

UTILIZATION OF PUBLIC FACILITIES BY PHYSICALLY LIMITED (EXCERPT)

Act 1 of 1966

125.1355a Granting request for exception to barrier free design requirement; finding of compelling need; "compelling need" defined.

Sec. 5a. (1) Consistent with section 5(6), the barrier free design board shall grant a request for an exception to a barrier free design requirement contained in the state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being sections 125.1501 to 125.1531 of the Michigan Compiled Laws, only upon a finding by the board of compelling need for the exception. The board may find compelling need if the literal application of the barrier free design requirement would result in exceptional, practical difficulty to the applicant.

(2) As used in subsection (1), "compelling need" includes, but is not limited to, 1 or more of the following:

- (a) Structural limitations.
- (b) Site limitations.
- (c) Economic limitations.
- (d) Technological limitations.
- (e) Jurisdictional conflicts.
- (f) Historical structures, under conditions prescribed by rule of the construction code commission.

History: Add. 1985, Act 196, Imd. Eff. Dec. 20, 1985.

Administrative rules: R 408.30428 of the Michigan Administrative Code.