

HOUSE BILL No. 4319

February 15, 1991, Introduced by Reps. Dolan, London, Dalman, Gire, Walberg, Fitzgerald, Dobb, Brown, Willis Bullard, Brackenridge, Bodem, Middleton, Jondahl, Harrison and Varga and referred to the Committee on State Affairs.

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. 135 of the Public Acts of 1989, being section 125.1508 of the Michigan Compiled Laws.

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. 135 of the Public Acts of 1989, being
3 section 125.1508 of the Michigan Compiled Laws, is amended to
4 read as follows:

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

1 ~~shall~~ IS not ~~be~~ necessary for a governmental subdivision to
2 elect to exempt itself from every part of the code promulgated by
3 the commission in order to preserve its exemption election as to
4 1 or more nationally recognized model codes. A governmental sub-
5 division may make this election by the passage of an ordinance
6 adopting by reference or otherwise without amendment a nationally
7 recognized model building code or other nationally recognized
8 model codes. A county ordinance adopted pursuant to this act
9 shall be adopted by the county board of commissioners and shall
10 be signed by the chairperson of the county board of commissioners
11 and certified by the county clerk. A governmental subdivision
12 ~~which~~ THAT elects not to be governed by certain parts of this
13 act and the code shall review and update its codes by amending
14 its ordinance at least once every 3 years by adopting without
15 amendment all changes to those codes and submitting a certified
16 copy of the amended ordinance to the commission. However, a gov-
17 ernmental subdivision adopting nationally recognized model codes
18 may approve amendments to those codes by ordinance. The amend-
19 ments shall become effective 90 days after passage of the ordi-
20 nance and 90 days after a certified copy of the ordinance is
21 delivered to the commission, unless the commission determines
22 after a public hearing that the codes, as amended, do not ade-
23 quately protect the health, safety, or welfare of the people of
24 the governmental subdivision, or that the amendments tend to
25 unnecessarily increase construction costs; ~~or~~ restrict the use
26 of new materials, products, or methods of construction; ~~or~~
27 provide preferential treatment to types or classes of materials,

1 products, or methods of construction; ~~or that the amendment~~
2 ~~obstructs~~ OBSTRUCT the substantive uniformity of building codes
3 within a region or locality in the state.

4 (2) Within 10 days after ~~the effective date of this~~
5 ~~subsection~~ DECEMBER 30, 1980, the executive director shall pro-
6 vide a notice of intent form to all governmental subdivisions
7 administering and enforcing a nationally recognized model code.
8 This form shall set forth the date return receipt is required,
9 which date shall not be less than 60 days after receipt. The
10 chief elected official of the governmental subdivision that
11 receives this notice shall indicate on the form the intention of
12 the governmental subdivision as to whether it shall continue to
13 administer and enforce its code and transmit this notice to the
14 executive director within the prescribed period. If a governmen-
15 tal subdivision fails to submit a notice of intent to continue to
16 administer and enforce its code within the date set forth in the
17 notice, the executive director shall send a notice by registered
18 mail to the clerk of that governmental subdivision. The regis-
19 tered notice shall indicate that the governmental subdivision
20 ~~shall have~~ HAS 15 additional days in which to submit a notice
21 of intent to continue to administer and enforce its code. If the
22 governmental subdivision does not respond by the end of the 15
23 additional days, it shall be conclusively presumed that the gov-
24 ernmental subdivision does not intend to continue to administer
25 and enforce its code, and the executive director shall assume the
26 responsibility for administering and enforcing this act and the
27 code in that governmental subdivision, unless the county within

1 which that governmental subdivision is located has submitted a
2 notice of intent to continue to administer and enforce this act
3 and the code. Governmental subdivisions may provide by agreement
4 for joint enforcement of another nationally recognized model code
5 adopted pursuant to subsection (1).

6 (3) A county ~~which~~ THAT was administering and enforcing
7 this act and the code pursuant to section 9(1) on December 30,
8 1980, and has submitted a notice of intent to continue to admin-
9 ister and enforce the code to the executive director pursuant to
10 section 9, after December 30, 1980, may exempt itself pursuant to
11 subsection (1) by the passage of an ordinance adopting by refer-
12 ence or otherwise without amendment a nationally recognized model
13 building code or other nationally recognized model codes.

14 However, that action shall not take effect until 90 days after
15 passage of an ordinance to that effect. Before the effective
16 date of this action and the effective date of the ordinance,
17 ~~the~~ A county ~~which~~ THAT proposes to adopt an ordinance to
18 this effect shall file the proposed ordinance for approval pursu-
19 ant to subsection (1) with the commission. The commission shall
20 review the proposed ordinance. If the commission does not
21 approve or disapprove the proposed ordinance within 90 days after
22 it is filed with the commission, the proposed ordinance shall be
23 considered approved unless the county grants the commission addi-
24 tional time to consider the proposed ordinance. The executive
25 director shall notify a county ~~which~~ THAT elects to exempt
26 itself pursuant to subsection (1) of all governmental
27 subdivisions within their jurisdiction that have not submitted a

1 notice of intent to continue to administer and enforce its code.
2 It ~~shall be~~ IS the responsibility of that county to administer
3 and enforce that code for all of the governmental subdivisions
4 within the county ~~which~~ THAT have not submitted a notice of
5 intent to continue to administer and enforce its code within its
6 jurisdiction. A structure commenced under an effective code
7 shall be completed under that code. A county ~~which~~ THAT elects
8 to exempt itself in accordance with this subsection may exercise
9 the option to administer and enforce this act and the code pursu-
10 ant to section 9(1). However, the exercise of this election to
11 administer and enforce this act and the code shall not take
12 effect until 6 months after passage of an ordinance to that
13 effect.

14 (4) A governmental subdivision ~~which~~ THAT has elected to
15 assume responsibility for the administration and enforcement of
16 this act and the code, and has submitted a notice of intent to
17 continue to administer and enforce the code to the executive
18 director pursuant to section 9, after December 30, 1980, may
19 reverse that election and exempt itself pursuant to subsection
20 (1) by the passage of an ordinance adopting by reference or oth-
21 erwise without amendment a nationally recognized model building
22 code or other nationally recognized model codes. However, that
23 action shall not take effect until 90 days after passage of an
24 ordinance to that effect. Before the effective date of this
25 action and the effective date of the ordinance, ~~the~~ A govern-
26 mental subdivision ~~which~~ THAT proposes to adopt an ordinance to
27 this effect shall file the proposed ordinance for approval

1 pursuant to subsection (1) with the commission. The commission
2 shall review the proposed ordinance. If the commission does not
3 approve or disapprove the proposed ordinance within 90 days after
4 it is filed with the commission, the proposed ordinance shall be
5 considered approved unless the governmental subdivision grants
6 the commission additional time to consider the proposed
7 ordinance. A structure commenced under an effective code shall
8 be completed under that code. A governmental subdivision ~~which~~
9 THAT elects to exempt itself in accordance with this subsection
10 may exercise the option to make itself subject to this act and
11 the code pursuant to section 9(1). However, the exercise of this
12 election to be subject to this act and the code shall not take
13 effect until 6 months after passage of an ordinance to that
14 effect.

15 (5) A governmental subdivision ~~which~~ THAT has elected to
16 exempt itself pursuant to subsection (1) may reverse that elec-
17 tion, making itself subject to the act and the code. However,
18 that action shall not take effect until 60 days after passage of
19 an ordinance to that effect. A structure commenced under an
20 effective code shall be completed under that code. A governmen-
21 tal subdivision ~~which~~ THAT elects to make itself subject to the
22 code in accordance with this subsection may exercise the option
23 to exempt itself pursuant to subsection (1) not later than 3
24 years ~~subsequent to~~ AFTER its administration and enforcement of
25 the code. However, that exemption shall not take effect until 1
26 year after passage of an ordinance to that effect.

1 (6) A governmental subdivision ~~which~~ THAT before
2 December 30, 1980, has not administered and enforced either this
3 act and the code or another nationally recognized model code may
4 elect to exempt itself from certain parts of this act and the
5 code pursuant to subsection (1) ~~—~~ by the passage of an ordi-
6 nance to that effect. A governmental subdivision ~~which~~ THAT
7 makes this election after December 30, 1980 shall submit, in
8 addition to the ordinance, an application to the commission for
9 approval to administer and enforce that code within its
10 jurisdiction. This application shall be made on the proper form
11 to be provided by the commission. The standards for approval
12 shall include, but not be limited to, the certification by the
13 governmental subdivision that the enforcing agency is qualified
14 by experience or training to administer and enforce that nation-
15 ally recognized model code and all related acts and rules, that
16 agency personnel are provided as necessary, administrative serv-
17 ices are provided, plan review services are provided, and timely
18 field inspection services shall be provided. The executive
19 director shall seek additional information if the executive
20 director considers it necessary. The commission shall render a
21 decision on the application for approval to administer and
22 enforce that code ~~which~~ THAT has been adopted and transmit its
23 findings to that governmental subdivision within 90 days of
24 receipt of the application. The commission shall document its
25 reasons if the commission disapproves an application. A govern-
26 mental subdivision ~~which~~ THAT receives a disapproval may
27 resubmit its application for approval. Upon receipt of approval

1 from the commission for the administration and enforcement of
2 that adopted code, the governmental subdivision shall administer
3 and enforce that code within its jurisdiction pursuant to the
4 provisions of its approved application.

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

23 (8) A governmental subdivision ~~which~~ THAT elects to exempt
24 itself from certain parts of this act and the code pursuant to
25 subsection (1) and is enforcing its code within its jurisdiction
26 pursuant to subsection (1) may rescind that ordinance by which it
27 elected to exempt itself from certain parts of this act and the

1 code, and transfer the responsibility for the administration and
2 enforcement of this act and the code within the governmental sub-
3 division to the executive director. The executive director shall
4 assume the responsibility for administering and enforcing this
5 act and the code in that governmental subdivision, unless the
6 county within which that governmental subdivision is located has
7 submitted a notice of intent to continue to administer and
8 enforce the code. However, that action shall not take effect
9 until 12 months after the passage of an ordinance to that
10 effect. A structure commenced under an effective code shall be
11 completed under that code.

12 (9) Locally adopted codes ~~shall~~ DO not apply to public or
13 nonpublic schools within the governmental subdivision without
14 concurrence by the school authorities having jurisdiction.

15 (10) Sections 10, 13a, 13b, 19, 21, and 23a, other provi-
16 sions of this act and code directly relating to the provisions of
17 sections 10, 13a, 13b, 19, 21, and 23a, and provisions of the
18 code relating to the requirements of barrier free design, ~~and~~
19 energy conservation, ~~shall be~~ AND THE TYPE AND NUMBER OF PLUMB-
20 ING FIXTURES REQUIRED IN CERTAIN BUILDINGS TO ENSURE EQUAL SPEED
21 OF ACCESS TO REST ROOM FACILITIES FOR MEN AND WOMEN ARE effective
22 throughout the state without local modifications notwithstanding
23 the exception of subsections (1) to (9). The standards for pre-
24 manufactured housing shall not be less than the standards
25 required for nonpremanufactured housing, except that mobile homes
26 shall be considered to have complied with this requirement by

1 compliance with the state code provisions adopting a nationally
2 recognized mobile home code.

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

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

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