



HOUSE BILL No. 5017

August 31, 1993, Introduced by Rep. Cropsey and referred to the Committee on State Affairs.

A bill to amend section 9 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 125.1509 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 9 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 125.1509 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 9. (1) Except as otherwise provided in this section,
6 the executive director is responsible for administration and
7 enforcement of this act and the code. A governmental subdivision
8 may by ordinance assume responsibility for administration and
9 enforcement of this act within its political boundary. The

1 requirements of section 11(m) of Act No. 156 of the Public Acts
2 of 1951, as amended, BEING SECTION 46.11 OF THE MICHIGAN COMPILED
3 LAWS, relating to the submission of a county ordinance, act, or
4 regulation for approval or disapproval by the governor and
5 deposit with the secretary of state, ~~shall~~ DOES not apply to
6 county ordinances adopted pursuant to this act. A county ordi-
7 nance adopted pursuant to this act shall be adopted by the county
8 board of commissioners, ~~and shall be~~ signed by the chairperson
9 of the county board of commissioners, and certified by the county
10 clerk.

11 (2) A governmental subdivision ~~which~~ THAT has assumed the
12 responsibility for administering and enforcing this act and the
13 code may through its chief legal officer issue a complaint and
14 obtain a warrant for a violation of this act or the code and
15 prosecute the violation with the same power and authority it pos-
16 sesses in prosecuting a local ordinance violation. Unless other-
17 wise provided by local law or ordinance, the legislative body of
18 a governmental subdivision responsible for administration and
19 enforcement of this act and the code shall designate an enforcing
20 agency that shall discharge the responsibilities of the govern-
21 mental subdivision under this act. Governmental subdivisions may
22 provide by agreement for joint enforcement of this act.

23 (3) Subject to the other provisions of this act, an enforc-
24 ing agency ~~shall be~~ IS any official or agent of a governmental
25 subdivision qualified by experience or training. ~~to perform the~~
26 ~~duties associated with construction code administration and~~
27 ~~enforcement.~~ THE AGENCY OR PUBLIC OFFICIAL ACTING AS THE AGENCY

1 TO ADMINISTER AND ENFORCE THE CODE IS THE FINAL DECISION MAKING
2 AUTHORITY WITHIN THE GOVERNMENTAL SUBDIVISION FOR THE ISSUANCE
3 AND REVOCATION OF PERMITS, CORRECTION NOTICES, CERTIFICATES OF
4 OCCUPANCY, STOP WORK NOTICES; AND OTHER SIMILAR ACTIONS. FOR
5 EACH TRADE THAT THE GOVERNMENTAL SUBDIVISION ADMINISTERS, THE
6 AGENCY OR PUBLIC OFFICIAL SHALL EITHER BE REGISTERED UNDER THE
7 BUILDING OFFICIALS AND INSPECTORS REGISTRATION ACT, ACT NO. 54 OF
8 THE PUBLIC ACTS OF 1986, BEING SECTIONS 338.2301 TO 338.2313 OF
9 THE MICHIGAN COMPILED LAWS, OR MAKE ITS DECISIONS BASED ON THE
10 TECHNICAL ADVICE AND ASSISTANCE OF REGISTERED INSPECTORS AND PLAN
11 REVIEWERS.

12 ~~(4) Within 10 days after the effective date of this subsec-~~
13 ~~tion, the executive director shall provide all governmental sub-~~
14 ~~divisions administering and enforcing this act and the code with~~
15 ~~a notice of intent form. This form shall set forth the date~~
16 ~~return receipt is required, which date shall not be less than 60~~
17 ~~days. The chief elected official of the governmental subdivision~~
18 ~~that receives this notice shall indicate on the form the inten-~~
19 ~~tion of the governmental subdivision as to whether it shall con-~~
20 ~~tinue to administer and enforce this act and the code and trans-~~
21 ~~mit this notice to the executive director within the prescribed~~
22 ~~period. If a governmental subdivision fails to submit a notice~~
23 ~~of intent to continue to administer and enforce this act and the~~
24 ~~code within the date set forth in the notice, the executive~~
25 ~~director shall send a notice by registered mail to the clerk of~~
26 ~~that governmental subdivision. The registered notice shall~~
27 ~~indicate that the governmental subdivision shall have 15~~

~~1 additional days in which to submit a notice of intent to continue
2 to administer and enforce this act and the code. If the govern-
3 mental subdivision does not respond by the end of the 15 addi-
4 tional days, it shall be conclusively presumed that the govern-
5 mental subdivision does not intend to continue to administer and
6 enforce this act and the code and the executive director shall
7 assume the responsibility for administering and enforcing this
8 act and the code in that governmental subdivision, unless the
9 county within which the governmental subdivision is located has
10 submitted a notice of intent to continue to administer and
11 enforce this act and the code.~~

12 (4) ~~(5)~~ A county ~~which~~ THAT is administering and enforc-
13 ing this act and the code ~~on the effective date of this subsec-~~
14 ~~tion, and has submitted a notice of intent to continue to admin-~~
15 ~~ister and enforce this act and the code pursuant to~~
16 ~~subsection (4)~~ shall be IS responsible for the administration
17 and enforcement of this act and the code for all of the govern-
18 mental subdivisions within the county ~~which have not submitted a~~
19 ~~notice of intent to continue to~~ THAT DO NOT administer and
20 enforce this act and the code or another nationally recognized
21 model code within its jurisdiction. ~~The executive director~~
22 ~~shall notify the county of those governmental subdivisions that~~
23 ~~have not submitted a notice of intent.~~

24 (5) ~~(6)~~ A governmental subdivision ~~which, before the~~
25 ~~effective date of this subsection,~~ THAT has not administered and
26 enforced either this act and the code or another nationally
27 recognized model code may elect to assume the responsibility for

1 the administration and enforcement of this act and the code
2 pursuant to subsection (1) by the passage of an ordinance to that
3 effect. A governmental subdivision ~~which~~ THAT makes this elec-
4 tion ~~after the effective date of this subsection~~ shall submit,
5 in addition to the ordinance, an application to the commission
6 for approval to administer and enforce this act and the code
7 within its jurisdiction. This application shall be made on the
8 proper form to be provided by the commission. The standards for
9 approval shall include, but not be limited to, the certification
10 by the governmental subdivision that the enforcing agency is
11 qualified by experience or training to administer and enforce
12 this act and the code and all related acts and rules, that agency
13 personnel are provided as necessary, administrative services are
14 provided, plan review services are provided, and timely field
15 inspection services will be provided. The executive director
16 shall seek additional information when the executive director
17 considers it necessary. The commission shall render a decision
18 on the application for approval to administer and enforce this
19 act and the code and transmit its findings to that governmental
20 subdivision within 90 days of receipt of the application. The
21 commission shall document its reasons, if the commission disap-
22 proves an application. A governmental subdivision ~~which~~ THAT
23 receives a disapproval may resubmit its application for
24 approval. Upon receipt of approval from the commission for the
25 administration and enforcement of this act and the code, the gov-
26 ernmental subdivision shall administer and enforce this act and

1 the code within its jurisdiction pursuant to ~~the provisions of~~
2 this act and the application.

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

17 (7) ~~(8)~~ The executive director is responsible for adminis-
18 tration and enforcement of this act and the code in those govern-
19 mental subdivisions for buildings and structures ~~which~~ THAT are
20 not under the responsibility of an enforcing agency in those gov-
21 ernmental subdivisions ~~which~~ THAT elect to administer and
22 enforce this act and the code or another nationally recognized
23 model code. A building or structure owned by the state shall not
24 be erected, remodeled, or reconstructed in the state, ~~after the~~
25 ~~effective date of this subsection,~~ except school buildings or
26 facilities or institutions of higher education as defined in
27 section 4 of article ~~8~~ VIII of the state constitution of 1963,

1 until written approval of the plans and specifications has been
2 obtained from the bureau of construction codes located within the
3 department of labor indicating that the state owned facilities
4 shall be designed and constructed in conformance with the state
5 construction code and all pertinent sections. ~~This subsection
6 shall not apply to any state owned facility for which construc-
7 tion has commenced before the effective date of this subsection.~~
8 The bureau of construction codes shall be the lead agency in the
9 coordination and implementation of this subsection. The bureau
10 of construction codes shall perform all required plan reviews and
11 inspections as required by the state construction code. Each
12 department shall secure all required plan approvals and permits
13 from the bureau. Fees charged by the bureau for permits shall be
14 in accordance with the commission's approved schedule of fees.
15 State departments and institutions may allow local inspectors to
16 inspect the construction of state owned facilities. However, an
17 inspection conducted by a local inspector shall be of an advisory
18 nature only.

19 (8) ~~(9)~~ This section ~~shall~~ DOES not affect the responsi-
20 bilities of the commission for administration and enforcement of
21 this act pursuant to other sections of this act, or pursuant to
22 THE FIRE PREVENTION CODE, Act No. 207 of the Public Acts of 1941,
23 as amended, being sections 29.1 to 29.25 of the Michigan Compiled
24 Laws, except sections 6 and 7 of Act No. 207 of the Public Acts
25 of 1941, as amended, being sections 29.6 and 29.7 of the Michigan
26 Compiled Laws; Act No. 327 of the Public Acts of 1947, as
27 amended, being sections 29.201 to 29.330 of the Michigan Compiled

1 Laws; Act No. 306 of the Public Acts of 1937, as amended, being
2 sections 388.851 to 388.855a of the Michigan Compiled Laws; THE
3 FIRE FIGHTERS TRAINING COUNCIL ACT OF 1966, Act No. 291 of the
4 Public Acts of 1966, as amended, being sections 29.361 to 29.377
5 of the Michigan Compiled Laws; Act No. 9 of the Public Acts of
6 the First Extra Session of 1942, as amended, being sections
7 419.201 to 419.205 of the Michigan Compiled Laws; parts 215 and
8 217 of THE PUBLIC HEALTH CODE, Act No. 368 of the Public Acts of
9 1978, as amended, being sections 333.21501 to 333.21799e of the
10 Michigan Compiled Laws; and section 58 of THE SOCIAL WELFARE ACT,
11 Act No. 280 of the Public Acts of 1939, as amended, being
12 section 400.58 of the Michigan Compiled Laws.

13 (9) ~~(10)~~ Pursuant to parts 215 and 217 of Act No. 368 of
14 the Public Acts of 1978, as amended, BEING SECTIONS 333.21501 TO
15 333.21799E OF THE MICHIGAN COMPILED LAWS, the directors of the
16 ~~department~~ DEPARTMENTS of labor, public health, and state
17 police ~~—~~ or their designees shall develop consistent construc-
18 tion standards for hospitals and nursing homes. These standards
19 shall assure that consistent, uniform, and equitable construction
20 requirements and state supervision ~~thereof~~ OF CONSTRUCTION are
21 achieved and that unnecessary duplication is avoided. The com-
22 mission shall delegate plan review and approval of health facil-
23 ity construction plans to the department of health. This subsec-
24 tion ~~shall~~ DOES not preclude a state agency or a governmental
25 subdivision from conducting plan reviews or inspections necessary
26 to assure compliance with approved construction plans.

1 (10) ~~(+++)~~ Except as otherwise provided in this act, this
2 act does not limit or restrict existing powers or authority of
3 governmental subdivisions, and this act shall be enforced by gov-
4 ernmental subdivisions in the manner prescribed by local law or
5 ordinance. To the extent not inconsistent with this act, local
6 laws and ordinances relating to THE administration and enforce-
7 ment of construction regulations enacted before the effective
8 date of the code by or for a governmental subdivision ~~are~~
9 ~~applicable~~ APPLY to THE administration and enforcement of the
10 code in that governmental subdivision.