

Act No. 42
Public Acts of 1998
Approved by the Governor
March 18, 1998
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March 18, 1998
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STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senators Rogers, Conroy, Gougeon, North, Bullard, Vaughn, V. Smith, Peters, A. Smith, DeBeaussaert, Young, Stallings, Byrum and Koivisto

ENROLLED SENATE BILL No. 376

AN ACT to amend 1972 PA 230, entitled "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 prescribe energy conservation standards for the construction of certain buildings; 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 acts and parts of acts; and to provide an appropriation," by amending section 2 (MCL 125.1502), as amended by 1980 PA 371.

The People of the State of Michigan enact:

Sec. 2. (1) As used in this act:

(a) "Agricultural or agricultural purposes" means of, or pertaining to, or connected with, or engaged in agriculture or tillage which is characterized by the act or business of cultivating or using land and soil for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

(b) "Application for a building permit" means an application for a building permit submitted to an enforcing agency pursuant to this act and plans, specifications, surveys, statements, and other material submitted to the enforcing agency together or in connection with the application.

(c) "Barrier free design" means design complying with legal requirements for architectural designs which eliminate the type of barriers and hindrances that deter persons with disabilities from having access to and free mobility in and around a building or structure.

(d) "Board of appeals" means the construction board of appeals of a governmental subdivision provided for in section 14.

(e) "Boards" means the state plumbing and electrical administrative boards and the barrier free design board created in section 5 of 1966 PA 1, MCL 125.1355.

(f) "Building" means a combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by persons, animals, or property. The term does not include a building incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade.

The term shall be construed as though followed by the words “or part or parts of the building and all equipment in the building” unless the context clearly requires a different meaning.

(g) “Building envelope” means the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior.

(h) “Business day” means a day of the year, exclusive of a Saturday, Sunday, or legal holiday.

(i) “Chief elected official” means the chairperson of the county board of commissioners, the city mayor, the village president, or the township supervisor.

(j) “Code” means the state construction code provided for in section 4 or a part thereof of limited application, and includes a modification of or amendment to the code.

(k) “Commission” means the state construction code commission created by section 3.

(l) “Construction” means the construction, erection, reconstruction, alteration, conversion, demolition, repair, moving, or equipping of buildings or structures.

(m) “Construction regulation” means a law, act, rule, resolution, regulation, ordinance, or code, general or special, or compilation thereof, heretofore or hereafter enacted or adopted, by this state or a county, city, village, or township including a department, board, bureau, commission, or other agency thereof, relating to the design, construction, or use of buildings and structures and the installation of equipment in the building or structure. Construction regulation does not include a zoning ordinance or rule issued pursuant to a zoning ordinance and related to zoning.

(n) “Department” means the department of labor.

(o) “Director” means the director of labor or an authorized representative of the director.

(p) “Energy conservation” means the efficient use of energy by providing building envelopes with high thermal resistance and low air leakage, and the selection of energy efficient mechanical, electrical service, and illumination systems, equipment, devices, or apparatus.

(q) “Enforcing agency” means the enforcing agency, in accordance with section 8 or 9, which is responsible for administration and enforcement of a nationally recognized model code or this act and the code within a governmental subdivision, except for the purposes of section 19 enforcing agency means the agency in a governmental unit principally responsible for the administration and enforcement of applicable construction regulations.

(r) “Equipment” means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment.

(s) “Executive director” means the director of the bureau of construction codes as set forth under section 7.

(t) “Governmental subdivision” means a county, city, village, or township which in accordance with section 8 or 9 has assumed responsibility for the administration and enforcement of a nationally recognized model code or this act and the code within its jurisdiction.

(u) “Mobile home” means a vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days.

(v) “Other laws and ordinances” means other laws and ordinances, whether enacted by this state or by a county, city, village, or township and the rules issued thereunder.

(w) “Owner” means the owner of the freehold of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property or his or her duly authorized agent.

(x) “Person with disabilities” means an individual whose physical characteristics have a particular relationship to that individual's ability to be self-reliant in the individual's movement throughout and use of the building environment.

(y) “Premanufactured unit” means an assembly of materials or products intended to comprise all or part of a building or structure, and which is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to insure uniformity of quality and material content. Premanufactured unit includes a mobile home.

(z) “Structure” means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. Structure does not include a structure incident to the use for agricultural purposes of the land on which the structure is located and does not include works of heavy civil construction including without limitation, a highway, bridge, dam, reservoir, lock, mine, harbor, dockside port facility, an airport landing facility and facilities for the generation or transmission, or distribution of electricity. Structure shall be construed as though followed by the words “or part or parts of the structure and all equipment in the structure” unless the context clearly indicates otherwise.

(2) Unless the context clearly indicates otherwise, references to this act, or to this act and the code, shall refer to this act and rules promulgated pursuant to this act including the code.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Maya R. Bullock

Clerk of the House of Representatives.

Approved _____

Governor.