

Act No. 128
Public Acts of 1994
Approved by the Governor
May 17 1994
Filed with the Secretary of State
May 17, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senators Cherry O'Brien and Hart

ENROLLED SENATE BILL No. 364

AN ACT to amend section 8 of Act No. 230 of the Public Acts of 1972 entitled as amended An act to create a construction code commission and prescribe its functions to authorize the commission to promulgate rules with recommendations from each affected board relating to the construction alteration demolition occupancy and use of buildings and structures to provide for statewide approval of premanufactured units to provide for the testing of new devices materials and techniques for the construction of buildings and structures to define the classes of buildings and structures affected by the act to provide that governmental subdivisions may with exceptions elect not to be subject to certain parts of the act to provide for administration and enforcement of the act to create a state construction code fund to prohibit certain conduct to establish remedies and sanctions for violations of the act to repeal certain acts and parts of acts and to provide an appropriation as amended by Act No. 161 of the Public Acts of 1993 being section 125 1508 of the Michigan Compiled Laws and to add section 21a

The People of the State of Michigan enact

Section 1 Section 8 of Act No. 230 of the Public Acts of 1972 as amended by Act No. 161 of the Public Acts of 1993 being section 125 1508 of the Michigan Compiled Laws is amended and section 21a is added to read as follows

Sec 8 (1) This act and the code apply throughout the state except that a governmental subdivision may elect to exempt itself from certain parts of this act and the code by adopting and enforcing a nationally recognized model building code or other nationally recognized model codes It is not necessary for a governmental subdivision to elect to exempt itself from every part of the code promulgated by the commission in order to preserve its exemption election as to 1 or more nationally recognized model codes A governmental subdivision may make this election by the passage of an ordinance adopting by reference or otherwise without amendment a nationally recognized model building code or other nationally recognized model codes A county ordinance adopted pursuant to this act shall be adopted by the county board of commissioners and shall be signed by the chairperson of the county board of commissioners and certified by the county clerk A governmental subdivision that elects not to be governed by certain parts of this act and the code shall review and update its codes by amending its ordinance at least once every 3 years by adopting without amendment all changes to those codes and submitting a certified copy of the amended ordinance to the commission However a governmental subdivision adopting nationally recognized model codes may approve amendments to those codes by ordinance The amendments shall become effective 90 days after passage of the ordinance and 90 days after a certified copy of the ordinance is delivered to the commission unless the commission determines after a public hearing that the codes as amended do not adequately protect the health safety or welfare of the people of the governmental subdivision or that the amendments tend to unnecessarily increase construction costs restrict the use of new materials products or methods of construction provide preferential treatment to types or classes of materials products or methods of construction or obstruct the substantive uniformity of building codes within a region or locality in the state

Sec 21a (1) Beginning 1 year after the effective date of the amendatory act that added this section heating cable shall not be installed or used in a building or structure in this state until approved by the commission pursuant to section 21 As provided in section 8 this section is effective throughout the state without local modification

(2) An application for approval of heating cable submitted to the commission which includes listing by a nationally recognized testing laboratory found to comply with established standards shall be approved unless the commission finds it would endanger the public safety

(3) For purposes of this section heating cable means heating cable as defined in section 2 of the heating cable safety act that is cable designed to be secured to pipes and vessels to reduce their likelihood of freezing or to facilitate the flow of viscous liquids Heating cable also includes products used for deicing on roofs and in gutters and downspouts Heating cable intended for industrial and commercial use is connected to the supply system by a permanent wiring method or by an attachment plug for connection to a receptacle outlet Heating cable intended for residential and mobile home use has an attachment plug for connection to a receptacle outlet Heating cable is commonly known as heat tape

(4) This section shall not be construed to limit the powers and duties granted pursuant to any other law to a state agency or official

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor