



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 601 (as enrolled)  
Sponsor: Senator Michael Switalski  
Senate Committee: Local, Urban and State Affairs  
House Committee: Local Government and Urban Policy

**PUBLIC ACT 541 of 2004**

Date Completed: 2-1-05

**RATIONALE**

Under the Home Rule City Act, a city may adopt a law, code, or rule by reference to it in an adopting ordinance, without publishing the law, code, or rule in full. The law, code, or rule must be clearly identified in the ordinance, and its purpose must be published with the ordinance. This applies to a law, code, or rule pertaining to fire, fire hazards, fire prevention, or fire waste that has been adopted by an authorized agency of the State. It also applies to one of the following codes that has been promulgated or adopted by the State or a State department, board, or agency, or by an organization or association that is organized and conducted for the purpose of developing a code: a fire prevention code, plumbing code, heating code, electrical code, building code, refrigeration machinery code, piping code, boiler code, boiler operation code, elevator machinery code, or a code pertaining to flammable liquids and gases or hazardous chemicals.

In 1999, the Court of Appeals found that the City of Detroit could not legally adopt a property maintenance code by reference because the Home Rule City Act did not include such a code among those that may be adopted by reference (*Ewing v City of Detroit* (237 Mich. App 696)). It was suggested that this should be allowed under the Act.

**CONTENT**

The bill amended the Home Rule City Act to allow a home rule city to adopt an international property maintenance code in an ordinance by reference to the code, without publishing it in full.

In addition, under the bill, the provision of the Act authorizing a city to adopt a law, code, or rule by reference applies *except* as provided in the Single State Construction Code Act.

The bill took effect on January 3, 2005.

MCL 117.3

**ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

**Supporting Argument**

Generally, building, fire, electrical, and other types of codes are highly technical and detailed. While useful for those whose work demands that they know and follow the codes, publication of codes in their entirety is of little value to the general public. For people who need to know what is in the codes, or for those who are curious, copies of the complete codes must be available for inspection at the city clerk's office. Allowing a city to adopt a code by reference, and not publish the full document, is practical and saves printing costs. The bill promotes these benefits by identifying another code that may be adopted by reference.

Also, under the bill, a city may not adopt a code by reference if doing so would conflict with the Single State Construction Code Act.

Legislative Analyst: Suzanne Lowe

**FISCAL IMPACT**

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.