

Legislative Analysis



EXEMPT ROADSIDE STANDS FROM PLUMBING REQUIREMENTS OF CONSTRUCTION CODE

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House Bill 4732 as enacted
Public Act 125 of 2013
Sponsor: Rep. Greg MacMaster
House Committee: Agriculture
Senate Committee: Agriculture

Complete to 4-11-14

A SUMMARY OF HOUSE BILL 4732 AS ENACTED

The bill amended the State Construction Code Act to (1) exempt qualified roadside stands from having to meet the plumbing fixture requirements of the Construction Code Act and the promulgated construction code, and (2) to specify that they are not required to have electric power.

Roadside stands would not be exempt from the requirement that they obtain a building permit, and any roadside stands with electric power would have to be in compliance with the Electrical Code.

The exemption from plumbing fixture requirements would apply to roadside stands that meet the following requirements (referred to as qualifying roadside stands):

- Be used only for seasonal retail trade in agricultural products.
- At least 50% of the agricultural products offered for sale at the roadside stand are produced on a farm that is owned or controlled by the owner of the roadside stand.
- Be no bigger than 400 square feet.
- Be securely anchored to the ground.

Under the bill, tents that are smaller than 400 square feet and used only for seasonal retail trade in agricultural products produced on farm owned or controlled by the stand owner are exempt from all requirements of the State Construction Code Act and the promulgated construction code.

MCL 125.1502a and 125.1510

FISCAL IMPACT:

The bill would not have a significant fiscal impact on state or local units of government.

BACKGROUND INFORMATION AND DISCUSSION:

The bill would exempt qualified roadside stands from having to meet the plumbing fixture requirements of the Construction Code Act and the related promulgated Construction Code, and specify that the stands are not required to have electric power. The bill is in response to a situation that arose in the northern Lower Peninsula. According to testimony, a farmer was engaged in selling produce from his small farm and decided to erect a structure on the side of the road after the tent that was previously being used wore out. A local building official tagged the structure for being in violation of the Construction Code Act and the promulgated Construction Code. As these seasonal roadside structures are generally used as a shelter for storing and selling produce, the bill proposes to exempt them from needing to have plumbing fixtures and electric power.

There was concern about how close to the road one of these seasonal structures could be built. Some believe that the 400 square-foot size limit is sufficiently large that it could pose increased safety risks to motorists to the extent sight lines are obscured. While the bill does not include language addressing setback requirements from roadways, it was suggested that local zoning ordinances may address the issue.

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