

AGENDA REPORT

TO: Mayor & City Commission

FROM: Ken Hibl, City Manager

DATE: September 1, 2010

RE: Second Reading & Adoption of Ordinance 2010-003 and Ordinance 2010-004:
Michigan Plumbing Code Ordinance and Michigan Mechanical Code Ordinance

For the Agenda of September 7, 2010

Background. The City received approval from the State of Michigan to commence issuance of plumbing and mechanical permits, thereby streamlining the building permit issuance and inspection process and procedures for local residents, businesses, and builders. The City entered into an intergovernmental agreement with Isabella County to perform the actual plumbing inspections and mechanical inspections. But we are also required by the State of Michigan to adopt plumbing and mechanical ordinance codes (*copies of each att'd*) before we can commence offering these new services for our residents and businesses.

All changes, additions, or deletions of the City's Ordinance Codes require the approval of the Clare City Commission. Prior to adoption of any change, addition, or deletion, the City Commission is required to hold a public hearing and consider the proposed change at two separately scheduled public meetings.

The Commission held a required public hearing at its scheduled meeting of August 16, 2010 to provide the public an opportunity to comment on the proposed change; no comment was received. The City Commission may now direct a second reading and adopt the proposed ordinance codes if it determines that is in the City's best interests to do so.

Issues & Questions Specified. Should the City Commission direct a second reading and adopt the new plumbing and mechanical ordinances?

Alternatives.

1. Direct a second reading and adopt the ordinances.
2. Direct a second reading and do not adopt the ordinances.
3. Set aside decision regarding this matter to a later date.

Financial Impact. There is no immediate fiscal impact to the City. We believe providing these new services to our City residents and businesses will be highly beneficial.

Recommendation. I recommend that the City Commission, direct a second reading and adopt Ordinances 2010-003 and 2010-004 by approval of Resolutions 2010-094 (*copy att'd*) and 2010-095 (*copy att'd*), respectively.

Attachments.

1. Ordinance 2010-003.
2. Ordinance 2010-004.
3. Resolution 2010-094.
4. Resolution 2010-095.

CITY OF CLARE
STATE CONSTRUCTION CODE ACT
AND THE MICHIGAN PLUMBING CODE ORDINANCE

Ordinance No. 2010-003

An ordinance to designate an enforcing agency to discharge the responsibility of the City of Clare, County of Clare, located in the State of Michigan, under the provisions of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 et seq. The City of Clare ordains:

Section 1. AGENCY DESIGNATED. Pursuant to Section 8b(6) of 1972 PA 230, the City of Clare is hereby designated as the enforcing agency to discharge the responsibility of the City of Clare under 1972 PA 230 and the Michigan Plumbing Code, as amended. The City of Clare assumes responsibility for the administration and enforcement of said Acts and Codes throughout its corporate limits of 1972 PA 230 and the Michigan Plumbing Code, as amended. The City of Clare shall also administer and enforce the respective provisions of the Michigan Residential, Rehabilitation, and Uniform Energy Codes and all applicable laws and ordinances. A governmental official registered in accordance with 1986 PA 54 shall be appointed to receive all fees, issue permits, plan reviews, notices, orders, and certificates of use and occupancy. All personnel performing plan reviews and inspections shall be registered in accordance with 1986 PA 54.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. FEE. Pursuant to Section 22(1), of 1972 PA 230, the City of Clare Commission shall establish reasonable fees to be charged for acts and services performed by the enforcing agency. The fees shall be intended to bear a reasonable relation to costs of the acts and services. The fees collected by the enforcing agency shall only be used for the operation of the enforcing agency and shall not be used for any other purpose.

Section 4. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted this _____ day of _____, 2010.

This ordinance duly adopted on _____, 2010, at a regular meeting of the City of Clare Commission and shall become effective _____, 2010.

Attested:

JEAN McCONNELL, Mayor Pro Tem
City of Clare

Diane Schmidt, Clerk
City of Clare

CITY OF CLARE
STATE CONSTRUCTION CODE ACT
AND THE MICHIGAN MECHANICAL CODE ORDINANCE

Ordinance No. 2010-004

An ordinance to designate an enforcing agency to discharge the responsibility of the City of Clare, County of Clare, located in the State of Michigan, under the provisions of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 et seq. The City of Clare ordains:

Section 1. AGENCY DESIGNATED. Pursuant to Section 8b(6) of 1972 PA 230, the City of Clare is hereby designated as the enforcing agency to discharge the responsibility of the City of Clare under 1972 PA 230 and the Michigan Mechanical Code, as amended. The City of Clare assumes responsibility for the administration and enforcement of said Acts and Codes throughout its corporate limits of 1972 PA 230 and the Michigan Mechanical Code, as amended. The City of Clare shall also administer and enforce the respective provisions of the Michigan Residential, Rehabilitation, and Uniform Energy Codes and all applicable laws and ordinances. A governmental official registered in accordance with 1986 PA 54 shall be appointed to receive all fees, issue permits, plan reviews, notices, orders, and certificates of use and occupancy. All personnel performing plan reviews and inspections shall be registered in accordance with 1986 PA 54.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

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Section 4. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted this _____ day of _____, 2010.

This ordinance duly adopted on _____, 2010, at a regular meeting of the City of Clare Commission and shall become effective _____, 2010.

Attested:

JEAN McCONNELL, Mayor Pro Tem
City of Clare

Diane Schmidt, Clerk
City of Clare

2010-094

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING ORDINANCE 2010-003 AN AMENDMENT TO CHAPTER 10 (BUILDINGS AND BUILDING REGULATIONS) OF THE ORDINANCE CODES OF THE CITY OF CLARE.

WHEREAS, the City Commission held a public hearing to consider comment related to the proposed Ordinance 2010-003 (adoption of the Michigan Plumbing Codes) and receiving none, approved the first reading of said proposed Ordinance, and

WHEREAS, the City Commission approved a second reading of said proposed Ordinance at a scheduled meeting and subsequently considered said Ordinance and determined that adoption served the best interests of the City of Clare and its citizens.

THEREFORE IT IS HEREBY RESOLVED by the Clare City Commission that Ordinance 2010-003, an Ordinance amending the buildings and building regulations ordinances of the City of Clare, is hereby adopted, the effective date of said Ordinance being fifteen days from this date.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 7th day of September 2010.

Diane Schmidt, City Clerk

2010-095

**A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING
ORDINANCE 2010-004 AN AMENDMENT TO CHAPTER 10 (BUILDINGS AND
BUILDING REGULATIONS) OF THE ORDINANCE CODES OF THE CITY OF
CLARE.**

WHEREAS, the City Commission held a public hearing to consider comment related to the proposed Ordinance 2010-004(adoption of the Michigan Mechanical Codes) and receiving none, approved the first reading of said proposed Ordinance, and

WHEREAS, the City Commission approved a second reading of said proposed Ordinance at a scheduled meeting and subsequently considered said Ordinance and determined that adoption served the best interests of the City of Clare and its citizens.

THEREFORE IT IS HEREBY RESOLVED by the Clare City Commission that Ordinance 2010-004, an Ordinance amending the buildings and building regulations ordinances of the City of Clare, is hereby adopted, the effective date of said Ordinance being fifteen days from this date.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY
CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE
SAME ARE HEREBY RESCINDED.**

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 7th day of September 2010.

Diane Schmidt, City Clerk