

Village of Estral Beach

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Building Department Policy

I. Introduction

The purpose of this procedure and associated forms is to provide guidance to the Village Building Official, Building Inspectors, Village Council, and potential permit holders of the legal requirements and the process to follow for obtaining building permits for work within the boundaries of the Village. It sets forth procedures which will assure adherence to laws, equal and fair treatment to the public, and uniform performance of inspection responsibilities.

II. Function

To ensure that structures constructed within the boundaries of the Village of Estral Beach, hereafter referred to as “The Village”, are safe, are constructed in accordance with the applicable Federal and State codes, Local ordinances, and meet the desired intent set forth in the Village’s Master Plan. The Building Official is an appointed position, tasked with administering and enforcing the building codes, the Federal, State, County, and those Village ordinances agreed upon and as authorized by the Village Council. The function of the Building Official may also be served by a Company that provides this service, or turned over to the state, should the Village Council determine that it is in the best interest of the Village. The Village Trustees oversee the Building Department and ensure enforcement against non-compliances. The majority of the Village is in a floodplain, zone AE, and therefore requires additional considerations in performance of the role as Building Official for floodplain management.

III. State Authorization

The Village assumed responsibility for administering and enforcing Act 230 of 1972 (Stille-Derossett-Hale Single State Construction Code Act) as documented in Village ordinance 1035.

Act 230 of 1972, Stille-Derossett-Hale Single State Construction Code Act, as amended by PA 245 of 1999. Note that Village ordinance 1035B may be able to be superseded by ordinance 1046, “Ordinance Addressing Floodplain Management Provisions of the State Construction Code”, as amended.

- **125.1508b Administration and enforcement of act and state construction code**

(11) Except as otherwise provided in this act, this act does not limit or restrict existing powers or authority of governmental subdivisions, and this act shall be enforced by governmental subdivisions in the manner prescribed by local law or ordinance.

Consequences for not adhering to amended PA 230:

- Issuance of a notice of intent to withdraw the Village’s responsibility to administer and enforce, and the Building Department eventually goes back to the State for administration and enforcement.

IV. National Flood Insurance Program (NFIP)

The Village of Estral Beach government agreed to participate in the **National Flood Insurance Program (NFIP)** under 44 CFR Chapter 1, Parts 59 and 60.

44 Code of Federal Regulations (CFR), Chapter 1, Sub-Chapter B

- **Part 59.1, Definitions:** Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.
- **Part 59.24, Suspension of community eligibility:**

(b) & (c) A community eligible for the sale of flood insurance which fails to adequately enforce its flood plain management regulations meeting the minimum requirements set forth in 60.3, 60.4, and/or 60.5 and does not correct its Program deficiencies and remedy all violations to the maximum extent possible in accordance with compliance deadlines established during a period of probation shall be subject to suspension of its Program eligibility.
- **Part 59.30, A pilot inspection procedure**

(8) Community Responsibilities. For insured post-FIRM buildings that the community inspects and determines to violate the community's flood plain management regulations, the community must demonstrate to FEMA that the community is undertaking measures to remedy the violation to the maximum extent possible. Nothing in this section modifies the community's responsibility under the NFIP to enforce floodplain management regulations adequately that meet the minimum requirements of 60.3 for all new construction and substantial improvements within the community's Special Flood Hazard Areas (SFHAs).
- **Part 60.3, Flood plain management criteria for flood-prone areas.**

(c)(2): Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with 60.6 (b) or (c).

Consequences of not adhering to 44 CFR Chapter 1, Parts 59 and 60:

- Possibility of being put on probation, mandatory increase in policy rate, additional work to correct the deficiencies which resulted in probation,
- Possibility of being removed from the NFIP.
- Higher flood insurance costs.
- Village does not qualify for Federal grants (e.g., Fire Department, FEMA Hazard Mitigation, etc.).

V. Public Act 230 of 1972, Stille-Derossett-Hale Single State Construction Code Act (excerpts)

- 125.1502a(1); “Code” means the state construction code provided for in section 4 or a part of the code of limited application and includes a modification or an amendment to the code.
- 125.1504 (2); The 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 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 director determines appropriate.
- 125.1509(1) and (2);
 - (1) A governmental subdivision may contract with a private organization to do 1 or more of the following on behalf of the enforcing agency:
 - (a) Receive applications for building permits.
 - (b) Receive payments of fees and fines on behalf of the governmental subdivision.
 - (c) Perform plan reviews using plan reviewers registered under article 10 of the skilled trades regulation act, MCL 339.6001 to 339.6023.
 - (d) Perform inspections using inspectors registered under article 10 of the skilled trades regulation act, MCL 339.6001 to 339.6023.
 - (e) Approve temporary service utilities.
 - (f) Make determinations that structures or equipment are unsafe.
 - (g) Process and deliver correction notices.
 - (h) In emergency situations, issue orders to connect or disconnect utilities.
 - (i) In emergency situations, issue orders to vacate premises.
 - (j) Process and deliver any of the following after its issuance has been approved by the building official:
 - (i) In nonemergency situations, orders to connect or disconnect utilities.
 - (ii) In nonemergency situations, orders to vacate premises.
 - (iii) Building permits.
 - (iv) Temporary or permanent certificates of use and occupancy.
 - (v) Orders to suspend, revoke, or cancel a building permit or certificate of occupancy.
 - (vi) Violation notices.
 - (vii) Notices to appear or show cause.
 - (viii) Stop work orders.
 - (ix) Orders to remedy noncompliance.
 - (2) Unless the governmental subdivision has a conflict of interest ordinance that applies to a contract under subsection (1), such a contract entered into or renewed after April 20, 2012 shall include or incorporate by reference conflict of interest provisions.
- 125.1509b; The State may conduct a performance Evaluation of the enforcing agency, and if warranted due to the agencies failure to enforce codes, the Commission may issue a Notice of Intent to Withdraw Responsibility for Code Administration and Enforcement.
- 125.1510(1); Except as otherwise provided in the code, before construction of a building or structure, the owner, or the owner’s builder, architect, engineer, or agent, shall submit an application in writing to the appropriate enforcing agency for a building permit.

- 125.1512(1); The enforcing agency shall examine an application for a building permit. If the application conforms to this act, the code and the requirements of other applicable laws and ordinances, the enforcing agency shall approve the application and issue a building permit to the applicant. An application shall be granted, in whole or in part, or denied within 10 business days, except that in case of an unusually complicated building or structure, action shall be taken within 15 business days. Failure by an enforcing agency to grant, in whole or in part, or deny an application within these periods of time shall be deemed a denial of the application for purposes of authorizing the institution of an appeal to the appropriate board of appeals.
- 125.1512(1); An enforcing agency shall periodically inspect all construction undertaken pursuant to a building permit issued by it to insure that the construction is performed in accordance with conditions of the building permit and is consistent with requirements of the code and other applicable laws and ordinances.
- 125.1513; A building or structure hereafter constructed shall not be used or occupied in whole or in part until a certificate of use and occupancy has been issued by the appropriate enforcing agency. A building or structure hereafter altered in whole or in part shall not be used or occupied until such a certificate has been issued, except that a use or occupancy in an already existing building or structure that was not discontinued during its alteration may be continued for 30 days after completion of the alteration without issuance of a certificate of use and occupancy.
- 125.1514(1); A construction board of appeals for each governmental subdivision enforcing the code shall be created consisting of not less than 3 nor more than 7 members, as determined by the governing body of the governmental subdivision. Unless otherwise provided by local law or ordinance, the members of the board of appeals shall be appointed for 2-year terms by the chief executive officer of a city, village, or township and the chairperson of the county board of commissioners of a county. 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.

VI. Act 381 of 1974

338.41 “Good moral character” and “principal department” defined.

Sec. 1.

- (1) The phrase “good moral character”, or words of similar import, when used as a requirement for an occupational or professional license or when used as a requirement to establish or operate an organization or facility regulated by this state in the Michigan Compiled Laws or administrative rules promulgated under those laws shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.
- (2) As used in this act, “principal department” means the department which has jurisdiction over the board or agency issuing the license.

VII. 44 CFR Chapter 1

- §59.4(9)(iii); Maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRM any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
- §59.24(b); A community eligible for sale of flood insurance which fails to adequately enforce flood plain management regulations meeting the minimum requirements set forth in §60.3, 60.4, and/or 60.5 shall be subject to probation. Where a community's probation begins on or after October 1, 1992, the additional premium described in the preceding sentence shall be \$50.
- §60.1(b); These regulations must be legally-enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone, mudslide (i.e., mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over any less restrictive conflicting local laws, ordinances or codes.
- §60.3(a)(1); Require permits for all proposed construction or other development in the community.
- §60.3(a)(6); Require within flood-prone areas new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- §60.3(b)(5); Where base flood elevation data are utilized, within zone A on the community's FHBM or Firm:
 - (i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
 - (ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and
 - (iii) Maintain a record of all such information with the official designated by the community under §59.22(a)(9)(iii).
- §60.3(c)(3); Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE, and AH zones on the community's FIRM (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with wall substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

VIII. Building Official Requirements for the Village

Public Act 230 of 1972, 125.1502a(i); "Building Official" means an individual that is employed by a governmental subdivision and is charged with the administration and enforcement of the code and who is registered in compliance with article 10 of the skilled trades regulation act, MCL 399.6001 to 399.6023.

Village ordinance 1051, as amended, adopts the International Property Maintenance Code which states that "the code official shall be appointed by the chief appointing authority of the jurisdiction". Per the Village Charter, the President nominates the appointment and Council approves. Minimum Village requirements for serving as the appointed Building Official are as follows:

- (i) Does not have a vested interest in property within the boundaries of the Village of Estral Beach.
- (ii) Certified in accordance with PA 407 of 2016 (repealed PA 54 of 1986).
- (iii) Qualified to serve as Floodplain Administrator **(Ordinance or Resolution to define)**
- (iv) Able to attend bi-monthly Council meetings as needed
- (v) Has ethical and moral standards to serve as a Public Official. Note that the State Bureau of Construction Codes is responsible for assuring that applicants for licensing are of good moral character who will serve the public in a fair, honest and open manner.
- (vi) Has provided the Village Clerk with a copy of the required credentials.

IX. Duties

a. Duties of the Building Department Official

The following duties are either prescribed by Federal or State law, or are part of the job scope for the Village of Estral Beach. The duties not specifically required by Federal or State law are negotiable between the Village Council and the Building Official.

1. Obtain an application for permit before any construction of a building or structure, or setting of a prefabricated home. The application form shall contain all of the required information (e.g., Contractor License #, proof of insurance or exemption, employer ID # or exemption, etc.), including the statement in 8-point bold faced type; "Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523a, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines."
2. With the support of Inspectors, as needed, verifies that the design, as submitted, meets all Federal, State, and Village requirements for building in the Village and within a floodplain (as applicable).
3. Verifies all required Federal, State, County (e.g., USACE, DEQ, MCDC, etc.) permits are obtained prior to work being performed.
4. Determines if the permit application provided meets the Village's zoning ordinance, and intent of the Village's Master Plan. Consults the Village's Planning Commission as needed for assistance.

5. Maintains all required records for construction within a floodplain, in a neat and orderly manner, in the area prescribed by the Village Council and Village Clerk. Required files to include at least the following;
 - Permit application form and attachments,
 - Any variance or appeals proceedings
 - Site plans
 - All correspondence pertinent to the project
 - All pertinent notes associated with the project
 - Permits
 - Inspection records
 - Elevation Certificates
 - Certificates of Occupancy
 - etc.

Keeping these files is a requirement to participate in the NFIP; there is no statute of limitations as to how long they should be kept.

6. Make the records accessible to the Village Clerk, President, and Council, with the process to be agreed upon so records do not get lost, damaged, or removed from the Village's control.
7. Periodically inspect all construction undertaken pursuant to a building permit issued.
8. Adheres to the Building Codes of the State.
9. Ensure that the Village Council maintains a qualified Construction Board of Appeals and reappoints them every two (2) years.
10. Assist with preparation, review, and revision of policies, processes, and forms.
11. Ensure the Village ordinances associated with construction are up to date, and brings it to the attention of the Village Council if revisions are required.
12. Perform inspection or coordinate inspections to be performed by other certified inspectors for the specific work being performed,
13. Ordinance enforcement if agreed to by the Building Official and the Village Council,
14. Serve as Floodplain Administrator (if qualified),
15. Attend bi-monthly Council meetings as needed,
16. Familiar with NFIP requirements,
17. Conducts the functions associated with the position in an ethical manner,
18. Consistently applies the rules and regulations to all residents (i.e., shows no favoritism),
19. Other duties as agreed upon by Building Official and Village Council,
20. Work within the Village's budget, and
21. Provide, or cause to be provided, monthly reports to the Village Council for the permits pulled and status of the work.

b. Duties of the Building Inspectors

1. Provide appropriate credentials identifying them as an inspector for the Village.
2. Provide approved permit holders with ample contact information for coordination of inspections.
3. Return phone messages in a reasonable amount of time, and document any discussions and any resolutions or direction provided.
4. Use a business-like approach when dealing with the property owners or their agents, in that all decisions imposed shall be explained in a courteous manner, firmly, intelligently and non-critically.
5. Refer permit holders to where they can find the appeal process and forms if differences cannot be resolved.

c. Duties of the Village's Council/President

1. Prepare, or cause to be prepared, and review policies, processes, and forms.
2. Prepare, or cause to be prepared, and review ordinances and to keep them up to date.
3. Budget sufficient monies to cover the costs associated with administering and enforcing the Village's Building Department.
4. Enforce the Village ordinances as required by law.
5. Ensure that the Building Official, and all inspectors used, are certified as required by law. Note that if a Service is used for Building Official functions, ensure their contract ensures verification.
6. Ensure that the Building Department is operated in an ethical manner.
7. Ensure that all required construction records are being maintained as required by law.
8. Take timely actions to investigate any substantiated complaints received in writing and signed, and correct any shortcomings which are identified during the investigative process. This includes replacement of the Company or Person serving the function of the Building Official as needed.
9. Vigorously move to enforce any infractions or non-compliances brought forth to the Council by the Building Official or Designee to ensure that Federal laws, State laws and codes, and Local ordinances are met. This is essential for participation in the NFIP for construction within a floodplain.
10. Assist with identification of construction activities occurring within the Village which are being performed without a permit. Bring infractions to the attention of the Building Official or Designee as soon as possible.

d. Duties of the Village's Planning Commission

1. Review the Village's Master Plan at least every five years as required by PA 33 of 2008.
2. Prepare, or cause to be prepared, and review the Master Plan as needed.
3. Prepare, or cause to be prepared, and review policies, processes, and forms as they pertain to the Planning Commission.
4. Comply with the requirements of Michigan PAs 33 of 2008 and 110 of 2006, and ordinance 1029, as amended.
5. Provide guidance and recommendations to the Village Council, Building Official, or residents as required or requested.
6. Revise, or cause to be revised, and review the Village's zoning ordinance 1031.

e. Duties of the Zoning Board of Appeals (ZBA)

1. Hear requests for variance from zoning requirements contained in ordinance 1031.

f. Duties of the Village Attorney

1. Provide legal advice when requested.
2. At direction of the Village Council, prosecute violators of Federal and State laws, and local ordinances.

g. Duties of the Construction Board of Appeals (CBOA)

The CBOA is established to hear appeals and render decisions. The board may grant specific variances from the code. Upon submittal of a signed hearing request, with applicable fees, determine the validity of a decision made by the Building Official or designee (see CBOA's process).

h. Duties of the Village Residents

1. Minimize the liability to themselves and the Village by following the process for construction within the village.
2. Ask the Village Council, Building Official or designee, etc. if unsure prior to proceeding.
3. Obtain the required permits to ensure compliance.

X. Other Pertinent Information

a. LAW ENFORCEMENT Act 158 of 1966

AN ACT to require public officials to enforce the legal rights of citizens and to provide a penalty for failure to do so.

752.11 Upholding or enforcing the law; duty of public officials

Sec. 1. Any public official, appointed or elected, who is responsible for enforcing or upholding any law of this state and who willfully and knowingly fails to uphold or enforce the law with the result that any person's legal rights are denied is guilty of a misdemeanor.

752.12 Penalty

Sec.2. Any person convicted of violating this act shall be punished by a fine of not more than \$1,000 or imprisonment for more than 1 year, or both

XI. Compensation

PA 230 of 1972, 125.1522 Fees; state construction code fund; fund for purchase and sale of codes and standards.

Sec. 22. (1) The legislative body of a governmental subdivision shall establish reasonable fees to be charged by the governmental subdivision for acts and services performed by the enforcing agency or construction board of appeals under this act, which fees shall be intended to bear a reasonable relation to the cost, including overhead, to the governmental subdivision of the acts and services, including, without limitation, those services and acts as, in case of an enforcing agency, issuance of building permits, examination of plans and specifications, inspection of construction undertaken pursuant to a building permit, and the issuance of certificates of use and occupancy, and, in case of a board of appeals, hearing appeals in accordance with this act. The enforcing agency shall collect the fees established under this subsection. The legislative body of a governmental subdivision shall only use fees generated under this section for the operation of the enforcing agency or the construction board of appeals, or both, and shall not use the fees for any other purpose.

All fees are paid to the Village of Estral Beach. The Village Treasurer will then issue receipts as needed to assure proper documentation of all fees collected.

a. Building Official or Designee

Compensation to the Building Official or designee will be dictated by the scope of permitted work performed in the Village. The Building Official and Inspectors will be compensated by collecting 70% of the permit and inspection fees collected by the Village. The other 30% of the permit fees will be retained by the Village to offset the administration costs, and additional work associated with managing the Building Department. In addition, payment to the Building Official for work requested outside of the permitting and inspection duties will be covered at an hourly rate of \$25 per hour.

b. Building Official Administrator

Position to be filled as needed to perform administrative functions for the Building Official or Designee. Some of the tasks may include, but not be limited to, writing and mailing letters, inputting of permit information, generating monthly building department reports for the Village Council, etc. Due to the limited funds available, the position will pay a minimum hourly wage.

Records are required to be kept in three separate places to ensure adequate backup retention; 1) the hard copies in the filing cabinets, 2) the electronic copies and scanned copies on the computer, and 3) on a backup hard-drive at a location separate from the hardcopies and the computer (i.e., offsite).

c. Village

- Reasonable fees for acts and services to be provided by the Village are:
 - Administration fees
 - Permit fees
 - Examination of plans and specifications
 - Inspection of construction undertaken pursuant to a permit
 - Issuance of certificates of use and occupancy
 - Appeal hearings
- Permit Fees: Permit and inspection fees collected by the Building Official will be 70% of the permit fee, as discussed above, with the other 30% retained by the Village to offset the cost of administration and other duties associated with managing a Building Department. The 30% portion of the fee shall:
 - Only be used for expenses associated with administering the Building Department as dictated by PA 245 of 1999, section 22.
 - Be used first to pay for costs associated with publishing, stamps, and other similar expenses.
 - Wages for the person that assists with the function of administering the Building Department. Compensation rate is at the minimum Federal wage as mentioned above in section X.b.
- Building Department funds shall be kept or tracked separate from the other Village Funds if the department consistently registers a profit.
- See the permit fee schedule attached to the permit application form for construction work being performed.

XII. Process

Upon a resident identifying a project for which a construction permit is required, the resident, or their agent shall:

- Determine whether a Federal, State, or County permit is needed by speaking with the Building Official, Designee, Monroe County Drain Commission (MCDC), United States Army Corp of Engineers (USACE), or the Michigan Department of Environmental Quality (DEQ) based on the proximity of the work to the waters or connecting waterways of the Great Lakes.
- If needed, submit for and obtain a USACE and/or DEQ and/or MCDC permit.
- Submit to the Village' Building Official or designee a completed permit application for each type of work requiring a permit, including a copy of any USACE and/or DEQ and/or MCDC permits.

Note: A building permit is not required for ordinary repairs of a structure. Such repairs shall not include cutting away of any wall, partition, or portion thereof, removal or cutting of any structural beam or bearing support or removal or change to any required means of egress or rearrangement of parts affecting exit requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any stand pipe, water supply, sewer, drainage, drain leader, gas, soil, waste vent or similar piping, electrical wiring, or mechanical or other work affecting public health and safety or general safety.

- The specifications and plans shall be drawn to scale and of sufficient clarity to characterize the proposed work and shall be prepared by/under an architect or engineer's signature and seal. Exceptions are:
 1. Proposed work is determined by the Building Official to be of a minor nature.
 2. Work completed by governmental subdivision or state agency costing less than \$15,000. This cost estimate should include volunteer labor and materials at the fair market rate for the area.
 3. Building or use group R-3 or R-4 and not larger than 3,500 square feet or building area.

Site plans showing to scale size, and location of proposed construction, existing structures, lot lines, finished grades, wells, septic systems, roads, waterways, ditches, sewer lines, and water lines.

NOTE: For lift devices such as residential elevators, dumb waiters, chair lifts, etc., the State permit must be completed and submitted to the State as directed (www.michigan.gov/lara).

The Building Official upon review of the application will:

- Verify that a permit is in fact required,
- Verify that the permit application(s) is complete and provides all required information for proper evaluation. Should the application(s) lack needed information, the Applicant will be notified that additional information is required.
- Review the two sets of submitted plans. Both get stamped for approval. One set stays with the Village and one set goes back to the property owner.
- Plans only need to go to the Planning Commission if there is a Special Use or if there are extenuating circumstances as determined by the Building Official.
- Determine if the application meets the intent of the Master Plan and the requirements of zoning ordinance 1031 as amended.
- If the work to be performed requires a variance, either direct the applicant to change the plans such that the zoning ordinance requirements are met, or provide direction on how to submit a variance and where the forms and process information can be obtained.

- Approve and issue the permit within 10 working days (15 days for complicated building or structure) if all requirements are met, and maintain a copy in the Building Records for that location. Failure to grant approval within these periods may be deemed a denial of the application for institution of the appeal process.
- Permit numbering format will be as follows (where ### is sequential numbering):
 - Building PB-YR-###
 - Electrical PE-YR-###
 - Mechanical PM-YR-###
 - Plumbing PP-YR-###
- Assess the appropriate permit fee for each portion of work to be performed and direct the applicant where the permit fee payment can be mailed or dropped off.

Permits

- A permit issued becomes invalid if the authorized work does not begin within six months after issuance of the permit. A permit also becomes invalid if the authorized work is suspended or abandoned for a period of six months after the work begins. If inspections are not requested for a period of six months, work may be considered suspended or abandoned and the permit may be invalidated.
- The Building Inspector may suspend, revoke, or cancel a building permit in case of failure or neglect of the applicant to comply with the provisions of the act, the code, or upon finding that false statements or representation were made in the application of the building permit.
- Permits which have not received an inspection for a period of six months are identified by the inspector. A letter is sent notifying the permit holder that the permit will be cancelled unless an inspection is requested. If no contact is made and no inspections reported within 60 days of the date of the letter, the permit is cancelled and final approval of the project withheld until another permit is secured. The applicant is notified of the cancellation.
- A copy of the building permit is to be prominently displayed at the site of construction.
- At the time the permit is issued, applicants are notified of the inspector responsible for performing inspections, how the inspector may be reached, and time inspection services are provided. Applicants are informed that they are to notify the building inspector when any portion of the work is ready for inspection, and that work may not be concealed until it is inspected and approved by the building inspector.
- Monitor the construction during the various stages of development, provide the required inspections for the phases of the construction, with the frequency dictated by the complexity and phases of the structure. The inspections shall be scheduled at a point during construction where non-compliances can most cost effectively be resolved.

Inspections

- The owner of premises on which a building or structure is being constructed is deemed to have consented to inspections until a certificate of use and occupancy is issued.
- If an inspector is refused entry on a project covered by an appropriate permit, the inspector should advise that Act 230, PA 1972, as amended, Section 12(2), provides for inspections. However, it should not be implied that there is a penalty for refusing permission to inspect.
- If an inspector is still refused entry, he/she may ask the reason for the refusal and then leave the premises. The inspector then reports the refusal and the reasons for it to the Village Attorney. The Village Attorney then takes further action.
- Inspections are made between 8 am and 6 pm on business days, or when construction is actually being undertaken, unless there is a reason to believe there is immediate danger to life, limb, or property exists. Inspections made other than 8 am to 6 pm on business days requires the permission of an owner, or his/her agent, architect, engineer, or builder.
- Permit holders are encouraged to request inspections at least 24 hours in advance.

- Maintains a record of all examinations and inspections and of all violations of the code.
- Make pertinent notes in a log book or other manner to be filed for the property being inspected. Note that accurate documentation will be crucial should legal recourse be required at some future date.
- Provide input to the applicant, designee, or contractor as required during the construction phase.
- Obtain an elevation certificate if required for the project, and maintain it in the Building Records for that location.
- Verify that the grade around any new structures meets the requirements for grading contained in Village ordinance 1041 as amended
- Obtain photographs during the final inspection to document compliance and retain the photographs in the permit file. These photographs can be useful if the property owner later makes alterations to the building without obtaining permits.

Upon completion of the necessary work on a residential building, the resident, or their representative shall:

- Submit a completed C of O application, with fee, to receive a Certificate of Occupancy.

The Building Official upon review of the application will:

- Provide a temporary or final Certificate of Occupancy (C of O), as applicable, **following a written request**, and collection of fees, and maintain a copy in the Building Records for that location.

Certificate of Occupancy shall specify the:

- Use Group
 - Type of construction
 - Codes covered by the permit(s)
 - Special stipulations and conditions of the building permit.
- Verify that all required documentation is complete and filed in the Building Records for that location.
 - Permit application form and attachments,
 - Any variance or appeals proceedings
 - Site plans
 - All correspondence pertinent to the project
 - All pertinent notes associated with the project
 - Permits
 - Inspection records
 - Elevation Certificates
 - Certificates of Occupancy
 - etc.

XIII. Violation Enforcement

A person, firm, or corporation may not erect, construct, alter, extend, repair, remove, demolish, use, or occupy any building or structure or equipment regulated by the code, or cause the same to be done, contrary to, in conflict with, or in violation of, any of the provisions of the code or the act.

If construction is being undertaken contrary to a permit, the act, or other applicable laws or ordinances, written notice is provided to the permit holder.

If a permit has not been issued, then the written notice is given to the person doing the construction. If the person doing the construction is not known or cannot be located with reasonable effort, the notice may be delivered to the person in charge of, or apparently in charge of, the construction.

The notice includes the specific violation of the act of code (or other applicable law and rules). The notice directs the discontinuance of illegal action or condition and abatement of the violation within a reasonable period of time.

Note: The goal is compliance with the laws, codes, and ordinances, not with collection of fines.

1. Voluntary Compliance

The first step of enforcement should be contact with the resident or contractor by the Building Official or Designee informing them of the infraction and to ask for voluntary compliance. This is the easiest resolution if possible. Otherwise, Administrative Steps will be needed.

Notifying the property owner of the negative impact on flood insurance premiums for non-compliance within a floodplain may be enough to persuade the owner to comply. Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by a State or community to be in violation of their floodplain management regulations. Section 1316 is used when all other legal means to remedy the violation have been exhausted and the structure is still noncompliant. Section 1316 is a way that the NFIP can support communities in the enforcement of their ordinance. If invoked under Section 1316, denying flood insurance means:

- The property may be difficult or impossible to sell.
- The market value of the property may fall.
- The cost of suffering flood damage without insurance may be too great a risk for the property owner.
- Lending institutions holding the property's mortgage may threaten to foreclose.
- Any permanent reconstruction will be denied disaster assistance.

2. Administrative Steps

- Coordinate with the Village Attorney as soon as it appears there may be an issue with enforcement.
- Contact the Property Owner or Building Contractor in person or by telephone to explain the concerns. Document the date and time of the call and a synopsis of the conversation.
- Notify the property Owner in writing of the nature of the violation(s) and what to do to correct them.
- Post a violation notice on the property.

- If the project is a permitted project, the Building Official or Designee may issue a stop-work order or revoke the permit if the violation is serious enough, or the notice is not complied with promptly. This action is performed only after consultation with the Village Attorney.
- If a residential building, the issuance of the certificate of occupancy may also be withheld until the problem is corrected.

3. Legal Recourse

If the Administrative Steps do not bring results, discuss the subsequent steps to be taken with the Village Attorney.

- Ensure the Attorney is given a complete record of all correspondence and meetings with the person accused of the violation.
- Identify the section of the ordinance of code that is being violated, when and how, and what was specifically allowed in the approved permit.
- Identify what will be needed to bring the structure into compliance.
- The ordinance should identify the established fine for violation. Ordinance 1031, as amended, imposes such fine for each day the violation is allowed to persist.

XIV. Forms

<u>Form #</u>	<u>Rev. Date</u>	<u>Title</u>
EB-BD01	03/18	Building Permit Application
EB-BD02	03/18	Electrical Permit Application
EB-BD03	03/18	Mechanical Permit Application
EB-BD04	03/18	Plumbing Permit Application
EB-BD05	03/18	Certificate of Occupancy Request
EB-BD06	03/18	Application for Construction Board of Appeals
EB-BD07	03/18	Zoning Permit Application
EB-BD08	03/18	Complaint Form
EB-BD09	03/18	Permit Form (<i>LATER</i>)

STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT (EXCERPT)
Act 230 of 1972

125.1513 Certificate of use and occupancy; issuance; contents; application; fee; temporary certificate; notice of final inspection.

Sec. 13. A building or structure hereafter constructed shall not be used or occupied in whole or in part until a certificate of use and occupancy has been issued by the appropriate enforcing agency. A building or structure hereafter altered in whole or in part shall not be used or occupied until such a certificate has been issued, except that a use or occupancy in an already existing building or structure that was not discontinued during its alteration may be continued for 30 days after completion of the alteration without issuance of a certificate of use and occupancy. A certificate of use and occupancy shall be issued by the enforcing agency when the work covered by a building permit has been completed in accordance with the permit, the code and other applicable laws and ordinances. On request of a holder of a building permit the enforcing agency may issue a temporary certificate of use and occupancy for a building or structure, or part thereof, before the entire work covered by the building permit has been completed, if the parts of the building or structure to be covered by the certificate may be occupied before completion of all the work in accordance with the permit, the code and other applicable laws and ordinances, without endangering the health or safety of the occupants or users.

When a building or structure is entitled thereto, the enforcing agency shall issue a certificate of use and occupancy within 5 business days after receipt of a written application therefor on a form to be prescribed by the enforcing agency and payment of the fee to be established by it. The certificate of use and occupancy shall certify that the building or structure has been constructed in accordance with the building permit, the code and other applicable laws and ordinances. The application for a certificate of use and occupancy for a new dwelling with a unit or units for rent shall set forth the information required in an application for a certificate of compliance for such a dwelling pursuant to the state housing law, and the certificate of use and occupancy for such a dwelling shall be deemed its initial certificate of compliance. The enforcing agency shall give the owner of the building or structure or his agent at least 12 hours' notice of the time of any final inspection, by the enforcing agency of the work covered by the building permit, pursuant to the application for a certificate of use and occupancy.

I. Contacting the Building Department:

1. The first means of contact is via the Village's Building Department email account:

EstralBeachBuildingDepartment@gmail.com

2. The second means of contact is via the Village's voice mailbox:

734-586-8380

3. The third means of contact is via the Village's Building Official's cell phone number which will be given out when the permit is approved, or during the plan review process.

Note: That the Village does not have a full time staff with normal work hours, so any message left on either the Village's email account or voice mail may take a couple of days to be received and acted upon. Please be patient.

II. When to Call for an Inspection:

Please call the building inspector's telephone number listed on your building permit at least two (2) days prior to the time you need an inspection. A minimum of five (5) inspections are required on most structures. It is the permit holder's responsibility to call for inspections, prior to the construction being covered.

1) Foundation Inspection

Prior to placing concrete in piers, trenches and formwork.

2) Backfill Inspection

Prior to backfill and after the footings, walls, waterproofing, and drain tile are installed.

3) Rough Inspection

The rough inspection is to be made after the roof, all framing, firestopping, bracing, and the electrical rough, mechanical rough, and the plumbing rough installations have been approved and before the insulation is installed.

4) Insulation Inspection

The insulation inspection is conducted after all insulation has been installed and before any finish work is installed.

5) Final Inspection

The final inspection is to be made upon completion of the building or structure, and before occupancy occurs.

6) Expiration of Permit

A permit remains valid as long as work is progressing and inspections are requested and conducted. A permit shall become invalid if the authorized work is not commenced within 180 days after issuance of the permit or if the authorized work is suspended or abandoned for a period of 180 days after the time of commencing the work. **A PERMIT WILL BE CLOSED WHEN NO INSPECTIONS ARE REQUESTED AND CONDUCTED WITHIN 180 DAYS OF THE DATE OF ISSUANCE OR THE DATE OF A PREVIOUS INSPECTION. CLOSED PERMITS CANNOT BE REFUNDED. THE CHARGE TO RE-OPEN A CLOSED PERMIT IS \$100.00.**

III. Certificate of Occupancy:

A new building or a building that is altered shall not be used or occupied until a Certificate of Occupancy is issued by the code official. The permit holder or their authorized agent must request a Certificate of Occupancy (in writing) upon the completion of the project. This request must include the building, electrical, mechanical, plumbing, boiler and elevator permit numbers (when applicable), and the plan review submission number. *A Certificate of Occupancy cannot be issued until all fees are paid, permits are finalized and the work covered by a building permit has been completed in accordance with the permit, the code and other applicable laws and ordinances.* If an electrical, mechanical, plumbing, boiler or elevator permit, plan review submission is not required, write “not applicable” on the request form in the appropriate space.