

MARATHON TOWNSHIP
ORDINANCE NO. 2025-03

An ordinance to establish a construction board of appeals concerning the Stille-Derossett-Hale Single State Construction Code.

THE TOWNSHIP OF MARATHON HEREBY ORDAINS:

Section 1. Establishment; membership; appointment and term of members.

(a) The construction board of appeals is hereby created, consisting of five members who are qualified by experience and training to pass upon pertinent matters specified by PA 230 of 1972, MCL 125.1501 et seq., hereinafter referred to as the Code.

(b) All members shall be appointed by the supervisor and subject to approval of the board by majority vote.

(c) The term of each appointed member shall be for three years or until his or her successor takes office.

(d) The terms of the first members of the construction board of appeals shall begin January 1 of the calendar year in which they are appointed.

Section 2. Powers and Duties.

(a) The construction board of appeals shall have the following responsibilities and duties:

- (1) Hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the Code.
- (2) Approve alternate materials and methods of installation.
- (3) Perform all duties and powers conferred by state law and/or this ordinance.

(b) After a public hearing, the board may grant a specific variance to a substantive requirement of the Code if the literal application of the substantive requirement would result in exceptional practical difficulty to the applicant, and if both of the following requirements are satisfied:

- (1) 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 the performance required by the Code for that particular item or part

for the health, safety and welfare of the people of the Township, and the spirit of the Code shall be observed, public safety secured and substantial justice done.

- (2) The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment to the Code with respect to the condition reasonably practical or desirable,

Section 3. Conditions on variances.

The construction 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 the Township. 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 that is necessary to alleviate the exceptional practical difficulty.

Section 4. Decisions.

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 administrative official charged with enforcement of the Code 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 authorizing the institution of an appeal to the state construction code commission. 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.

Section 5. Meetings and Rules of Procedure.

(a) At the first meeting of the construction board of appeals, it shall adopt bylaws and rules of procedure covering any matter necessary to enable the board to act. The secretary of the board shall keep records of the meetings. The minutes of the meetings shall be in writing and state the substance of the matters considered. An order of the board shall be set out in full and shall state the grounds of that order in a manner to apprise the petitioner of the basis thereof. The business of the board of appeals performed shall be conducted at a public meeting of the board of appeals held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq., MSA 4.1800(11) et seq.), and public notice of the time, date and place of the meeting shall be given in the manner required by that act.

(b) A record of decisions made by the board of appeals, properly indexed, and any other writing prepared, owned, used or 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 compliance with Public Act No. 442 of 1976 (MCL 15.231 et seq., MSA 18.1801 (1) et seq.).

Section 6. Quorum and Officers.

A majority of the members of the construction board of appeals shall constitute a quorum for the transaction of business. The board shall annually elect a chairperson and secretary.

Section 7. Effective Date.

This ordinance shall take effect thirty days after publication.

Voting for: Hogan, Coultas, Hollis, Church, Sickner

Voting against: None

The supervisor declared the ordinance adopted.



Michelle Coultas
Township Clerk



Dennis Hogan
Township Supervisor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2025-03 which was enacted by the Marathon Township Board of Trustees at a regular meeting held on February 19, 2025.



Michelle Coultas
Township Clerk

