

HOUSE BILL No. 4989

September 28, 1987, Introduced by Reps. Farhat, Hollister, Hart, Varga, DeMars, Griffin, Watkins, Scott, Rocca, Clack, Kosteva, Weeks, Niederstadt, DeBeaussaert, Brown, Honigman, Perry Bullard, Bennane, Gnodtke and Bandstra and referred to the Committee on Public Health.

A bill to amend section 8 of Act No. 230 of the Public Acts of 1972, entitled as amended

"State construction code act of 1972,"

as amended by Act No. 371 of the Public Acts of 1980, being section 125.1508 of the Michigan Compiled Laws; and to add section 13b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 230 of the Public Acts of
2 1972, as amended by Act No. 371 of the Public Acts of 1980, being
3 section 125.1508 of the Michigan Compiled Laws, is amended and
4 section 13b is added to read as follows:

5 Sec. 8. (1) This act and the code are applicable throughout
6 the state except that a governmental subdivision may elect to
7 exempt itself from certain parts of this act and the code by
8 adopting and enforcing a nationally recognized model building

1 code or other nationally recognized model codes. It shall not be
2 necessary for a governmental subdivision to elect to exempt
3 itself from every part of the code promulgated by the commission
4 in order to preserve its exemption election as to 1 or more
5 nationally recognized model codes. A governmental subdivision
6 may make this election by the passage of an ordinance adopting by
7 reference or otherwise without amendment a nationally recognized
8 model building code or other nationally recognized model codes.
9 The requirements of section 11(m) of Act No. 156 of the Public
10 Acts of 1851, as amended, being section 46.11 of the Michigan
11 Compiled Laws relating to the submission of a county ordinance,
12 act, or regulation for approval or disapproval by the governor
13 and deposit with the secretary of state, shall not apply to
14 county ordinances adopted pursuant to this act. A county ordi-
15 nance adopted pursuant to this act shall be adopted by the county
16 board of commissioners and shall be signed by the chairperson of
17 the county board of commissioners and certified by the county
18 clerk. A governmental subdivision which elects not to be gov-
19 erned by certain parts of this act and the code shall review and
20 update its codes by amending its ordinance at least once every 3
21 years by adopting without amendment all changes to those codes
22 and submitting a certified copy of the amended ordinance to the
23 commission. However, a governmental subdivision adopting nation-
24 ally recognized model codes may approve amendments to those codes
25 by ordinance. The amendments shall become effective 90 days
26 after passage of the ordinance and 90 days after a certified copy
27 of the ordinance is delivered to the commission, unless the

1 commission determines after a public hearing that the codes, as
2 amended, do not adequately protect the health, safety, or welfare
3 of the people of the governmental subdivision, or that the amend-
4 ments tend to unnecessarily increase construction costs or
5 restrict the use of new materials, products, or methods of con-
6 struction or provide preferential treatment to types or classes
7 of materials, products, or methods of construction, or that the
8 amendment obstructs the substantive uniformity of building codes
9 within a region or locality in the state.

10 (2) Within 10 days after the effective date of this subsec-
11 tion, the executive director shall provide A NOTICE OF INTENT
12 FORM TO all governmental subdivisions administering and enforcing
13 a nationally recognized model code. ~~with a notice of intent~~
14 ~~form.~~ This form shall set forth the date return receipt is
15 required, which date shall not be less than 60 days after
16 receipt. The chief elected official of the governmental subdivi-
17 sion that receives this notice shall indicate on the form the
18 intention of the governmental subdivision as to whether it shall
19 continue to administer and enforce its code and transmit this
20 notice to the executive director within the prescribed period.
21 If a governmental subdivision fails to submit a notice of intent
22 to continue to administer and enforce its code within the date
23 set forth in the notice, the executive director shall send a
24 notice by registered mail to the clerk of that governmental
25 subdivision. The registered notice shall indicate that the gov-
26 ernmental subdivision shall have 15 additional days in which to
27 submit a notice of intent to continue to administer and enforce

1 its code. If the governmental subdivision does not respond by
2 the end of the 15 additional days, it shall be conclusively pre-
3 sumed that the governmental subdivision does not intend to con-
4 tinue to administer and enforce its code and the executive direc-
5 tor shall assume the responsibility for administering and enforc-
6 ing this act and the code in that governmental subdivision,
7 unless the county within which that governmental subdivision is
8 located has submitted a notice of intent to continue to adminis-
9 ter and enforce this act and the code. Governmental subdivisions
10 may provide by agreement for joint enforcement of another nation-
11 ally recognized model code adopted pursuant to subsection (1).

12 (3) A county which was administering and enforcing this act
13 and the code pursuant to section 9(1) on the effective date of
14 this subsection, and has submitted a notice of intent to continue
15 to administer and enforce the code to the executive director pur-
16 suant to section 9, after the effective date of this subsection,
17 may exempt itself pursuant to subsection (1) by the passage of an
18 ordinance adopting by reference or otherwise without amendment a
19 nationally recognized model building code or other nationally
20 recognized model codes. However, that action shall not take
21 effect until 90 days after passage of an ordinance to that
22 effect. Before the effective date of this action and the effec-
23 tive date of the ordinance, the county which proposes to adopt an
24 ordinance to this effect shall file the proposed ordinance for
25 approval pursuant to subsection (1) with the commission. The
26 commission shall review the proposed ordinance. If the
27 commission does not approve or disapprove the proposed ordinance

1 within 90 days after it is filed with the commission, the
2 proposed ordinance shall be considered approved unless the county
3 grants the commission additional time to consider the proposed
4 ordinance. The executive director shall notify a county which
5 elects to exempt itself pursuant to subsection (1) of all govern-
6 mental subdivisions within their jurisdiction that have not sub-
7 mitted a notice of intent to continue to administer and enforce
8 its code. It shall be the responsibility of that county to
9 administer and enforce that code for all of the governmental sub-
10 divisions within the county which have not submitted a notice of
11 intent to continue to administer and enforce its code within its
12 jurisdiction. A structure commenced under an effective code
13 shall be completed under that code. A county which elects to
14 exempt itself in accordance with this subsection may exercise the
15 option to administer and enforce this act and the code pursuant
16 to section 9(1). However, the exercise of this election to
17 administer and enforce this act and the code shall not take
18 effect until 6 months after passage of an ordinance to that
19 effect.

20 (4) A governmental subdivision which has elected to assume
21 responsibility for the administration and enforcement of this act
22 and the code, and has submitted a notice of intent to continue to
23 administer and enforce the code to the executive director pursu-
24 ant to section 9, after the effective date of this subsection,
25 may reverse that election and exempt itself pursuant to subsec-
26 tion (1) by the passage of an ordinance adopting by reference or
27 otherwise without amendment a nationally recognized model

1 building code or other nationally recognized model codes.
2 However, that action shall not take effect until 90 days after
3 passage of an ordinance to that effect. Before the effective
4 date of this action and the effective date of the ordinance, the
5 governmental subdivision which proposes to adopt an ordinance to
6 this effect shall file the proposed ordinance for approval pursu-
7 ant to subsection (1) with the commission. The commission shall
8 review the proposed ordinance. If the commission does not
9 approve or disapprove the proposed ordinance within 90 days after
10 it is filed with the commission, the proposed ordinance shall be
11 considered approved unless the governmental subdivision grants
12 the commission additional time to consider the proposed
13 ordinance. A structure commenced under an effective code shall
14 be completed under that code. A governmental subdivision which
15 elects to exempt itself in accordance with this subsection may
16 exercise the option to make itself subject to this act and the
17 code pursuant to section 9(1). However, the exercise of this
18 election to be subject to this act and the code shall not take
19 effect until 6 months after passage of an ordinance to that
20 effect.

21 (5) A governmental subdivision which has elected to exempt
22 itself pursuant to subsection (1) may reverse that election,
23 making itself subject to the act and the code. However, that
24 action shall not take effect until 60 days after passage of an
25 ordinance to that effect. A structure commenced under an effec-
26 tive code shall be completed under that code. A governmental
27 subdivision which elects to make itself subject to the code in

1 accordance with this subsection may exercise the option to exempt
2 itself pursuant to subsection (1) not later than 3 years subse-
3 quent to its administration and enforcement of the code.

4 However, that exemption shall not take effect until 1 year after
5 passage of an ordinance to that effect.

6 (6) A governmental subdivision which, before the effective
7 date of this subsection, has not administered and enforced either
8 this act and the code or another nationally recognized model code
9 may elect to exempt itself from certain parts of this act and the
10 code pursuant to subsection (1), by the passage of an ordinance
11 to that effect. A governmental subdivision which makes this
12 election ~~subsequent to~~ AFTER the effective date of this subsec-
13 tion shall submit, in addition to the ordinance, an application
14 to the commission for approval to administer and enforce that
15 code within its jurisdiction. This application shall be made on
16 the proper form to be provided by the commission. The standards
17 for approval shall include, but not be limited to, the certifica-
18 tion by the governmental subdivision that the enforcing agency is
19 qualified by experience or training to administer and enforce
20 that nationally recognized model code and all related acts and
21 rules, that agency personnel are provided as necessary, adminis-
22 trative services are provided, plan review services are provided,
23 and timely field inspection services shall be provided. The
24 executive director shall seek additional information if the exec-
25 utive director considers it necessary. The commission shall
26 render a decision on the application for approval to administer
27 and enforce that code which has been adopted and transmit its

1 findings to that governmental subdivision within 90 days of
2 receipt of the application. The commission shall document its
3 reasons if the commission disapproves an application. A govern-
4 mental subdivision which receives a disapproval may resubmit its
5 application for approval. Upon receipt of approval from the com-
6 mission for the administration and enforcement of that adopted
7 code, the governmental subdivision shall administer and enforce
8 that code within its jurisdiction pursuant to the provisions of
9 its approved application.

10 (7) The state construction code or any of its sections shall
11 go into effect 6 months after the code's initial promulgation.
12 The 6-month delay does not apply to rules promulgated to imple-
13 ment sections 13a, 13B, 19, and 21 and the requirements of bar-
14 rier free design and energy conservation of this act and code. A
15 governmental subdivision may not exempt itself from the require-
16 ments of this section, section 9(8) and (10), and sections 9a,
17 13A, 13B, 14, 15, 20, 22(1), and 23. The 6-month delay does not
18 apply to amendments to the code or any of the code's sections
19 after the initial promulgation. A governmental subdivision which
20 elects to exempt itself from this act and the code may do so
21 within 6 months after the promulgation of the code in the manner
22 provided in subsection (1) except that any amendments the govern-
23 mental subdivision adopts at that time are subject to review by
24 the commission as set forth in subsection (1) within 120 days
25 after a copy of the adopted amendments is delivered to the com-
26 mission by certified mail with return receipt requested.

1 (8) A governmental subdivision which elects to exempt itself
2 from certain parts of this act and the code pursuant to
3 subsection (1) and is enforcing its code within its jurisdiction
4 pursuant to subsection (1) may rescind that ordinance by which it
5 elected to exempt itself from certain parts of this act and the
6 code, and transfer the responsibility for the administration and
7 enforcement of this act and the code within the governmental sub-
8 division to the executive director. The executive director shall
9 assume the responsibility for administering and enforcing this
10 act and the code in that governmental subdivision, unless the
11 county within which that governmental subdivision is located has
12 submitted a notice of intent to continue to administer and
13 enforce the code. However, that action shall not take effect
14 until 12 months after the passage of an ordinance to that
15 effect. A structure commenced under an effective code shall be
16 completed under that code.

17 (9) Locally adopted codes shall not apply to public or non-
18 public schools within the governmental subdivision without con-
19 currence by the school authorities having jurisdiction.

20 (10) Sections 13a, 13B, 19, and 21, other provisions of this
21 act and code directly relating to the provisions of sections 13a,
22 13B, 19, and 21, and provisions of the code relating to the
23 requirements of barrier free design and energy conservation shall
24 be effective throughout the state without local modifications
25 notwithstanding the exception of subsections (1) to (9). The
26 standards for premanufactured housing shall not be less than the
27 standards required for nonpremanufactured housing except that

1 mobile homes shall be considered to have complied with this
2 requirement by compliance with the state code provisions adopting
3 a nationally recognized mobile home code.

4 (11) The commission may limit the application of a part of
5 the code to include or exclude the following:

6 (a) Specified classes or types of buildings or structures,
7 according to use, or other distinctions as may make differentia-
8 tion or separate classification or regulation necessary, proper,
9 or desirable. The commission shall consider the specific prob-
10 lems of the construction or alteration of a single family,
11 owner-occupied recreational dwelling, which is located in a
12 sparsely populated area and which is to be occupied on a
13 part-time basis.

14 (b) Specified areas of the state based on size, population
15 density, special conditions prevailing in the area, or other fac-
16 tors as may make differentiation or separate classification or
17 regulation necessary, proper, or desirable.

18 SEC. 13B. (1) AS USED IN THIS SECTION, "LEAD FREE" MEANS
19 EITHER OF THE FOLLOWING:

20 (A) SOLDER AND FLUX CONTAINING NOT MORE THAN 0.2% LEAD.

21 (B) PIPE AND PIPE FITTINGS CONTAINING NOT MORE THAN 8%
22 LEAD.

23 (2) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, PIPES,
24 PIPE FITTINGS, SOLDER, OR FLUX WHICH ARE USED IN THE INSTALLATION
25 OR REPAIR OF A PLUMBING SYSTEM IN A BUILDING OR STRUCTURE PROVID-
26 ING WATER FOR HUMAN CONSUMPTION OR A PUBLIC WATER SYSTEM SHALL BE
27 LEAD FREE.

1 (3) THIS SECTION SHALL NOT APPLY TO LEADED JOINTS NECESSARY
2 FOR THE REPAIR OF CAST IRON PIPES.