated by the building official as the enforcing agency to discharge the responsibilities of the city under the Act and State Construction Code, Act, as amended, and the building, electrical, plumbing and mechanical codes promulgated thereunder, as amended.~~

Sec. 7-19. Construction board of appeals.

~~Pursuant to Section 14(1) of the State Construction Code, Act 230 of the Public Acts of Michigan of 1972, MCL 125.1514, there is hereby established a construction board of appeals, which shall consist of not less than three (3) regular members and not more than seven (7) members appointed by the city council. Appointments to the board shall be for terms of four (4)~~

years. Members serving at the time of amendment to this section shall continue to serve for the remainder of their terms, absent resignation or removal by council.

The construction board of appeals shall have the powers and duties set forth in Section 14 of the Act, in the Construction Code, and to hear and decide variance requests from any Flood-Resistant Construction provisions being enforced by the city pursuant to Section 7-23 Appendix G, Section G105 of the State Construction Code.

Sec. 7-21. Temporary certificates of occupancy for single-family residences.

Whenever, pursuant to Section 13 of the State Construction Code Act of 1972, as amended, MCL 125.1513, the building official grants a temporary certificate of occupancy for a single-family residential structure, the temporary certificate of occupancy shall list, upon the certificate or by attachment, those items that remain to be completed prior to the issuance of a final certificate of occupancy, and shall state a time period for such items to be completed. The builder shall deposit with the city an appropriate performance guarantee as set forth in chapter 26.5 of this Code as security for completion of those items listed as part of the temporary certificate of occupancy. Upon failure of the builder to complete said items within the time provided under the temporary certificate of occupancy, such security shall be deemed forfeited in accordance with the provisions of chapter 26.5.

Sec. 7-23. Flood-Resistant Construction Code ~~Appendix compliance and enforcement.~~

Compliance with the Flood-Resistant Construction provisions that are part of the Construction Code, currently as Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code, and as amended, is required, with enforcement to be by the city enforcing agency designated in Section 7-17, shall be enforced by the city building official within the City of Novi.

Sec. 7-24. Designation of regulated flood prone hazard areas.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Flood Insurance Study, Oakland County, Michigan, and Incorporated Areas" dated September 29, 2006, and the FEMA Flood Insurance Rate Maps (FIRMS) panel numbers of 26125C0457F, 26125C0469F, 26125C0488F, 26125C0489F, 26125C0493F, 26125C0606F, 26125C0607F, 26125C0608F, 26125C0609F, 26125C0620F, 26125C0626F, 26125C0627F, 26125C0628F, 26125C0629F, 26125C0631F, 26125C0633F, 26125C0653F and dated September 29, 2006, are adopted by reference to confirm established flood hazard areas and supporting data for purposes of the Flood-Resistant Construction (Appendix G), Flood Design Data, Flood Loads, and any other regulations in the Construction Code that may refer to the FIS or FIRMS, and declared to be part of Section 1612.3 of the Michigan Building Code.

PART II.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this ____ day of _____, 2013.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ____ day of _____, 2013.

Maryanne Cornelius, City Clerk

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Effective: