

**ORDINANCE 116-B
MECHANICAL CODE ORDINANCE**

An Ordinance to adopt by reference the BOCA Basic National Mechanical Code and to repeal certain ordinances inconsistent with this Ordinance.

THE TOWNSHIP OF JAMESTOWN, OTTAWA COUNTY, MICHIGAN ORDAINS:

SECTION 1. ADOPTION BY REFERENCE. Pursuant to the provisions of Act 230 of the Michigan Public Acts of 1972, as amended, the BOCA Basic National Mechanical Code, 1993 edition, published by the Building Officials and Code Administrators International, Inc., is hereby adopted by reference and made a part of this Ordinance as if fully set forth herein.

SECTION 2. DEFINITIONS. Whenever the words "Township," "City," "Jurisdiction" or "Governmental Unit" are used in the BOCA Basic National Mechanical Code, they shall mean the Township of Jamestown. Whenever the word "State" is used in the Code, it shall mean the State of Michigan.

SECTION 3. AMENDMENTS TO BOCA BASIC NATIONAL MECHANICAL CODE. The following sections of the BOCA Basic National Mechanical Code are amended as follows:

(a) Section M-100.1 shall be amended to state in its entirety as follows:

Title: This code shall be known as the Mechanical Code of the Township of Jamestown and shall hereinafter be referred to as the mechanical code or "this code."

(b) Sections M-114.2 and M-114.3 shall be amended to state in their entirety as follows:

Inspection and Permit Fees: The inspection and permit fees shall be as set by resolution of the Township Board from time to time.

(c) Section M-117.4 shall be amended to state in its entirety as follows:

Penalties: Any person who shall violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical equipment or systems in violation of an approved plan or directive of the mechanical official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred (\$500) Dollars, plus costs of prosecution; or by imprisonment in the Ottawa County Jail not exceeding ninety (90) days, or both such fine and imprisonment in the discretion of the court. Each day that a violation continues shall be deemed a separate offense.

(d) Section M-118.2 shall be amended to state in its entirety as follows:

Unlawful Continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to punishment in accord with Section M-117.4.

(e) If any mechanical work is started prior to obtaining a permit, an amount equal to 100% of the required fee, plus the required fee, must be paid to the Township before a permit is issued.

SECTION 4. SEVERABILITY. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses hereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

SECTION 5. ADMINISTRATIVE LIABILITY. No officer, agent, employee or member of the Township Board or Board of Appeals shall render himself personally liable for any damage that may accrue to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

SECTION 6. ENFORCEMENT PROCEDURES. The Township Board for Jamestown Township, the duly authorized attorney for the Township, the prosecuting attorney for Ottawa County, or any owner or occupant of any real estate within the Township of Jamestown may institute injunction, mandamus, abatement or other appropriate

action or proceeding to prevent, enjoin, abate or remove any violation of the BOCA Basic National Mechanical Code, any amendment thereto or any permit issued thereunder. The rights and remedies provided herein are cumulative in addition to all other remedies provided by law.

SECTION 7. REPEAL. This Ordinance shall repeal Township Ordinance No. 116-A and all other ordinances or parts thereof which are in conflict with any of the provisions of this Ordinance as of the effective date hereof.

SECTION 8. EFFECTIVE DATE. This Ordinance was approved and adopted by the Township Board on October 5, 1993