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**Michigan Department of Energy, Labor & Economic Growth
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909
(517) 241-9302**

Bureau of Construction Codes Technical Bulletin

Publication Number 29

Updated: July 2006

Who May Request an Inspection?

“Providing for Michigan’s Safety in the Built Environment”

Technical bulletins are issued to provide clarification on issues that arise regarding code administration and enforcement. The information provided in the bulletin is developed to promote uniform interpretation and enforcement of the state codes.

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WHO MAY REQUEST AN INSPECTION?

Issue

The question of who may request an inspection was posed to the State Construction Code Commission. The Commission directed the question be reviewed and the applicable statutes and rules be researched to respond to this question.

This technical bulletin provides information contained in a memorandum to the Commission responding to this question. The Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, applicable code rules, and the provisions of the licensing laws were reviewed in developing the information contained in this technical bulletin.

Discussion

The Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, provides the following requirements for permits:

Section 10(1) states, in part:

“Except as otherwise provided in the code, before construction of a building or structure, the owner, or the owner’s builder, architect, engineer, or agent shall submit an application in writing to the appropriate enforcing agency for a building permit.”

Section 10(2) provides, in part:

“If construction is proposed to be undertaken by a person other than the owner of the land in fee, the statement shall contain the full name and residence, by street and number, of the owner and also the person proposing the construction...”

Additionally, Section 10(2) states:

“A person shall not be recognized as the agent, attorney, engineer, architect, or builder of another person unless the person files with the enforcing agency a written instrument, which shall be an architectural, engineering, or construction contract, power of attorney, or letter of authorization signed by that other person designating the person as the agent, attorney, architect, engineer, or builder and, in case of a residential builder or maintenance and alteration contractor, architect, or engineer, setting forth the person’s license number and the expiration date of the license.”

The electrical, mechanical and plumbing codes provide for the issuance of permits to homeowners, or licensees. This limitation is based on the licensing law provisions that require a person performing work to secure a permit.

The Act does not specify who may call for an inspection. Specifically, the Act provides in Section 12 that “An enforcing agency shall periodically inspect all construction undertaken pursuant to a building permit issued by it to insure that the construction is performed in accordance with conditions of the building permit and is consistent with requirements of the code and other applicable laws and ordinances.”

The Michigan Code provides the following information on permits and inspections:

Section 109.5 of the Michigan Building Code provides, in part:

“It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection...”

Section 109.3 of the Michigan Residential Code provides, in part:

“It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection...”

Section 107.1 of the Michigan Mechanical and Plumbing Codes provides, in part:

“The code official, upon notification from the permit holder or the permit holder’s agent, shall make the following inspections and other such inspections as necessary...”

The Michigan Electrical Code does not provide any additional requirements for inspections beyond those set forth in the statute.

The licensing law provisions governing electricians, plumbers, and mechanical contractors provide that a person must hold a license to perform work. However, the licensing acts do not specifically require that person to secure a permit.

Section 5(1) of the Electrical Administrative Act provides, in part:

“Except as otherwise provided in section 7, a person, firm, or corporation shall not install any electrical wiring, devices, appliances, or appurtenances...without being licensed.”

Section 7 of the Forbes Mechanical Contractors Act provides, in part:

“Except as provided in subsection (3) and section 14, an individual, partnership, association, corporation, governmental subdivision, college, or university shall not perform installations, alterations, or servicing in the work classifications set forth in section 6(3),...unless...has received a contractor’s license from the department...”

Section 15 of the Plumbing Law provides, in part:

“No person shall engage in or work at the business of a master plumber or journeyman plumber in any city or village...unless licensed to do so by the plumbing board...”

Conclusion

A contractor performing work for a homeowner or the owner of property is by definition in Section 10 of the Act acting as that person’s agent for purposes of performing work on the property. Section 10 provides that an owner or their agent, contractor, architect or engineer may secure the permit. As a condition of acting in this capacity the person acting as the agent must submit evidence of having the permission of the property owner to perform the work.

Additionally, the Act provides that when work is undertaken and the person performing the work is unknown, notice of the violation is provided to the property owner. Therefore, it is concluded that a person who is the owner or the owner’s agent or contractor (including a contractor’s representative) may request an inspection.

It should be noted that as a policy, the bureau requires the requesting party to provide certain information when requesting an inspection. This includes: the requesting party’s name; permit number; address of the project (job location); conditions of access; phone number of requesting party; and type of inspection requested. The permit provides this information for use by the permit holder.

Questions regarding this technical bulletin may be directed to the Michigan Department of Energy, Labor & Economic Growth, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by calling the Electrical Division at (517) 241-9320, Building Division at (517) 241-9317, the Plumbing Division at (517) 241-9330 or the Mechanical Division at (517) 241-9325.