

SENATE BILL NO. 463

March 23, 1999, Introduced by Senators STILLE, MC COTTER, SHUGARS, NORTH, MC MANUS and BYRUM and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending the title and sections 2, 7, 8, 10, and 22 (MCL 125.1502, 125.1507, 125.1508, 125.1510, and 125.1522), the title as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

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An act to create a construction code commission and pre-

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scribe its functions; to authorize the commission to promulgate

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rules with recommendations from each affected board relating to

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the construction, alteration, demolition, occupancy, and use of

1 buildings and structures; to prescribe energy conservation
2 standards for the construction of certain buildings; to provide
3 for statewide approval of premanufactured units; to provide for
4 the testing of new devices, materials, and techniques for the
5 construction of buildings and structures; to define the classes
6 of buildings and structures affected by the act; ~~to provide that~~
7 ~~governmental subdivisions may with exceptions elect not to be~~
8 ~~subject to certain parts of the act;~~ to provide for administra-
9 tion and enforcement of the act; to create a state construction
10 code fund; to prohibit certain conduct; to establish PENALTIES,
11 remedies, and sanctions for violations of the act; to repeal acts
12 and parts of acts; and to provide an appropriation.

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

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

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

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

6 (d) "Board of appeals" means the construction board of
7 appeals of a governmental subdivision provided for in section
8 14.

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

12 (f) "Building" means a combination of materials, whether
13 portable or fixed, forming a structure affording a facility or
14 shelter for use or occupancy by persons, animals, or property.
15 ~~The term~~ BUILDING does not include a building, WHETHER TEMPO-
16 RARY OR PERMANENT, incidental to the use for agricultural pur-
17 poses of the land on which the building is located if it is not
18 used in the business of retail trade. ~~The term shall be con-~~
19 ~~strued as though followed by the words~~ BUILDING INCLUDES THE
20 MEANING "or part or parts of the building and all equipment in
21 the building" unless the context clearly requires a different
22 meaning.

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

26 (h) "Business day" means a day of the year, exclusive of a
27 Saturday, Sunday, or legal holiday.

1 (i) "Chief elected official" means the chairperson of the
2 county board of commissioners, the city mayor, the village presi-
3 dent, or the township supervisor.

4 (j) "Code" means the state construction code provided for in
5 section 4 or a part ~~thereof~~ OF THAT CODE of limited application
6 ~~—~~ and includes a modification of or amendment to the code.

7 (k) "Commission" means the state construction code commis-
8 sion created by section 3.

9 (l) "Construction" means the construction, erection, recon-
10 struction, alteration, conversion, demolition, repair, moving, or
11 equipping of buildings or structures.

12 (m) "Construction regulation" means a law, act, rule, reso-
13 lution, regulation, ordinance, or code, general or special, or
14 compilation thereof, ~~heretofore or hereafter~~ enacted or adopted
15 BEFORE OR AFTER JANUARY 1, 1973, by this state or a county, city,
16 village, or township including a department, board, bureau, com-
17 mission, or other agency thereof, relating to the design, con-
18 struction, or use of buildings and structures and the installa-
19 tion of equipment in the building or structure. Construction
20 regulation does not include a zoning ordinance or rule issued
21 pursuant to a zoning ordinance and related to zoning.

22 (N) "COST EFFECTIVE", IN REFERENCE TO SECTION 4(3)(F) AND
23 (G), MEANS, USING THE EXISTING ENERGY EFFICIENCY STANDARDS AND
24 REQUIREMENTS AS THE BASE OF COMPARISON, THE ECONOMIC BENEFITS OF
25 THE PROPOSED ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS WILL
26 EXCEED THE ECONOMIC COSTS OF THE REQUIREMENTS OF THE PROPOSED

1 RULES BASED UPON AN INCREMENTAL MULTIYEAR ANALYSIS. ALL OF THE
2 FOLLOWING PROVISIONS APPLY:

3 (i) THE ANALYSIS SHALL TAKE INTO CONSIDERATION THE PERSPEC-
4 TIVE OF A TYPICAL FIRST-TIME HOME BUYER.

5 (ii) THE ANALYSIS SHALL CONSIDER BENEFITS AND COSTS OVER A
6 7-YEAR TIME PERIOD.

7 (iii) THE ANALYSIS SHALL NOT ASSUME FUEL PRICE INCREASES IN
8 EXCESS OF THE ASSUMED GENERAL RATE OF INFLATION.

9 (iv) THE ANALYSIS SHALL ASSURE THAT THE BUYER OF A HOME WHO
10 QUALIFIES TO PURCHASE THE HOME BEFORE THE ADDITION OF THE ENERGY
11 EFFICIENT STANDARDS WOULD STILL QUALIFY TO PURCHASE THE SAME HOME
12 AFTER THE ADDITIONAL COST OF THE ENERGY-SAVING CONSTRUCTION
13 FEATURES.

14 (v) THE ANALYSIS SHALL ASSURE THAT THE COSTS OF PRINCIPAL,
15 INTEREST, TAXES, INSURANCE, AND UTILITIES WILL NOT BE GREATER
16 AFTER THE INCLUSION OF THE PROPOSED COST OF THE ADDITIONAL
17 ENERGY-SAVING CONSTRUCTION FEATURES REQUIRED BY THE PROPOSED
18 ENERGY EFFICIENCY RULES AS OPPOSED TO THE PROVISIONS OF THE
19 EXISTING ENERGY EFFICIENCY RULES.

20 (O) ~~(n)~~ "Department" means the department of ~~labor~~
21 CONSUMER AND INDUSTRY SERVICES.

22 (P) ~~(o)~~ "Director" means the director of ~~labor~~ THE
23 DEPARTMENT or an authorized representative of the director.

24 (Q) ~~(p)~~ "Energy conservation" means the efficient use of
25 energy by providing building envelopes with high thermal resis-
26 tance and low air leakage, and the selection of energy efficient

1 mechanical, electrical service, and illumination systems,
2 equipment, devices, or apparatus.

3 (R) ~~(q)~~ "Enforcing agency" means the enforcing agency, in
4 accordance with section 8 or 9, which is responsible for adminis-
5 tration and enforcement of a nationally recognized model code or
6 this act and the code within a governmental subdivision, except
7 for the purposes of section 19 enforcing agency means the agency
8 in a governmental unit principally responsible for the adminis-
9 tration and enforcement of applicable construction regulations.

10 (S) ~~(r)~~ "Equipment" means plumbing, heating, electrical,
11 ventilating, air conditioning, and refrigerating equipment.

12 (T) ~~(s)~~ "Executive director" means the director of the
13 bureau of construction codes as set forth under section 7.

14 (U) ~~(t)~~ "Governmental subdivision" means a county, city,
15 village, or township which in accordance with section 8 or 9 has
16 assumed responsibility for ~~the~~ administration and enforcement
17 of a nationally recognized model code or this act and the code
18 within its jurisdiction.

19 (V) ~~(u)~~ "Mobile home" means a vehicular, portable struc-
20 ture built on a chassis and designed to be used without a per-
21 manent foundation as a dwelling when connected to required utili-
22 ties and which is, or is intended to be, attached to the ground,
23 to another structure, or to a utility system on the same premises
24 for more than 30 consecutive days.

25 (W) ~~(v)~~ "Other laws and ordinances" means other laws and
26 ordinances ~~—~~ whether enacted by this state or by a county,

1 city, village, or township and the rules issued ~~thereunder~~
2 UNDER THOSE LAWS AND ORDINANCES.

3 (X) ~~(w)~~ "Owner" means the owner of the freehold of the
4 premises or lesser estate in the premises, a mortgagee or vendee
5 in possession, an assignee of rents, receiver, executor, trustee,
6 lessee, or any other person, sole proprietorship, partnership,
7 association, or corporation directly or indirectly in control of
8 a building, structure, or real property or his or her duly autho-
9 rized agent.

10 (Y) ~~(x)~~ "Person with disabilities" means a individual
11 whose physical characteristics have a particular relationship to
12 that individual's ability to be self-reliant in the individual's
13 movement throughout and use of the building environment.

14 (Z) ~~(y)~~ "Premanufactured unit" means an assembly of mate-
15 rials or products intended to comprise all or part of a building
16 or structure, and which is assembled at other than the final
17 location of the unit of the building or structures by a repeti-
18 tive process under circumstances intended to insure uniformity of
19 quality and material content. Premanufactured unit includes a
20 mobile home.

21 (AA) ~~(z)~~ "Structure" means that which is built or con-
22 structed, an edifice or building of any kind, or a piece of work
23 artificially built up or composed of parts joined together in
24 some definite manner. Structure does not include a structure
25 incident to the use for agricultural purposes of the land on
26 which the structure is located and does not include works of
27 heavy civil construction including, ~~without limitation~~ BUT NOT

1 LIMITED TO, a highway, bridge, dam, reservoir, lock, mine,
2 harbor, dockside port facility, an airport landing facility and
3 facilities for the generation or transmission, or distribution of
4 electricity. Structure ~~shall be construed as though followed by~~
5 ~~the words~~ INCLUDES THE MEANING "or part or parts of the struc-
6 ture and all equipment in the structure" unless the context
7 clearly ~~indicates otherwise~~ REQUIRES A DIFFERENT MEANING.

8 (2) Unless the context clearly indicates otherwise,
9 ~~references~~ A REFERENCE to this act, or to this act and the
10 code, ~~shall refer to~~ MEANS this act and rules promulgated pur-
11 suant to this act including the code.

12 SEC. 2A. (1) AS USED IN THIS ACT:

13 (A) "AGRICULTURAL OR AGRICULTURAL PURPOSES" MEANS OF, OR
14 PERTAINING TO, OR CONNECTED WITH, OR ENGAGED IN AGRICULTURE OR
15 TILLAGE WHICH IS CHARACTERIZED BY THE ACT OR BUSINESS OF CULTI-
16 VATING OR USING LAND AND SOIL FOR THE PRODUCTION OF CROPS FOR THE
17 USE OF ANIMALS OR HUMANS, AND INCLUDES, BUT IS NOT LIMITED TO,
18 PURPOSES RELATED TO AGRICULTURE, FARMING, DAIRYING, PASTURAGE,
19 HORTICULTURE, FLORICULTURE, VITICULTURE, AND ANIMAL AND POULTRY
20 HUSBANDRY.

21 (B) "APPLICATION FOR A BUILDING PERMIT" MEANS AN APPLICATION
22 FOR A BUILDING PERMIT SUBMITTED TO AN ENFORCING AGENCY PURSUANT
23 TO THIS ACT AND PLANS, SPECIFICATIONS, SURVEYS, STATEMENTS, AND
24 OTHER MATERIAL SUBMITTED TO THE ENFORCING AGENCY TOGETHER OR IN
25 CONNECTION WITH THE APPLICATION.

26 (C) "BARRIER FREE DESIGN" MEANS DESIGN COMPLYING WITH LEGAL
27 REQUIREMENTS FOR ARCHITECTURAL DESIGNS WHICH ELIMINATE THE TYPE

1 OF BARRIERS AND HINDRANCES THAT DETER PERSONS WITH DISABILITIES
2 FROM HAVING ACCESS TO AND FREE MOBILITY IN AND AROUND A BUILDING
3 OR STRUCTURE.

4 (D) "BOARD OF APPEALS" MEANS THE CONSTRUCTION BOARD OF
5 APPEALS OF A GOVERNMENTAL SUBDIVISION PROVIDED FOR IN SECTION
6 14.

7 (E) "BOARDS" MEANS THE STATE PLUMBING AND ELECTRICAL ADMIN-
8 ISTRATIVE BOARDS AND THE BARRIER FREE DESIGN BOARD CREATED IN
9 SECTION 5 OF 1966 PA 1, MCL 125.1355.

10 (F) "BUILDING" MEANS A COMBINATION OF MATERIALS, WHETHER
11 PORTABLE OR FIXED, FORMING A STRUCTURE AFFORDING A FACILITY OR
12 SHELTER FOR USE OR OCCUPANCY BY PERSONS, ANIMALS, OR PROPERTY.
13 BUILDING DOES NOT INCLUDE A BUILDING, WHETHER TEMPORARY OR PER-
14 MANENT, INCIDENTAL TO THE USE FOR AGRICULTURAL PURPOSES OF THE
15 LAND ON WHICH THE BUILDING IS LOCATED IF IT IS NOT USED IN THE
16 BUSINESS OF RETAIL TRADE. BUILDING INCLUDES THE MEANING "OR PART
17 OR PARTS OF THE BUILDING AND ALL EQUIPMENT IN THE BUILDING"
18 UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING.

19 (G) "BUILDING ENVELOPE" MEANS THE ELEMENTS OF A BUILDING
20 WHICH ENCLOSE CONDITIONED SPACES THROUGH WHICH THERMAL ENERGY MAY
21 BE TRANSFERRED TO OR FROM THE EXTERIOR.

22 (H) "BUSINESS DAY" MEANS A DAY OF THE YEAR, EXCLUSIVE OF A
23 SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

24 (I) "CHIEF ELECTED OFFICIAL" MEANS THE CHAIRPERSON OF THE
25 COUNTY BOARD OF COMMISSIONERS, THE CITY MAYOR, THE VILLAGE PRESI-
26 DENT, OR THE TOWNSHIP SUPERVISOR.

1 (J) "CODE" MEANS THE STATE CONSTRUCTION CODE PROVIDED FOR IN
2 SECTION 4 OR A PART OF THAT CODE OF LIMITED APPLICATION AND
3 INCLUDES A MODIFICATION OF OR AMENDMENT TO THE CODE.

4 (K) "COMMISSION" MEANS THE STATE CONSTRUCTION CODE COMMIS-
5 SION CREATED BY SECTION 3.

6 (L) "CONSTRUCTION" MEANS THE CONSTRUCTION, ERECTION, RECON-
7 STRUCTION, ALTERATION, CONVERSION, DEMOLITION, REPAIR, MOVING, OR
8 EQUIPPING OF BUILDINGS OR STRUCTURES.

9 (M) "CONSTRUCTION REGULATION" MEANS A LAW, ACT, RULE, REGU-
10 LATION, OR CODE, GENERAL OR SPECIAL, OR COMPILATION THEREOF,
11 ENACTED OR ADOPTED BEFORE OR AFTER JANUARY 1, 1973, BY THIS STATE
12 INCLUDING A DEPARTMENT, BOARD, BUREAU, COMMISSION, OR OTHER
13 AGENCY THEREOF, RELATING TO THE DESIGN, CONSTRUCTION, OR USE OF
14 BUILDINGS AND STRUCTURES AND THE INSTALLATION OF EQUIPMENT IN THE
15 BUILDING OR STRUCTURE. CONSTRUCTION REGULATION DOES NOT INCLUDE
16 A ZONING ORDINANCE OR RULE ISSUED PURSUANT TO A ZONING ORDINANCE
17 AND RELATED TO ZONING.

18 (N) "COST EFFECTIVE", IN REFERENCE TO SECTION 4(3)(F) AND
19 (G), MEANS, USING THE EXISTING ENERGY EFFICIENCY STANDARDS AND
20 REQUIREMENTS AS THE BASE OF COMPARISON, THE ECONOMIC BENEFITS OF
21 THE PROPOSED ENERGY EFFICIENCY STANDARDS AND REQUIREMENTS WILL
22 EXCEED THE ECONOMIC COSTS OF THE REQUIREMENTS OF THE PROPOSED
23 RULES BASED UPON AN INCREMENTAL MULTIYEAR ANALYSIS. ALL OF THE
24 FOLLOWING PROVISIONS APPLY:

25 (i) THE ANALYSIS SHALL TAKE INTO CONSIDERATION THE PERSPEC-
26 TIVE OF A TYPICAL FIRST-TIME HOME BUYER.

1 (ii) THE ANALYSIS SHALL CONSIDER BENEFITS AND COSTS OVER A
2 7-YEAR TIME PERIOD.

3 (iii) THE ANALYSIS SHALL NOT ASSUME FUEL PRICE INCREASES IN
4 EXCESS OF THE ASSUMED GENERAL RATE OF INFLATION.

5 (iv) THE ANALYSIS SHALL ASSURE THAT THE BUYER OF A HOME WHO
6 QUALIFIES TO PURCHASE THE HOME BEFORE THE ADDITION OF THE ENERGY
7 EFFICIENT STANDARDS WOULD STILL QUALIFY TO PURCHASE THE SAME HOME
8 AFTER THE ADDITIONAL COST OF THE ENERGY-SAVING CONSTRUCTION
9 FEATURES.

10 (v) THE ANALYSIS SHALL ASSURE THAT THE COSTS OF PRINCIPAL,
11 INTEREST, TAXES, INSURANCE, AND UTILITIES WILL NOT BE GREATER
12 AFTER THE INCLUSION OF THE PROPOSED COST OF THE ADDITIONAL
13 ENERGY-SAVING CONSTRUCTION FEATURES REQUIRED BY THE PROPOSED
14 ENERGY EFFICIENCY RULES AS OPPOSED TO THE PROVISIONS OF THE
15 EXISTING ENERGY EFFICIENCY RULES.

16 (O) "DEPARTMENT" MEANS THE DEPARTMENT OF CONSUMER AND INDUS-
17 TRY SERVICES.

18 (P) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR AN
19 AUTHORIZED REPRESENTATIVE OF THE DIRECTOR.

20 (Q) "ENERGY CONSERVATION" MEANS THE EFFICIENT USE OF ENERGY
21 BY PROVIDING BUILDING ENVELOPES WITH HIGH THERMAL RESISTANCE AND
22 LOW AIR LEAKAGE, AND THE SELECTION OF ENERGY EFFICIENT MECHANICAL,
23 ELECTRICAL SERVICE, AND ILLUMINATION SYSTEMS, EQUIPMENT,
24 DEVICES, OR APPARATUS.

25 (R) "ENFORCING AGENCY" MEANS THE ENFORCING AGENCY, IN
26 ACCORDANCE WITH SECTION 8A OR 8B, WHICH IS RESPONSIBLE FOR
27 ADMINISTRATION AND ENFORCEMENT OF THE CODE WITHIN A GOVERNMENTAL

1 SUBDIVISION, EXCEPT FOR THE PURPOSES OF SECTION 19 ENFORCING
2 AGENCY MEANS THE AGENCY IN A GOVERNMENTAL UNIT PRINCIPALLY
3 RESPONSIBLE FOR THE ADMINISTRATION AND ENFORCEMENT OF APPLICABLE
4 CONSTRUCTION REGULATIONS.

5 (S) "EQUIPMENT" MEANS PLUMBING, HEATING, ELECTRICAL, VENTI-
6 LATING, AIR CONDITIONING, AND REFRIGERATING EQUIPMENT.

7 (T) "EXECUTIVE DIRECTOR" MEANS THE DIRECTOR OF THE BUREAU OF
8 CONSTRUCTION CODES AS SET FORTH UNDER SECTION 7.

9 (U) "GOVERNMENTAL SUBDIVISION" MEANS A COUNTY, CITY, VIL-
10 LAGE, OR TOWNSHIP WHICH IN ACCORDANCE WITH SECTION 8 HAS ASSUMED
11 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND
12 THE CODE WITHIN ITS JURISDICTION.

13 (V) "MOBILE HOME" MEANS A VEHICULAR, PORTABLE STRUCTURE
14 BUILT ON A CHASSIS AND DESIGNED TO BE USED WITHOUT A PERMANENT
15 FOUNDATION AS A DWELLING WHEN CONNECTED TO REQUIRED UTILITIES AND
16 WHICH IS, OR IS INTENDED TO BE, ATTACHED TO THE GROUND, TO
17 ANOTHER STRUCTURE, OR TO A UTILITY SYSTEM ON THE SAME PREMISES
18 FOR MORE THAN 30 CONSECUTIVE DAYS.

19 (W) "OTHER LAWS AND ORDINANCES" MEANS OTHER LAWS AND ORDI-
20 NANCES WHETHER ENACTED BY THIS STATE OR BY A COUNTY, CITY, VIL-
21 LAGE, OR TOWNSHIP AND THE RULES ISSUED UNDER THOSE LAWS AND
22 ORDINANCES.

23 (X) "OWNER" MEANS THE OWNER OF THE FREEHOLD OF THE PREMISES
24 OR LESSER ESTATE IN THE PREMISES, A MORTGAGEE OR VENDEE IN POS-
25 SESSION, AN ASSIGNEE OF RENTS, RECEIVER, EXECUTOR, TRUSTEE,
26 LESSEE, OR ANY OTHER PERSON, SOLE PROPRIETORSHIP, PARTNERSHIP,
27 ASSOCIATION, OR CORPORATION DIRECTLY OR INDIRECTLY IN CONTROL OF

1 A BUILDING, STRUCTURE, OR REAL PROPERTY OR HIS OR HER DULY
2 AUTHORIZED AGENT.

3 (Y) "PERSON WITH DISABILITIES" MEANS A INDIVIDUAL WHOSE
4 PHYSICAL CHARACTERISTICS HAVE A PARTICULAR RELATIONSHIP TO THAT
5 INDIVIDUAL'S ABILITY TO BE SELF-RELIANT IN THE INDIVIDUAL'S MOVE-
6 MENT THROUGHOUT AND USE OF THE BUILDING ENVIRONMENT.

7 (Z) "PREMANUFACTURED UNIT" MEANS AN ASSEMBLY OF MATERIALS OR
8 PRODUCTS INTENDED TO COMPRISE ALL OR PART OF A BUILDING OR STRUC-
9 TURE, AND WHICH IS ASSEMBLED AT OTHER THAN THE FINAL LOCATION OF
10 THE UNIT OF THE BUILDING OR STRUCTURES BY A REPETITIVE PROCESS
11 UNDER CIRCUMSTANCES INTENDED TO INSURE UNIFORMITY OF QUALITY AND
12 MATERIAL CONTENT. PREMANUFACTURED UNIT INCLUDES A MOBILE HOME.

13 (AA) "STRUCTURE" MEANS THAT WHICH IS BUILT OR CONSTRUCTED,
14 AN EDIFICE OR BUILDING OF ANY KIND, OR A PIECE OF WORK ARTIFI-
15 CIALLY BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER IN SOME DEF-
16 INITE MANNER. STRUCTURE DOES NOT INCLUDE A STRUCTURE INCIDENT TO
17 THE USE FOR AGRICULTURAL PURPOSES OF THE LAND ON WHICH THE STRUC-
18 TURE IS LOCATED AND DOES NOT INCLUDE WORKS OF HEAVY CIVIL CON-
19 STRUCTION INCLUDING, BUT NOT LIMITED TO, A HIGHWAY, BRIDGE, DAM,
20 RESERVOIR, LOCK, MINE, HARBOR, DOCKSIDE PORT FACILITY, AN AIRPORT
21 LANDING FACILITY AND FACILITIES FOR THE GENERATION OR TRANSMIS-
22 SION, OR DISTRIBUTION OF ELECTRICITY. STRUCTURE INCLUDES THE
23 MEANING "OR PART OR PARTS OF THE STRUCTURE AND ALL EQUIPMENT IN
24 THE STRUCTURE" UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT
25 MEANING.

26 (2) UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, A
27 REFERENCE TO THIS ACT, OR TO THIS ACT AND THE CODE, MEANS THIS

1 ACT AND RULES PROMULGATED PURSUANT TO THIS ACT INCLUDING THE
2 CODE.

3 SEC. 3A. (1) THE STATE CONSTRUCTION CODE COMMISSION IS CRE-
4 ATED AND CONSISTS OF THE STATE FIRE MARSHAL OR THE STATE FIRE
5 MARSHAL'S DESIGNEE AND THE CHAIRPERSONS OF THE BARRIER FREE
6 DESIGN BOARD, THE ELECTRICAL ADMINISTRATIVE BOARD, THE STATE
7 PLUMBING BOARD, AND THE BOARD OF MECHANICAL RULES, WHO SHALL BE
8 PERMANENT MEMBERS, AND 12 RESIDENTS OF THE STATE TO BE APPOINTED
9 BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.
10 APPOINTED MEMBERS OF THE COMMISSION SHALL INCLUDE 1 PERSON FROM
11 EACH OF THE FIELDS OF INDUSTRIAL MANAGEMENT, ARCHITECTURE, PRO-
12 FESSIONAL ENGINEERING, BUILDING CONTRACTING, ORGANIZED LABOR,
13 PREMANUFACTURED BUILDING, AND 3 MEMBERS REPRESENTING MUNICIPAL
14 BUILDING INSPECTION; 2 PERSONS FROM THE GENERAL PUBLIC; AND A
15 LICENSED RESIDENTIAL BUILDER. A MEMBER OF THE COMMISSION SHALL
16 BE APPOINTED FOR A TERM OF 2 YEARS, EXCEPT THAT A VACANCY SHALL
17 BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM. A MEMBER OF THE
18 COMMISSION MAY BE REMOVED FROM OFFICE BY THE GOVERNOR FOR INEFFI-
19 CIENCY, NEGLECT OF DUTY, OR MISCONDUCT OR MALFEASANCE IN OFFICE.
20 A MEMBER OF THE COMMISSION WHO HAS A PECUNIARY INTEREST IN A
21 MATTER BEFORE THE COMMISSION SHALL DISCLOSE THE INTEREST BEFORE
22 THE COMMISSION TAKES ACTION IN THE MATTER, WHICH DISCLOSURES
23 SHALL BE MADE A MATTER OF RECORD IN ITS OFFICIAL PROCEEDINGS.
24 EACH MEMBER OF THE COMMISSION, EXCEPT THE STATE FIRE MARSHAL OR
25 THE STATE FIRE MARSHAL'S DESIGNEE, SHALL RECEIVE COMPENSATION AND
26 ACTUAL EXPENSES INCURRED BY THE MEMBER IN THE PERFORMANCE OF THE
27 DUTIES AS A MEMBER OF THE COMMISSION. THE PER DIEM COMPENSATION

1 OF THE MEMBERS AND THE SCHEDULE FOR REIMBURSEMENT OF EXPENSES
2 SHALL BE ESTABLISHED ANNUALLY BY THE LEGISLATURE. AN APPOINTED
3 MEMBER OF THE COMMISSION SHALL NOT SERVE MORE THAN 3 CONSECUTIVE
4 TERMS.

5 (2) NINE MEMBERS OF THE COMMISSION CONSTITUTE A QUORUM.
6 EXCEPT AS OTHERWISE PROVIDED IN THE COMMISSION'S BYLAWS, ACTION
7 MAY BE TAKEN BY THE COMMISSION BY VOTE OF A MAJORITY OF THE MEM-
8 BERS PRESENT AT A MEETING. MEETINGS OF THE COMMISSION MAY BE
9 CALLED BY THE CHAIRPERSON OR BY 3 MEMBERS ON 10 DAYS' WRITTEN
10 NOTICE. NOT LESS THAN 1 MEETING SHALL BE HELD EACH CALENDAR
11 QUARTER. A MEETING OF THE COMMISSION MAY BE HELD ANYWHERE IN
12 THIS STATE.

13 (3) THE COMMISSION SHALL ELECT 1 MEMBER AS CHAIRPERSON,
14 ANOTHER AS VICE-CHAIRPERSON, AND OTHER OFFICERS AS IT DETERMINES
15 APPROPRIATE, FOR THE TERMS AND WITH THE DUTIES AND POWERS AS THE
16 COMMISSION DETERMINES. THE CHAIRPERSON AND VICE-CHAIRPERSON OF
17 THE COMMISSION SHALL BE ELECTED FROM THOSE MEMBERS APPOINTED TO
18 THE COMMISSION BY THE GOVERNOR.

19 (4) THE COMMISSION IS WITHIN THE DEPARTMENT BUT SHALL EXER-
20 CISE ITS STATUTORY FUNCTIONS INDEPENDENTLY OF THE DIRECTOR,
21 EXCEPT THAT BUDGETING, PERSONNEL, AND PROCUREMENT FUNCTIONS OF
22 THE COMMISSION SHALL BE PERFORMED UNDER THE DIRECTION AND SUPER-
23 VISION OF THE DIRECTOR.

24 (5) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE
25 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLI-
26 ANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
27 15.275. PUBLIC NOTICE OF THE TIME, DATE, AND PLACE OF THE

1 MEETING SHALL BE GIVEN IN THE MANNER REQUIRED BY THE OPEN
2 MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

3 (6) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
4 OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
5 FUNCTION SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH
6 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
7 15.246.

8 Sec. 7. (1) After consultation and with the approval of the
9 commission, the director ~~of labor~~ shall appoint an executive
10 director of the commission and may DO THE FOLLOWING:

11 (a) Subject to civil service requirements, appoint subordi-
12 nate officers and employees of the commission, including legal
13 counsel, and prescribe their duties and fix their compensation.

14 (b) Appoint or use experts, consultants, technical advisers,
15 and advisory committees for assistance and recommendations rela-
16 tive to preparation and promulgation of the code and to assist
17 the commission and the executive director in carrying out this
18 act.

19 (c) Subject to the advice of the commission, do those things
20 necessary or desirable to effectuate the general purposes and
21 specific objectives of this act.

22 (2) The director ~~of labor~~ shall cooperate with agencies of
23 the federal government, may enter into contracts to receive
24 funds, and may receive grants from the federal government to
25 carry out the purposes of this act.

26 Sec. 8. (1) ~~This~~ EXCEPT AS OTHERWISE PROVIDED IN
27 SECTION 8A AND UNTIL THE PROMULGATION OF THE COMPLETE BUILDING

1 CODE UPDATE AFTER JANUARY 31, 2000, THIS act and the code apply
2 throughout the state, except that a governmental subdivision may
3 elect to exempt itself from certain parts of this act and the
4 code by adopting and enforcing a nationally recognized model
5 building code or other nationally recognized model codes. It is
6 not necessary for a governmental subdivision to elect to exempt
7 itself from every part of the code promulgated by the commission
8 in order to preserve its exemption election as to 1 or more
9 nationally recognized model codes. A governmental subdivision
10 may make this election by the passage of an ordinance adopting by
11 reference or otherwise without amendment a nationally recognized
12 model building code or other nationally recognized model codes.
13 A county ordinance adopted pursuant to this act shall be adopted
14 by the county board of commissioners and shall be signed by the
15 chairperson of the county board of commissioners and certified by
16 the county clerk. A governmental subdivision that elects not to
17 be governed by certain parts of this act and the code shall
18 review and update its codes by amending its ordinance at least
19 once every 3 years by adopting without amendment all changes to
20 those codes and submitting a certified copy of the amended ordi-
21 nance to the commission. However, a governmental subdivision
22 adopting nationally recognized model codes may approve amendments
23 to those codes by ordinance. The amendments shall become effec-
24 tive 90 days after passage of the ordinance and 90 days after a
25 certified copy of the ordinance is delivered to the commission,
26 unless the commission determines after a public hearing that the
27 codes, as amended, do not adequately protect the health, safety,

1 or welfare of the people of the governmental subdivision, or that
2 the amendments tend to unnecessarily increase construction costs;
3 restrict the use of new materials, products, or methods of con-
4 struction; provide preferential treatment to types or classes of
5 materials, products, or methods of construction; or obstruct the
6 substantive uniformity of building codes within a region or
7 locality in the state.

8 (2) Within 10 days after December 30, 1980, the executive
9 director shall provide a notice of intent form to all governmen-
10 tal subdivisions administering and enforcing a nationally recog-
11 nized model code. This form shall set forth the date return
12 receipt is required, which date shall not be less than 60 days
13 after receipt. The chief elected official of the governmental
14 subdivision that receives this notice shall indicate on the form
15 the intention of the governmental subdivision as to whether it
16 shall continue to administer and enforce its code and transmit
17 this notice to the executive director within the prescribed
18 period. If a governmental subdivision fails to submit a notice
19 of intent to continue to administer and enforce its code within
20 the date set forth in the notice, the executive director shall
21 send a notice by registered mail to the clerk of that governmen-
22 tal subdivision. The registered notice shall indicate that the
23 governmental subdivision has 15 additional days in which to
24 submit a notice of intent to continue to administer and enforce
25 its code. If the governmental subdivision does not respond by
26 the end of the 15 additional days, it shall be conclusively
27 presumed that the governmental subdivision does not intend to

1 continue to administer and enforce its code, and the executive
2 director shall assume the responsibility for administering and
3 enforcing this act and the code in that governmental subdivision,
4 unless the county within which that governmental subdivision is
5 located has submitted a notice of intent to continue to adminis-
6 ter and enforce this act and the code. Governmental subdivisions
7 may provide by agreement for joint enforcement of another nation-
8 ally recognized model code adopted pursuant to subsection (1).

9 (3) A county that was administering and enforcing this act
10 and the code pursuant to section 9(1) on December 30, 1980, and
11 has submitted a notice of intent to continue to administer and
12 enforce the code to the executive director pursuant to section 9,
13 after December 30, 1980, may exempt itself pursuant to subsection
14 (1) by the passage of an ordinance adopting by reference or oth-
15 erwise without amendment a nationally recognized model building
16 code or other nationally recognized model codes. However, that
17 action shall not take effect until 90 days after passage of an
18 ordinance to that effect. Before the effective date of this
19 action and the effective date of the ordinance, a county that
20 proposes to adopt an ordinance to this effect shall file the pro-
21 posed ordinance for approval pursuant to subsection (1) with the
22 commission. The commission shall review the proposed ordinance.
23 If the commission does not approve or disapprove the proposed
24 ordinance within 90 days after it is filed with the commission,
25 the proposed ordinance shall be considered approved unless the
26 county grants the commission additional time to consider the
27 proposed ordinance. The executive director shall notify a county

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

16 (4) A governmental subdivision that has elected to assume
17 responsibility for the administration and enforcement of this act
18 and the code, and has submitted a notice of intent to continue to
19 administer and enforce the code to the executive director pursu-
20 ant to section 9, after December 30, 1980, may reverse that elec-
21 tion and exempt itself pursuant to subsection (1) by the passage
22 of an ordinance adopting by reference or otherwise without amend-
23 ment a nationally recognized model building code or other nation-
24 ally recognized model codes. However, that action shall not take
25 effect until 90 days after passage of an ordinance to that
26 effect. Before the effective date of this action and the
27 effective date of the ordinance, a governmental subdivision that

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

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

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

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

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

21 (8) A governmental subdivision that elects to exempt itself
22 from certain parts of this act and the code pursuant to subsec-
23 tion (1) and is enforcing its code within its jurisdiction pursu-
24 ant to subsection (1) may rescind that ordinance by which it
25 elected to exempt itself from certain parts of this act and the
26 code, and transfer the responsibility for the administration and
27 enforcement of this act and the code within the governmental

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

10 (9) Locally adopted codes do not apply to public or nonpub-
11 lic schools within the governmental subdivision without concur-
12 rence by the school authorities having jurisdiction.

13 (10) Sections 10, 13a, 13b, {16, 17, 18,} 19, 21, 21a, and
14 23a, subsection (13), and other provisions of this act and code
15 directly relating to the provisions of sections 10, 13a, 13b,
16 {16, 17, 18,} 19, 21, 21a, and 23a, subsection (13), and provi-
17 sions of the code relating to the requirements of barrier free
18 design, energy conservation, and, except as provided in
19 subsection (11), for plans submitted for approval after
20 January 1, 1994 the type and number of plumbing fixtures for men
21 and women required in an assembly building with an occupancy of
22 more than 150 are effective throughout the state without local
23 modifications notwithstanding the exception of subsections (1) to
24 (9). The standards for premanufactured housing shall not be less
25 than the standards required for nonpremanufactured housing,
26 except that mobile homes shall be considered to have complied
27 with this requirement by compliance with the state code

1 provisions adopting a nationally recognized mobile home code. As
2 used in this subsection, "assembly building" means a theater,
3 sports arena, stadium, food service establishment with or without
4 a liquor license, exhibition hall, library, recreation center,
5 passenger terminal, and outdoor assembly structure which includes
6 an outdoor grandstand, bleacher, colosseum, stadium, amusement
7 park structure, and fair or carnival structure.

8 (11) With respect to the type and number of plumbing fix-
9 tures required for men and women in an assembly building pursuant
10 to subsection (10), the executive director, in his or her sole
11 discretion, may exempt from the effective date provision those
12 projects for which plans were near finalization before January 1,
13 1994, but were submitted after that date.

14 (12) The commission may limit the application of a part of
15 the code to include or exclude the following:

16 (a) Specified classes or types of buildings or structures,
17 according to use, or other distinctions as may make differentia-
18 tion or separate classification or regulation necessary, proper,
19 or desirable. The commission shall consider the specific prob-
20 lems of the construction or alteration of a single family,
21 owner-occupied recreational dwelling that is located in a
22 sparsely populated area and that is to be occupied on a part-time
23 basis.

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

1 (13) A building or structure that has baby changing stations
2 in the women's restrooms shall have baby changing stations in the
3 men's restrooms.

4 SEC. 8A. (1) THIS ACT AND THE CODE APPLY THROUGHOUT THE
5 STATE.

6 (2) WITHIN 10 DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSEC-
7 TION, THE EXECUTIVE DIRECTOR SHALL PROVIDE A NOTICE OF INTENT
8 FORM TO ALL GOVERNMENTAL SUBDIVISIONS ADMINISTERING AND ENFORCING
9 A NATIONALLY RECOGNIZED MODEL CODE OTHER THAN THE CODE ESTAB-
10 LISHED BY THE COMMISSION UNDER THIS ACT. THIS FORM SHALL SET
11 FORTH THE DATE RETURN RECEIPT IS REQUIRED, WHICH DATE SHALL NOT
12 BE LESS THAN 60 DAYS AFTER RECEIPT. THE CHIEF ELECTED OFFICIAL
13 OF THE GOVERNMENTAL SUBDIVISION THAT RECEIVES THIS NOTICE SHALL
14 INDICATE ON THE FORM THE INTENTION OF THE GOVERNMENTAL SUBDIVI-
15 SION AS TO WHETHER IT SHALL ADMINISTER AND ENFORCE THE CODE AND
16 TRANSMIT THIS NOTICE TO THE EXECUTIVE DIRECTOR WITHIN THE PRE-
17 SCRIBED PERIOD. IF A GOVERNMENTAL SUBDIVISION FAILS TO SUBMIT A
18 NOTICE OF INTENT TO ADMINISTER AND ENFORCE THE CODE WITHIN THE
19 DATE SET FORTH IN THE NOTICE, THE EXECUTIVE DIRECTOR SHALL SEND A
20 NOTICE BY REGISTERED MAIL TO THE CLERK OF THAT GOVERNMENTAL
21 SUBDIVISION. THE REGISTERED NOTICE SHALL INDICATE THAT THE GOV-
22 ERNMENTAL SUBDIVISION HAS 15 ADDITIONAL DAYS IN WHICH TO SUBMIT A
23 NOTICE OF INTENT TO ADMINISTER AND ENFORCE THE CODE. IF THE GOV-
24 ERNMENTAL SUBDIVISION DOES NOT RESPOND BY THE END OF THE 15 ADDI-
25 TIONAL DAYS, IT SHALL BE CONCLUSIVELY PRESUMED THAT THE GOVERN-
26 MENTAL SUBDIVISION DOES NOT INTEND TO ADMINISTER AND ENFORCE THE
27 CODE, AND THE EXECUTIVE DIRECTOR SHALL ASSUME THE RESPONSIBILITY

1 FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE IN THAT
2 GOVERNMENTAL SUBDIVISION, UNLESS THE COUNTY WITHIN WHICH THAT
3 GOVERNMENTAL SUBDIVISION IS LOCATED HAS SUBMITTED A NOTICE OF
4 INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE
5 CODE. GOVERNMENTAL SUBDIVISIONS MAY PROVIDE BY AGREEMENT FOR
6 JOINT ENFORCEMENT OF THE CODE.

7 (3) A GOVERNMENTAL SUBDIVISION THAT HAS ELECTED TO ASSUME
8 RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT
9 AND THE CODE, AND HAS SUBMITTED A NOTICE OF INTENT TO CONTINUE TO
10 ADMINISTER AND ENFORCE THE CODE TO THE EXECUTIVE DIRECTOR PURSU-
11 ANT TO SECTION 8B, AFTER THE EFFECTIVE DATE OF THIS SUBSECTION,
12 MAY REVERSE THAT ELECTION.

13 (4) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE
14 DATE OF THIS SUBSECTION, HAS ELECTED TO EXEMPT ITSELF PURSUANT TO
15 SUBSECTION (1) MAY REVERSE THAT ELECTION, MAKING ITSELF SUBJECT
16 TO THE ACT AND THE CODE. HOWEVER, THAT ACTION SHALL NOT TAKE
17 EFFECT UNTIL 60 DAYS AFTER PASSAGE OF AN ORDINANCE TO THAT
18 EFFECT. A STRUCTURE COMMENCED UNDER AN EFFECTIVE CODE SHALL BE
19 COMPLETED UNDER THAT CODE.

20 (5) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE
21 DATE OF THIS SUBSECTION, HAS NOT ADMINISTERED AND ENFORCED EITHER
22 THIS ACT AND THE CODE OR ANOTHER NATIONALLY RECOGNIZED MODEL CODE
23 MAY ELECT TO ENFORCE THIS ACT AND THE CODE PURSUANT TO SUBSECTION
24 (1) BY THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A GOVERNMEN-
25 TAL SUBDIVISION THAT MAKES THIS ELECTION AFTER THE EFFECTIVE DATE
26 OF THIS SUBSECTION SHALL SUBMIT, IN ADDITION TO THE ORDINANCE, AN
27 APPLICATION TO THE COMMISSION FOR APPROVAL TO ADMINISTER AND

1 ENFORCE THAT CODE WITHIN ITS JURISDICTION. THIS APPLICATION
2 SHALL BE MADE ON THE PROPER FORM TO BE PROVIDED BY THE
3 COMMISSION. THE STANDARDS FOR APPROVAL SHALL INCLUDE, BUT NOT BE
4 LIMITED TO, THE CERTIFICATION BY THE GOVERNMENTAL SUBDIVISION
5 THAT THE ENFORCING AGENCY IS QUALIFIED BY EXPERIENCE OR TRAINING
6 TO ADMINISTER AND ENFORCE THE CODE AND ALL RELATED ACTS AND
7 RULES, THAT AGENCY PERSONNEL ARE PROVIDED AS NECESSARY, ADMINIS-
8 TRATIVE SERVICES ARE PROVIDED, PLAN REVIEW SERVICES ARE PROVIDED,
9 AND TIMELY FIELD INSPECTION SERVICES SHALL BE PROVIDED. THE
10 EXECUTIVE DIRECTOR SHALL SEEK ADDITIONAL INFORMATION IF THE EXEC-
11 UTIVE DIRECTOR CONSIDERS IT NECESSARY. THE COMMISSION SHALL
12 RENDER A DECISION ON THE APPLICATION FOR APPROVAL TO ADMINISTER
13 AND ENFORCE THE CODE THAT HAS BEEN ADOPTED AND TRANSMIT ITS FIND-
14 INGS TO THAT GOVERNMENTAL SUBDIVISION WITHIN 90 DAYS OF RECEIPT
15 OF THE APPLICATION. THE COMMISSION SHALL DOCUMENT ITS REASONS IF
16 THE COMMISSION DISAPPROVES AN APPLICATION. A GOVERNMENTAL SUBDI-
17 VISION THAT RECEIVES A DISAPPROVAL MAY RESUBMIT ITS APPLICATION
18 FOR APPROVAL. UPON RECEIPT OF APPROVAL FROM THE COMMISSION FOR
19 THE ADMINISTRATION AND ENFORCEMENT OF THE CODE, THE GOVERNMENTAL
20 SUBDIVISION SHALL ADMINISTER AND ENFORCE THE CODE WITHIN ITS
21 JURISDICTION PURSUANT TO THE PROVISIONS OF ITS APPROVED
22 APPLICATION.

23 (6) THE CODE OR ANY OF ITS SECTIONS SHALL TAKE EFFECT 6
24 MONTHS AFTER THE CODE'S INITIAL PROMULGATION. THE 6-MONTH DELAY
25 DOES NOT APPLY TO RULES PROMULGATED TO IMPLEMENT SECTIONS 13A,
26 13B, 13C, 19, AND 21 AND THE REQUIREMENTS OF BARRIER FREE DESIGN
27 AND ENERGY CONSERVATION OF THIS ACT AND CODE. THE 6-MONTH DELAY

1 DOES NOT APPLY TO AMENDMENTS TO THE CODE OR ANY OF THE CODE'S
2 SECTIONS AFTER THE INITIAL PROMULGATION.

3 (7) THE STANDARDS FOR PREMANUFACTURED HOUSING SHALL NOT BE
4 LESS THAN THE STANDARDS REQUIRED FOR NONPREMANUFACTURED HOUSING,
5 EXCEPT THAT MOBILE HOMES SHALL BE CONSIDERED TO HAVE COMPLIED
6 WITH THIS REQUIREMENT BY COMPLIANCE WITH THE STATE CODE PROVI-
7 SIONS ADOPTING A NATIONALLY RECOGNIZED MOBILE HOME CODE. AS USED
8 IN THIS SUBSECTION, "ASSEMBLY BUILDING" MEANS A THEATER, SPORTS
9 ARENA, STADIUM, FOOD SERVICE ESTABLISHMENT WITH OR WITHOUT A
10 LIQUOR LICENSE, EXHIBITION HALL, LIBRARY, RECREATION CENTER, PAS-
11 Senger TERMINAL, AND OUTDOOR ASSEMBLY STRUCTURE WHICH INCLUDES AN
12 OUTDOOR GRANDSTAND, BLEACHER, COLOSSEUM, STADIUM, AMUSEMENT PARK
13 STRUCTURE, AND FAIR OR CARNIVAL STRUCTURE.

14 (8) THE COMMISSION MAY LIMIT THE APPLICATION OF A PART OF
15 THE CODE TO INCLUDE OR EXCLUDE THE FOLLOWING:

16 (A) SPECIFIED CLASSES OR TYPES OF BUILDINGS OR STRUCTURES,
17 ACCORDING TO USE, OR OTHER DISTINCTIONS AS MAY MAKE DIFFERENTIA-
18 TION OR SEPARATE CLASSIFICATION OR REGULATION NECESSARY, PROPER,
19 OR DESIRABLE. THE COMMISSION SHALL CONSIDER THE SPECIFIC PROB-
20 LEMS OF THE CONSTRUCTION OR ALTERATION OF A SINGLE FAMILY,
21 OWNER-OCCUPIED RECREATIONAL DWELLING THAT IS LOCATED IN A
22 SPARSELY POPULATED AREA AND THAT IS TO BE OCCUPIED ON A PART-TIME
23 BASIS.

24 (B) SPECIFIED AREAS OF THE STATE BASED ON SIZE, POPULATION
25 DENSITY, SPECIAL CONDITIONS PREVAILING IN THE AREA, OR OTHER FAC-
26 TORS AS MAY MAKE DIFFERENTIATION OR SEPARATE CLASSIFICATION OR
27 REGULATION NECESSARY, PROPER, OR DESIRABLE.

1 (9) A BUILDING OR STRUCTURE THAT HAS BABY CHANGING STATIONS
2 IN THE WOMEN'S RESTROOMS SHALL HAVE BABY CHANGING STATIONS IN THE
3 MEN'S RESTROOMS.

4 SEC. 8B. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
5 THE EXECUTIVE DIRECTOR IS RESPONSIBLE FOR ADMINISTRATION AND
6 ENFORCEMENT OF THIS ACT AND THE CODE. A GOVERNMENTAL SUBDIVISION
7 MAY BY ORDINANCE ASSUME RESPONSIBILITY FOR ADMINISTRATION AND
8 ENFORCEMENT OF THIS ACT WITHIN ITS POLITICAL BOUNDARY. A COUNTY
9 ORDINANCE ADOPTED PURSUANT TO THIS ACT SHALL BE ADOPTED BY THE
10 COUNTY BOARD OF COMMISSIONERS AND SHALL BE SIGNED BY THE CHAIR-
11 PERSON OF THE COUNTY BOARD OF COMMISSIONERS AND CERTIFIED BY THE
12 COUNTY CLERK.

13 (2) A GOVERNMENTAL SUBDIVISION THAT HAS ASSUMED THE RESPON-
14 SIBILITY FOR ADMINISTERING AND ENFORCING THIS ACT AND THE CODE
15 MAY, THROUGH ITS CHIEF LEGAL OFFICER, ISSUE A COMPLAINT AND
16 OBTAIN A WARRANT FOR A VIOLATION OF THIS ACT OR THE CODE AND
17 PROSECUTE THE VIOLATION WITH THE SAME POWER AND AUTHORITY IT POS-
18 SESSES IN PROSECUTING A LOCAL ORDINANCE VIOLATION. IF PURSUANT
19 TO SECTION 23, A GOVERNMENTAL SUBDIVISION HAS BY ORDINANCE DESIG-
20 NATED A VIOLATION OF THE ACT OR CODE AS A MUNICIPAL CIVIL INFRAC-
21 TION, THE GOVERNMENTAL SUBDIVISION MAY ISSUE A CITATION OR MUNIC-
22 IPAL ORDINANCE VIOLATION NOTICE PURSUANT TO CHAPTER 87 OF THE
23 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.8701 TO
24 600.8735, FOR A VIOLATION OF THE ACT OR CODE. UNLESS OTHERWISE
25 PROVIDED BY LOCAL LAW OR ORDINANCE, THE LEGISLATIVE BODY OF A
26 GOVERNMENTAL SUBDIVISION RESPONSIBLE FOR ADMINISTRATION AND
27 ENFORCEMENT OF THIS ACT AND THE CODE SHALL DESIGNATE AN ENFORCING

1 AGENCY THAT SHALL DISCHARGE THE RESPONSIBILITIES OF THE
2 GOVERNMENTAL SUBDIVISION UNDER THIS ACT. GOVERNMENTAL SUBDIVI-
3 SIONS MAY PROVIDE BY AGREEMENT FOR JOINT ENFORCEMENT OF THIS
4 ACT.

5 (3) SUBJECT TO THE OTHER PROVISIONS OF THIS ACT, AN ENFORC-
6 ING AGENCY IS ANY OFFICIAL OR AGENT OF A GOVERNMENTAL SUBDIVISION
7 QUALIFIED BY EXPERIENCE OR TRAINING TO PERFORM THE DUTIES ASSOCI-
8 ATED WITH CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT.

9 (4) BEFORE THE EFFECTIVE DATE OF THIS SECTION, THE EXECUTIVE
10 DIRECTOR SHALL PROVIDE EACH GOVERNMENTAL SUBDIVISION ADMINISTER-
11 ING AND ENFORCING THIS ACT AND THE CODE WITH A NOTICE OF INTENT
12 FORM. THIS FORM SHALL SET FORTH THE DATE RETURN RECEIPT IS
13 REQUIRED, WHICH DATE SHALL NOT BE LESS THAN 60 DAYS. THE CHIEF
14 ELECTED OFFICIAL OF THE GOVERNMENTAL SUBDIVISION THAT RECEIVES
15 THIS NOTICE SHALL INDICATE ON THE FORM THE INTENTION OF THE GOV-
16 ERNMENTAL SUBDIVISION AS TO WHETHER IT SHALL CONTINUE TO ADMINIS-
17 TER AND ENFORCE THIS ACT AND THE CODE AND TRANSMIT THIS NOTICE TO
18 THE EXECUTIVE DIRECTOR WITHIN THE PRESCRIBED PERIOD. IF A GOV-
19 ERNMENTAL SUBDIVISION FAILS TO SUBMIT A NOTICE OF INTENT TO CON-
20 TINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN THE
21 DATE SET FORTH IN THE NOTICE, THE EXECUTIVE DIRECTOR SHALL SEND A
22 NOTICE BY REGISTERED MAIL TO THE CLERK OF THAT GOVERNMENTAL
23 SUBDIVISION. THIS NOTICE SHALL INDICATE THAT THE GOVERNMENTAL
24 SUBDIVISION HAS 15 ADDITIONAL DAYS IN WHICH TO SUBMIT A NOTICE OF
25 INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT AND THE
26 CODE. IF THE GOVERNMENTAL SUBDIVISION DOES NOT RESPOND BY THE
27 END OF THE 15 ADDITIONAL DAYS, IT SHALL BE CONCLUSIVELY PRESUMED

1 THAT THE GOVERNMENTAL SUBDIVISION DOES NOT INTEND TO CONTINUE TO
2 ADMINISTER AND ENFORCE THIS ACT AND THE CODE AND THE EXECUTIVE
3 DIRECTOR SHALL ASSUME THE RESPONSIBILITY FOR ADMINISTERING AND
4 ENFORCING THIS ACT AND THE CODE IN THAT GOVERNMENTAL SUBDIVISION,
5 UNLESS THE COUNTY WITHIN WHICH THE GOVERNMENTAL SUBDIVISION IS
6 LOCATED SUBMITS A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND
7 ENFORCE THIS ACT AND THE CODE.

8 (5) A COUNTY THAT IS ADMINISTERING AND ENFORCING THIS ACT
9 AND THE CODE ON THE EFFECTIVE DATE OF THIS SECTION AND THAT SUB-
10 MITS A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE
11 THIS ACT AND THE CODE PURSUANT TO SUBSECTION (4) IS RESPONSIBLE
12 FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE
13 FOR EACH GOVERNMENTAL SUBDIVISION WITHIN THE COUNTY THAT DOES NOT
14 SUBMIT A NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE
15 THIS ACT AND THE CODE OR ANOTHER NATIONALLY RECOGNIZED MODEL CODE
16 WITHIN ITS JURISDICTION. THE EXECUTIVE DIRECTOR SHALL NOTIFY THE
17 COUNTY OF THOSE GOVERNMENTAL SUBDIVISIONS THAT DO NOT SUBMIT A
18 NOTICE OF INTENT.

19 (6) A GOVERNMENTAL SUBDIVISION THAT, BEFORE THE EFFECTIVE
20 DATE OF THIS SECTION, DID NOT ADMINISTER AND ENFORCE THIS ACT AND
21 THE CODE MAY ELECT TO ASSUME THE RESPONSIBILITY FOR THE ADMINIS-
22 TRATION AND ENFORCEMENT OF THIS ACT AND THE CODE PURSUANT TO SUB-
23 SECTION (1) BY THE PASSAGE OF AN ORDINANCE TO THAT EFFECT. A
24 GOVERNMENTAL SUBDIVISION THAT MAKES THIS ELECTION AFTER THE
25 EFFECTIVE DATE OF THIS SECTION SHALL SUBMIT, IN ADDITION TO THE
26 ORDINANCE, AN APPLICATION TO THE COMMISSION FOR APPROVAL TO
27 ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN ITS

1 JURISDICTION. THIS APPLICATION SHALL BE MADE ON THE PROPER FORM
2 TO BE PROVIDED BY THE COMMISSION. THE STANDARDS FOR APPROVAL
3 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE CERTIFICATION BY THE
4 GOVERNMENTAL SUBDIVISION THAT THE ENFORCING AGENCY IS QUALIFIED
5 BY EXPERIENCE OR TRAINING TO ADMINISTER AND ENFORCE THIS ACT AND
6 THE CODE AND ALL RELATED ACTS AND RULES, THAT AGENCY PERSONNEL
7 ARE PROVIDED AS NECESSARY, THAT ADMINISTRATIVE SERVICES ARE PRO-
8 VIDED, THAT PLAN REVIEW SERVICES ARE PROVIDED, AND THAT TIMELY
9 FIELD INSPECTION SERVICES WILL BE PROVIDED. THE EXECUTIVE DIREC-
10 TOR SHALL SEEK ADDITIONAL INFORMATION IF THE EXECUTIVE DIRECTOR
11 CONSIDERS IT NECESSARY. THE COMMISSION SHALL RENDER A DECISION
12 ON THE APPLICATION FOR APPROVAL TO ADMINISTER AND ENFORCE THIS
13 ACT AND THE CODE AND TRANSMIT ITS FINDINGS TO THE GOVERNMENTAL
14 SUBDIVISION WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION. THE
15 COMMISSION SHALL DOCUMENT ITS REASONS, IF THE COMMISSION DISAP-
16 PROVES AN APPLICATION. A GOVERNMENTAL SUBDIVISION THAT RECEIVES
17 A DISAPPROVAL MAY RESUBMIT ITS APPLICATION FOR APPROVAL. UPON
18 RECEIPT OF APPROVAL FROM THE COMMISSION FOR THE ADMINISTRATION
19 AND ENFORCEMENT OF THIS ACT AND THE CODE, THE GOVERNMENTAL SUBDI-
20 VISION SHALL ADMINISTER AND ENFORCE THIS ACT AND THE CODE WITHIN
21 ITS JURISDICTION PURSUANT TO THE PROVISIONS OF THIS ACT AND THE
22 APPLICATION.

23 (7) A GOVERNMENTAL SUBDIVISION THAT ELECTS TO ADMINISTER AND
24 ENFORCE THIS ACT AND THE CODE WITHIN ITS JURISDICTION BY THE
25 ADOPTION OF AN ORDINANCE MAY RESCIND THAT ORDINANCE AND TRANSFER
26 THE RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS
27 ACT AND THE CODE TO THE EXECUTIVE DIRECTOR. THE EXECUTIVE

1 DIRECTOR SHALL ASSUME THE RESPONSIBILITY FOR ADMINISTERING AND
2 ENFORCING THIS ACT AND THE CODE IN THAT GOVERNMENTAL SUBDIVISION,
3 UNLESS THE COUNTY WITHIN WHICH THAT GOVERNMENTAL SUBDIVISION IS
4 LOCATED HAS SUBMITTED A NOTICE OF INTENT TO CONTINUE TO ADMINIS-
5 TER AND ENFORCE THE CODE. HOWEVER, THAT ACTION SHALL NOT TAKE
6 EFFECT UNTIL 12 MONTHS AFTER THE PASSAGE OF AN ORDINANCE TO THAT
7 EFFECT. A STRUCTURE COMMENCED UNDER AN EFFECTIVE CODE SHALL BE
8 COMPLETED UNDER THAT CODE.

9 (8) THE EXECUTIVE DIRECTOR IS RESPONSIBLE FOR ADMINISTRATION
10 AND ENFORCEMENT OF THIS ACT AND THE CODE FOR BUILDINGS AND STRUC-
11 TURES THAT ARE NOT UNDER THE RESPONSIBILITY OF AN ENFORCING
12 AGENCY IN THOSE GOVERNMENTAL SUBDIVISIONS THAT ELECT TO ADMINIS-
13 TER AND ENFORCE THIS ACT AND THE CODE. A BUILDING OR STRUCTURE
14 OWNED BY THE STATE SHALL NOT BE ERECTED, REMODELED, OR RECON-
15 STRUCTED IN THE STATE AFTER DECEMBER 30, 1980, EXCEPT SCHOOL
16 BUILDINGS OR FACILITIES OR INSTITUTIONS OF HIGHER EDUCATION AS
17 DESCRIBED IN SECTION 4 OF ARTICLE VIII OF THE STATE CONSTITUTION
18 OF 1963, UNTIL WRITTEN APPROVAL OF THE PLANS AND SPECIFICATIONS
19 HAS BEEN OBTAINED FROM THE BUREAU OF CONSTRUCTION CODES LOCATED
20 WITHIN THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES INDICAT-
21 ING THAT THE STATE OWNED FACILITIES SHALL BE DESIGNED AND CON-
22 STRUCTED IN CONFORMANCE WITH THE STATE CONSTRUCTION CODE. THIS
23 SUBSECTION DOES NOT APPLY TO ANY STATE OWNED FACILITY FOR WHICH
24 CONSTRUCTION COMMENCED BEFORE DECEMBER 30, 1980. THE BUREAU OF
25 CONSTRUCTION CODES SHALL BE THE LEAD AGENCY IN THE COORDINATION
26 AND IMPLEMENTATION OF THIS SUBSECTION. THE BUREAU OF
27 CONSTRUCTION CODES SHALL PERFORM REQUIRED PLAN REVIEWS AND

1 INSPECTIONS AS REQUIRED BY THE STATE CONSTRUCTION CODE. EACH
2 DEPARTMENT SHALL SECURE REQUIRED PLAN APPROVALS AND PERMITS FROM
3 THE BUREAU. FEES CHARGED BY THE BUREAU FOR PERMITS SHALL BE IN
4 ACCORDANCE WITH THE COMMISSION'S APPROVED SCHEDULE OF FEES.
5 STATE DEPARTMENTS AND INSTITUTIONS MAY ALLOW LOCAL INSPECTORS TO
6 INSPECT THE CONSTRUCTION OF STATE OWNED FACILITIES. HOWEVER, AN
7 INSPECTION CONDUCTED BY A LOCAL INSPECTOR SHALL BE OF AN ADVISORY
8 NATURE ONLY.

9 (9) THIS SECTION DOES NOT AFFECT THE RESPONSIBILITIES OF THE
10 COMMISSION FOR ADMINISTRATION AND ENFORCEMENT OF THIS ACT UNDER
11 OTHER SECTIONS OF THIS ACT, OR RESPONSIBILITIES UNDER THE FIRE
12 PREVENTION CODE, 1941 PA 207, MCL 29.1 TO 29.34, EXCEPT SECTIONS
13 6 AND 7 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.6 AND
14 29.7; 1937 PA 306, MCL 388.851 TO 388.855A; THE FIRE FIGHTERS
15 TRAINING COUNCIL ACT OF 1966, 1966 PA 291, MCL 29.361 TO 29.377;
16 1942 (1ST EX SESS) PA 9, MCL 419.201 TO 419.205; PARTS 215 AND
17 217 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.21501 TO
18 333.21799E; AND SECTION 58 OF THE SOCIAL WELFARE ACT, 1939
19 PA 280, MCL 400.58.

20 (10) PURSUANT TO PARTS 215 AND 217 OF THE PUBLIC HEALTH
21 CODE, 1978 PA 368, MCL 333.21501 TO 333.21799E, THE DIRECTORS OF
22 THE DEPARTMENT, DEPARTMENT OF COMMUNITY HEALTH, AND DEPARTMENT OF
23 STATE POLICE, OR THEIR DESIGNEES, SHALL DEVELOP CONSISTENT CON-
24 STRUCTION STANDARDS FOR HOSPITALS AND NURSING HOMES. THESE STAN-
25 DARDS SHALL ENSURE THAT CONSISTENT, UNIFORM, AND EQUITABLE CON-
26 STRUCTION REQUIREMENTS AND STATE SUPERVISION OF THE REQUIREMENTS
27 ARE ACHIEVED AND THAT UNNECESSARY DUPLICATION IS AVOIDED. THE

1 COMMISSION SHALL DELEGATE PLAN REVIEW AND APPROVAL OF HEALTH
2 FACILITY CONSTRUCTION PLANS TO THE DEPARTMENT OF COMMUNITY
3 HEALTH. THIS SUBSECTION DOES NOT PRECLUDE A STATE AGENCY OR A
4 GOVERNMENTAL SUBDIVISION FROM CONDUCTING PLAN REVIEWS OR INSPEC-
5 TIONS NECESSARY TO ENSURE COMPLIANCE WITH APPROVED CONSTRUCTION
6 PLANS.

7 (11) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THIS ACT DOES
8 NOT LIMIT OR RESTRICT EXISTING POWERS OR AUTHORITY OF GOVERNMEN-
9 TAL SUBDIVISIONS, AND THIS ACT SHALL BE ENFORCED BY GOVERNMENTAL
10 SUBDIVISIONS IN THE MANNER PRESCRIBED BY LOCAL LAW OR ORDINANCE.
11 TO THE EXTENT NOT INCONSISTENT WITH THIS ACT, LOCAL LAWS AND
12 ORDINANCES RELATING TO ADMINISTRATION AND ENFORCEMENT OF CON-
13 STRUCTION REGULATIONS ENACTED BEFORE THE EFFECTIVE DATE OF THE
14 CODE BY OR FOR A GOVERNMENTAL SUBDIVISION ARE APPLICABLE TO
15 ADMINISTRATION AND ENFORCEMENT OF THE CODE IN THAT GOVERNMENTAL
16 SUBDIVISION.

17 SEC. 9B. (1) THE EXECUTIVE DIRECTOR, AS PRESCRIBED IN THIS
18 SECTION, MAY CONDUCT A PERFORMANCE EVALUATION OF AN ENFORCING
19 AGENCY TO ASSURE THAT THE ADMINISTRATION AND ENFORCEMENT OF THIS
20 ACT AND THE CODE IS BEING DONE PURSUANT TO EITHER SECTION 8A OR
21 8B. A PERFORMANCE EVALUATION MAY ONLY BE CONDUCTED EITHER AT THE
22 REQUEST OF THE LOCAL ENFORCING AGENCY OR UPON THE RECEIPT OF A
23 WRITTEN COMPLAINT. IF A PERFORMANCE EVALUATION IS TO BE CON-
24 DUCTED UPON THE RECEIPT OF A WRITTEN COMPLAINT, THE EXECUTIVE
25 DIRECTOR SHALL FIRST REFER THE WRITTEN COMPLAINT TO THE AFFECTED
26 ENFORCING AGENCY REQUESTING A WRITTEN RESPONSE WITHIN 10 DAYS.
27 IF THE LOCAL ENFORCING AGENCY FAILS TO PROVIDE A WRITTEN

1 RESPONSE, OR IF THE RESPONSE IS CONSIDERED INADEQUATE, THE
2 EXECUTIVE DIRECTOR SHALL CONSULT WITH THE COMMISSION AND REQUEST
3 APPROVAL TO CONDUCT THE PERFORMANCE EVALUATION. THE EXECUTIVE
4 DIRECTOR SHALL SUBMIT A WRITTEN RECOMMENDATION TO THE COMMISSION
5 AND SHALL SEND A COPY TO THE AFFECTED ENFORCING AGENCY, ALONG
6 WITH A REASONABLE NOTICE OF THE COMMISSION MEETING AT WHICH THE
7 RECOMMENDATION WILL BE PRESENTED. THE DECISION OF THE COMMISSION
8 TO PROCEED WITH A PERFORMANCE EVALUATION SHALL BE MADE AT A
9 PUBLIC MEETING. THIS DECISION SHALL BE MAILED TO THE ENFORCING
10 AGENCY 10 DAYS IN ADVANCE OF CONDUCTING THE PERFORMANCE
11 EVALUATION.

12 (2) WHEN CONDUCTING A PERFORMANCE EVALUATION OF AN ENFORCING
13 AGENCY, THE EXECUTIVE DIRECTOR MAY REQUEST THAT THE LOCAL ENFORC-
14 ING AGENCY ACCOMPANY THE EXECUTIVE DIRECTOR OR OTHER STATE
15 INSPECTORS ON INSPECTIONS. THE INSPECTIONS SHALL BE FOR THE
16 ENFORCEMENT OF THIS ACT AND THE CODE. THE ENFORCING AGENCY SHALL
17 MAINTAIN ALL OFFICIAL RECORDS AND DOCUMENTS RELATING TO APPLICA-
18 TIONS FOR PERMITS, INSPECTION RECORDS INCLUDING CORRECTION
19 NOTICES, ORDERS TO STOP CONSTRUCTION, AND CERTIFICATES OF USE AND
20 OCCUPANCY. THE ENFORCING AGENCY SHALL MAKE AVAILABLE FOR REVIEW
21 ALL OFFICIAL RECORDS BETWEEN 8 A.M. AND 5 P.M. ON BUSINESS DAYS.

22 (3) UPON COMPLETION OF A PERFORMANCE EVALUATION, THE EXECU-
23 TIVE DIRECTOR SHALL REPORT THE FINDINGS AND ANY RECOMMENDATIONS
24 TO THE COMMISSION AND THE LOCAL ENFORCING AGENCY. THE COMMISSION
25 MAY ISSUE A NOTICE OF INTENT TO WITHDRAW THE RESPONSIBILITY FOR
26 THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT AND THE CODE FROM
27 A GOVERNMENTAL SUBDIVISION AFTER RECEIVING THE RESULTS OF A

1 PERFORMANCE EVALUATION. THE NOTICE SHALL INCLUDE THE RIGHT TO
2 APPEAL WITHIN 30 BUSINESS DAYS AFTER RECEIPT OF THE NOTICE OF
3 INTENT TO WITHDRAW THE RESPONSIBILITY. THE NOTICE SHALL ALSO
4 INCLUDE THE FINDINGS OF THE EXECUTIVE DIRECTOR, AFTER COMPLETION
5 OF A PERFORMANCE EVALUATION, THAT THE ENFORCING AGENCY OF THAT
6 GOVERNMENTAL SUBDIVISION HAS FAILED TO FOLLOW THE DUTIES RECOG-
7 NIZED UNDER THIS ACT, THE CODE, OR ITS ORDINANCE. FAILURE BY THE
8 ENFORCING AGENCY OR THE CHIEF ELECTED OFFICIAL OF THAT GOVERNMEN-
9 TAL SUBDIVISION TO REQUEST A HEARING WITHIN 30 BUSINESS DAYS
10 AFTER RECEIPT OF THE NOTICE OF INTENT TO WITHDRAW THE RESPONSI-
11 BILITY SHALL BE CONSIDERED TO EXHAUST THE ENFORCING AGENCY'S
12 ADMINISTRATIVE REMEDIES AND THE NOTICE SHALL BE CONSIDERED A
13 FINAL ORDER OF THE COMMISSION UNDER THE ADMINISTRATIVE PROCEDURES
14 ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. THE EXECUTIVE
15 DIRECTOR SHALL ASSUME RESPONSIBILITY FOR THE ADMINISTRATION AND
16 ENFORCEMENT OF THIS ACT AND THE CODE, UNLESS THE COUNTY WITHIN
17 WHICH THAT GOVERNMENTAL SUBDIVISION IS LOCATED HAS SUBMITTED A
18 NOTICE OF INTENT TO CONTINUE TO ADMINISTER AND ENFORCE THIS ACT
19 AND THE CODE, WHEN THE NOTICE IS CONSIDERED A FINAL ORDER OF THE
20 COMMISSION. A STRUCTURE COMMENCED UNDER AN EFFECTIVE CODE SHALL
21 BE COMPLETED UNDER THAT CODE.

22 (4) IF AN ENFORCING AGENCY OR THE CHIEF ELECTED OFFICIAL OF
23 THE GOVERNMENTAL SUBDIVISION TRANSMITS AN APPEAL OF THE NOTICE OF
24 INTENT TO WITHDRAW THE RESPONSIBILITY ISSUED UNDER SUBSECTION
25 (3), THE COMMISSION CHAIRPERSON SHALL REQUEST THE OFFICE OF HEAR-
26 INGS TO APPOINT A HEARINGS OFFICER. THE HEARINGS OFFICER SHALL
27 CONDUCT A HEARING OF THE APPEAL PURSUANT TO THE ADMINISTRATIVE

1 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, AND
2 ISSUE A PROPOSED DECISION WHICH SHALL BE SENT TO THE AFFECTED
3 PARTIES. THE PROPOSED DECISION SHALL BECOME THE FINAL ORDER
4 ISSUED BY THE COMMISSION, UNLESS EXCEPTIONS ARE FILED BY A PARTY
5 WITHIN 30 DAYS AFTER RECEIPT OF THE PROPOSED DECISION. THE COM-
6 MISSION SHALL REVIEW THE PROPOSED DECISION WHEN EXCEPTIONS ARE
7 FILED.

8 (5) THE COMMISSION IN REVIEWING A PROPOSED DECISION MAY
9 AFFIRM, MODIFY, REVERSE, OR REMAND THE PROPOSED DECISION. WHEN
10 THE COMMISSION AFFIRMS, MODIFIES, REVERSES, OR REMANDS A PROPOSED
11 DECISION, THE DECISION OF THE COMMISSION SHALL BE IN WRITING AND
12 CONTAIN THE FINDINGS OF FACT AND CONCLUSIONS OF LAW UPON WHICH
13 ITS DECISION IS BASED. OTHER THAN IN A CASE OF REMAND, THE
14 PERIOD FOR SEEKING JUDICIAL REVIEW OF THE COMMISSION'S DECISION
15 UNDER SECTION 104 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
16 1969 PA 306, MCL 24.304, SHALL BEGIN TO RUN UPON RECEIPT BY THE
17 PARTIES OF THE COMMISSION'S WRITTEN DECISION.

18 Sec. 10. (1) Except as otherwise provided in the code,
19 before construction of a building or structure, the owner, or the
20 owner's builder, architect, engineer, or agent, shall submit an
21 application in writing to the appropriate enforcing agency for a
22 building permit. The application shall be on a form prescribed
23 by the commission and shall be accompanied by payment of the fee
24 established by the enforcing agency. The application shall con-
25 tain a detailed statement in writing, verified by affidavit of
26 the person making it, of the specifications for the building or
27 structure, and full and complete copies of the plans drawn to

1 scale of the proposed work. A site plan showing the dimensions,
2 and the location of the proposed building or structure and other
3 buildings or structures on the same premises, shall be submitted
4 with the application. The application shall state in full the
5 name and residence, by street and number, of the owner in fee of
6 the premises on which the building or structure will be con-
7 structed, and the purposes for which it will be used.

8 (2) If construction is proposed to be undertaken by a person
9 other than the owner of the land in fee, the statement shall con-
10 tain the full name and residence, by street and number, of the
11 owner and also of the person proposing the construction. The
12 affidavit shall state that the specifications and plans are true
13 and complete and contain a correct description of the building or
14 structure, lot, and proposed work. The statements and affidavits
15 may be made by an owner, or the owner's attorney, agent, engi-
16 neer, architect, or builder, by the person who proposes to make
17 the construction or alteration, or by that person's agent, engi-
18 neer, architect, or builder. A person shall not be recognized as
19 the agent, attorney, engineer, architect, or builder of another
20 person unless the person files with the enforcing agency a writ-
21 ten instrument, which shall be an architectural, engineering or
22 construction contract, power of attorney, or letter of authoriza-
23 tion signed by that other person designating the person as the
24 agent, attorney, architect, engineer, or builder and, in case of
25 a residential builder or maintenance and alteration contractor,
26 architect, or engineer, setting forth the person's license number
27 and the expiration date of the license.

1 (3) A person licensed or required to be licensed as a
2 residential builder or residential maintenance and alteration
3 contractor under the occupational code, ~~Act No. 299 of the~~
4 ~~Public Acts of 1980, being sections 339.101 to 339.2721 of the~~
5 ~~Michigan Compiled Laws~~ 1980 PA 299, MCL 339.101 TO 339.2721, a
6 master or journeyman plumber pursuant to ~~Act No. 266 of the~~
7 ~~Public Acts of 1929, being sections 338.901 to 338.917 of the~~
8 ~~Michigan Compiled Laws~~ 1929 PA 266, MCL 338.901 TO 338.917, an
9 electrical contractor or master or journeyman electrician pursu-
10 ant to the electrical administrative act, ~~Act No. 217 of the~~
11 ~~Public Acts of 1956, being sections 338.881 to 338.892 of the~~
12 ~~Michigan Compiled Laws~~ 1956 PA 217, MCL 338.881 TO 338.892, or
13 pursuant to a local ordinance, or as a mechanical contractor pur-
14 suant to the forbes mechanical contractors act, ~~Act No. 192 of~~
15 ~~the Public Acts of 1984, being sections 338.971 to 338.988 of the~~
16 ~~Michigan Compiled Laws~~ 1984 PA 192, MCL 338.971 TO 338.988, who
17 applies for a building permit to perform work on a residential
18 building or a residential structure shall, in addition to any
19 other information required pursuant to this act, provide on the
20 building permit application all of the following information:

21 (a) The occupational license number of the applicant and the
22 expiration date of the occupational license.

23 (b) One of the following:

24 (i) The name of each carrier providing worker's disability
25 compensation insurance to the applicant if the applicant is
26 required to be insured pursuant to the worker's disability
27 compensation act of 1969, ~~Act No. 317 of the Public Acts of~~

1 ~~1969, being sections 418.101 to 418.941 of the Michigan Compiled~~
2 ~~Laws~~ 1969 PA 317, MCL 418.101 TO 418.941.

3 (ii) The reasons for exemption from the requirement to be
4 insured ~~pursuant to Act No. 317 of the Public Acts of 1969,~~ if
5 the applicant is not required to be insured ~~pursuant to Act~~
6 ~~No. 317 of the Public Acts of 1969~~ UNDER THE WORKER'S DISABILITY
7 COMPENSATION ACT OF 1969, 1969 PA 317, MCL 418.101 TO 418.941.

8 (c) One of the following:

9 (i) The employer identification number, if the applicant is
10 required to have an employer identification number pursuant to
11 section 6109 of the internal revenue code.

12 (ii) The reasons for exemption from the requirement to have
13 an employer identification number pursuant to section 6109 of the
14 internal revenue code if the applicant is not required to have an
15 employer identification number pursuant to section 6109 of the
16 internal revenue code.

17 (d) One of the following:

18 (i) The Michigan employment security commission employer
19 number, if the applicant is required to make contributions pursu-
20 ant to the Michigan employment security act, ~~Act No. 1 of the~~
21 ~~Public Acts of the extra session of 1936, being sections 421.1 to~~
22 ~~421.73 of the Michigan Compiled Laws~~ 1936 (EX SESS) PA 1,
23 MCL 421.1 TO 421.73.

24 (ii) If the applicant is not required to make contributions,
25 the reasons for exemptions from the requirement to make contribu-
26 tions ~~pursuant to Act No. 1 of the Public Acts of the extra~~

1 ~~session of 1936~~ UNDER THE MICHIGAN EMPLOYMENT SECURITY ACT, 1936
2 (EX SESS) PA 1, MCL 421.1 TO 421.73.

3 (4) The building permit application form shall contain the
4 following statement in 8-point boldfaced type immediately above
5 the location for the applicant's signature:

6 "Section 23a of the state construction code
7 act of 1972, ~~Act No. 230 of the Public Acts of~~
8 ~~1972, being section 125.1523a of the Michigan~~
9 ~~Compiled Laws~~ 1972 PA 230, MCL 125.1523A, pro-
10 hibits a person from conspiring to circumvent
11 the licensing requirements of this state relat-
12 ing to persons who are to perform work on a res-
13 idential building or a residential structure.
14 Violators of section 23a are subjected to civil
15 fines."

16 (5) The application for a building permit shall be filed
17 with the enforcing agency and the application and any other writ-
18 ing prepared, owned, used, in the possession of, or retained by
19 the enforcing agency in the performance of an official function
20 shall be made available to the public in compliance with the
21 freedom of information act, ~~Act No. 442 of the Public Acts of~~
22 ~~1976, being sections 15.231 to 15.246 of the Michigan Compiled~~
23 ~~Laws~~ 1976 PA 442, MCL 15.231 TO 15.246. An application shall
24 not be removed from the custody of the enforcing agency after a
25 building permit has been issued.

26 (6) This section shall be construed to allow the imposition
27 of requirements in the code, or in other laws or ordinances, for

1 additional permits for particular kinds of work, including
2 plumbing and electrical, or in other specified situations. The
3 requirements of the code may provide for issuance of construction
4 permits for certain of the systems of a structure and allow con-
5 struction to commence on those systems approved under that permit
6 even though the design and approval of all the systems of the
7 structure have not been completed and subsequent construction
8 permits have not been issued.

9 (7) Notwithstanding this section, a building permit is not
10 required for ordinary repairs of a building and structure.

11 (8) NOTWITHSTANDING THIS SECTION, A BUILDING PERMIT IS NOT
12 REQUIRED FOR A BUILDING INCIDENTAL TO THE USE FOR AGRICULTURAL
13 PURPOSES OF THE LAND ON WHICH THE BUILDING IS LOCATED IF IT IS
14 NOT USED IN THE BUSINESS OF RETAIL TRADE.

15 SEC. 13D. (1) NOTWITHSTANDING ANY PROVISION IN THIS ACT, A
16 GOVERNMENTAL SUBDIVISION SHALL NOT ENFORCE A REQUIREMENT FOR
17 STAIRWELL GEOMETRY IN OCCUPANCIES IN USE GROUP R-3 STRUCTURES AND
18 WITHIN DWELLING UNITS IN OCCUPANCIES IN USE GROUP R-2 STRUCTURES
19 THAT DIFFERS FROM THE STAIRWELL GEOMETRY DESCRIBED IN THIS
20 SECTION.

21 (2) AS USED IN THIS SECTION:

22 (A) "STAIRWELL GEOMETRY" REFERS TO THE CONFIGURATION OF A
23 STAIRWELL OF A BUILDING IN WHICH THE MAXIMUM RISER HEIGHT IS
24 8-1/4 INCHES (210 MM), THE MINIMUM TREAD DEPTH IS 9 INCHES (229
25 MM), AND A 1-INCH (25 MM) NOSING ON STAIRWELLS WITH SOLID
26 RISERS.

1 (B) "USE GROUP R-2 STRUCTURES" MEANS ALL MULTIPLE-FAMILY
2 DWELLINGS HAVING MORE THAN 2 DWELLING UNITS INCLUDING, BUT NOT
3 LIMITED TO, BOARDING HOUSES AND SIMILAR BUILDINGS ARRANGED FOR
4 SHELTER AND SLEEPING ACCOMMODATIONS IN WHICH THE OCCUPANTS ARE
5 PRIMARILY NOT TRANSIENT IN NATURE AND DORMITORY FACILITIES THAT
6 ACCOMMODATE MORE THAN 5 PERSONS OVER 2-1/2 YEARS OF AGE.

7 (C) "USE GROUP R-3 STRUCTURES" MEANS ALL BUILDINGS ARRANGED
8 FOR OCCUPANCY AS 1-FAMILY OR 2-FAMILY DWELLING UNITS INCLUDING,
9 BUT NOT LIMITED TO, NOT MORE THAN 5 LODGERS OR BOARDERS PER
10 FAMILY; MULTIPLE SINGLE-FAMILY DWELLINGS WHERE EACH UNIT HAS AN
11 INDEPENDENT MEANS OF EGRESS AND IS SEPARATED BY A 2-HOUR FIRE
12 SEPARATION ASSEMBLY; AND A CHILD CARE FACILITY THAT ACCOMMODATES
13 5 OR LESS CHILDREN OF ANY AGE.

14 Sec. 22. (1) The legislative body of a governmental subdi-
15 vision shall establish reasonable fees to be charged by the gov-
16 ernmental subdivision for acts and services performed by the
17 enforcing agency or construction board of appeals ~~pursuant to~~
18 UNDER this act, which fees shall be intended to bear a reasonable
19 relation to the cost, including overhead, to the governmental
20 subdivision of the acts and services, including, without limita-
21 tion, those services and acts as, in case of an enforcing agency,
22 issuance of building permits, examination of plans and specifica-
23 tions, inspection of construction undertaken pursuant to a build-
24 ing permit, and the issuance of certificates of use and occupan-
25 cy, and, in case of a board of appeals, hearing appeals in
26 accordance with this act. The enforcing agency shall collect the
27 fees established under this subsection.

1 (2) To accomplish the objectives of this section and this
2 act, a state construction code fund is created. The director,
3 ~~of labor,~~ after approval by the commission and following a
4 public hearing held by the commission, shall establish reasonable
5 fees to be charged by the commission for acts and services per-
6 formed by the commission including, without limitation, inspec-
7 tion of plans and specifications, issuance of certificates of
8 acceptability, testing and evaluation of new products, methods
9 and processes of construction or alteration, issuance of building
10 permits, inspection of construction undertaken pursuant to a
11 building permit, the issuance of certificates of use and occupan-
12 cy, and hearing of appeals. Fees established by the department
13 shall be intended to bear a reasonable relation to the cost,
14 including overhead, of the service or act. Until the director of
15 labor establishes fees pursuant to this act, the fees established
16 pursuant to this subsection shall remain in effect. The state
17 treasurer shall be the custodian of the fund and may invest the
18 surplus of the fund in investments as in the state treasurer's
19 judgment are in the best interest of the fund. Earnings from
20 those investments shall be credited to the fund. The state trea-
21 surer shall notify the director and the legislature of interest
22 credited and the balance of the fund as of September 30 of each
23 year. The director shall supervise and administer the fund.
24 Fees received by the department and money collected under this
25 act shall be deposited in the state construction code fund and
26 shall be appropriated by the legislature for the operation of the
27 bureau of construction codes, and indirect overhead expenses in

1 the department. However, this restricted fund shall not be
2 appropriated for the bureau of construction code's performance
3 evaluation program and complaint investigation program. The per-
4 formance evaluation program and complaint investigations mandated
5 in this act shall be funded by appropriations from the general
6 fund. Funds ~~which~~ THAT are unexpended at the end of each
7 fiscal year shall be returned to the state construction code
8 fund. A self-supporting fund shall be established within the
9 commission to provide for the purchase and sale of codes and
10 standards to the general public.

11 Enacting section 1. The title and sections 2a, 3a, 8a, 8b,
12 and 9b of the state construction code act of 1972, 1972 PA 230,
13 the title as amended and sections 2a, 3a, 8a, 8b, and 9b as added
14 by this amendatory act, are effective upon enactment but apply
15 only to 1 or more of the following codes after the date that the
16 rules promulgated under this act are filed with the secretary of
17 state for the particular code update after January 31, 2000:

18 (a) The plumbing code, R 408.30701 to 408.30796 of the
19 Michigan administrative code.

20 (b) The electrical code, R 408.30801 to 408.30873 of the
21 Michigan administrative code.

22 (c) The mechanical code, R 408.30901 to 408.30998 of the
23 Michigan administrative code.

24 (d) The building code, R 408.30401 to 408.30499 of the
25 Michigan administrative code.

26 Enacting section 2. The title and sections 2, 3, 8, 9, and
27 9a of the state construction code act of 1972, 1972 PA 230,

1 MCL 125.1502, 125.1503, 125.1508, 125.1509, and 125.1509a, the
2 title and sections 2 and 8 as amended by this amendatory act,
3 apply to 1 or more of the following codes until the rules for the
4 code update promulgated after January 31, 2000 for the specific
5 code become effective, at which time each section does not apply
6 to the particular code. Sections 2, 3, 8, 9, and 9a of the state
7 construction code act of 1972, 1972 PA 230, MCL 125.1502,
8 125.1503, 125.1508, 125.1509, and 125.1509a, are repealed effec-
9 tive upon the filing with the secretary of state of the last of
10 the rules updating the following codes promulgated after January
11 31, 2000:

12 (a) The plumbing code, R 408.30701 to 408.30796 of the
13 Michigan administrative code.

14 (b) The electrical code, R 408.30801 to 408.30873 of the
15 Michigan administrative code.

16 (c) The mechanical code, R 408.30901 to 408.30998 of the
17 Michigan administrative code.

18 (d) The building code, R 408.30401 to 408.30499 of the
19 Michigan administrative code.