

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on December 13, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008- and 2011-4, MCL 445.2011, 445.2025 and 445.2030)

R 408.30551, R 408.30558, R 408.30559, R 408.30561, R 408.30565a, R 408.30566, R 408.30575, and R 408.30577 of the Michigan Administrative Code are amended and R 408.30563 and R 408.30569 are rescinded to read as follows:

REHABILITATION CODE

R 408.30551 Applicable code.

Rule 551. The international existing building code, 2015 edition, including appendix A and resource A, hereinafter referred to as "the code," is adopted by reference, as provided in MCL 24.232, as the "Michigan rehabilitation code for existing buildings" with the exception of sections 104.8, 108.2 to 108.6, 114.3, 705.1.1 to 705.2, 806.2, and Appendix B and C, and as otherwise noted in these rules. The international existing building code, 2015 edition is available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 W. Ottawa Street, 1st Floor Ottawa Building, Lansing, Michigan 48933. The code may be purchased from the International Code Council, through the bureau's website at www.michigan.gov/bcc, at a cost as of the time of adoption of these rules of \$81.00.

R 408.30558 Preliminary meeting.

Rule 558. Section 104.2.2 of the code is amended as follows:

104.2.2. Preliminary meeting. When requested by the owner or owner's agent, the building official shall meet with the owner or the owner's agent to discuss plans for the proposed work or change of occupancy before the application for a construction permit in order to establish the specific applicability of the provisions of this code. The building official shall notify the appropriate fire official of the meeting.

Exception: Repairs, and alterations level 1.

R 408.30559 Preliminary review.

Rule 559. Section 104.2.3 is added to the code to read as follows:

October 12, 2015

104.2.3. Preliminary review. When a building permit is required by the code, the owner or owner's agent may request a review of preliminary construction documents to determine compliance with this code.

R 408.30561 Accessibility.

Rule 561. Sections 410.1, 410.6, 410.7, 410.8.2 and 410.8.3 of the code are amended as follows:

410.1. Scope. A building, facility, or element that has a change in use group or occupancy load or alteration shall comply in accordance with the requirements of the utilization of public facilities by physically limited, 1966 PA 1, MCL 125.1351 to 125.1356 and the Michigan building code, R 408.30401 to R 408.30499.

410.6. Alterations. A building, facility, or element that is altered shall comply with the applicable provisions in chapter 11 of the Michigan building code and ICC/A117.1 listed in chapter 16, unless technically infeasible. When compliance with this section is technically infeasible, then the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

(1) The altered element or space is not required to be on an accessible route, unless required by section 410.7 of the code.

(2) Accessible means of egress required by chapter 10 of the Michigan building code are not required to be provided in existing buildings and facilities.

(3) Buildings, structures, or improved areas which exist on or before the effective date of these rules and which are in compliance with the code at the time of the issuance of the certificate of occupancy unless the alteration specifically modifies an area covered by sections 410.6 to 410.8 of the code.

(4) The alteration to type A individually owned dwelling units within a group R-2 occupancy shall meet the provisions for a type B dwelling unit and shall comply with the applicable provisions in chapter 11 of the Michigan building code and ICC/A 117.1 listed in chapter 16.

410.7. Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of, primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities and drinking fountains serving the area of primary function.

Exceptions:

(1) This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets, and signs.

(2) This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems, and abatement of hazardous materials.

(3) This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility, or element.

(4) This provision does not apply to altered areas limited to type B dwelling and sleeping units.

410.8.2. Elevators. Altered elements of existing elevators shall comply with the Michigan elevator code, R 408.7001 to R 408.8695. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

410.8.3. Platform lifts. Platform (wheelchair) lifts complying with ICC/A 117.1 listed in chapter 16, and installed in accordance with the Michigan elevator code, R 408.7001 to R 408.8695 shall be permitted as a component of an accessible route.

R 408.30563 Rescinded.

R 408.30565a Smoke alarm reference codes.

Rule 565a. Sections 402.5, 403.10, 804.4.3, and 1104.1 of the code are amended as follows:

402.5. Smoke alarms in existing portions of a building. Where an addition is made to a building or structure of a group R or I-1 occupancy, the existing building shall be provided with smoke alarms in accordance with the Michigan building code.

403.10. Smoke alarms. Individual sleeping units and individual dwelling units in group R and I-1 occupancies shall be provided with smoke alarms in accordance with the Michigan building code.

804.4.3. Smoke alarms. Individual sleeping units and individual dwelling units in any work area in group R and I-1 occupancies shall be provided with smoke alarms in accordance with the Michigan building code.

Exception: Interconnection of smoke alarms outside of the work area shall not be required.

1104.1. Smoke alarms in existing portions of a building. Where an addition is made to a building or structure of a group R or I-1 occupancy, the existing building shall be provided with smoke alarms as required by the Michigan building code or the Michigan residential code as applicable.

R 408.30566 Smoke alarm locations.

Rule 566. Sections 501.3 and 501.3.1 are added to the code as follows:

501.3. Smoke alarm locations in existing buildings constructed before November 6, 1974. Within each dwelling unit or sleeping unit, a single-station smoke alarm shall be installed in the following locations:

(1) In each sleeping room or each area directly outside the sleeping room.

(2) On each floor level including the basement level.

For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than 1 full story below the upper level.

501.3.1. Equipment Requirements. The required equipment for smoke alarms consist of the following:

(1) Installation. Smoke alarm devices shall be listed and installed in accordance with the provisions of this code, the manufacturers installation requirements, and the provisions of NFPA 72 as listed in chapter 16.

(2) Power Source. The equipment shall be operable by power from 1 of the following primary sources.

(a) The building wiring provided that such wiring is served from a commercial source and is equipped with a battery backup. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

(b) A non-rechargeable battery that is capable of operating the smoke alarm in the normal condition for a life of 5 years.

(c) A rechargeable battery, with proper charging, able to power the alarm for a life of 5 years and shall be automatically recharged by an AC circuit of the commercial light and power source.

(d) A household or commercial use alarm system with battery backup listed and approved in accordance with the household and commercial fire warning equipment provisions of NFPA 72, as adopted by reference in this rule.

(3) Audible Alarm Notification. The activation of the alarm signal shall produce a sound that is audible in all occupiable dwelling areas.

(4) Testing and Maintenance. The owner of a dwelling unit, in which required or optional fire detection or fire protection systems equipment is installed, shall be responsible for the proper operation, testing, and maintenance of the equipment in accordance with the manufacturer's instructions included with the equipment. The occupant of rental dwelling units shall be responsible for the periodic operational testing and periodic cleaning of the installed equipment within the rental unit in accordance with the testing instructions provided in the manufacturer's instructions for the equipment. If the system fails, breaks, or is out of service, it shall be repaired and functional within 30 days.

Exception: Smoke alarms and devices installed in buildings constructed before November 6, 1974 where an installation was approved by the appropriate enforcing agency under regulations in effect at the time of the installation shall be considered to comply with the provisions of the code.

R 408.30569 Rescinded.

R 408.30575 High-rise buildings.

Rule 575. Sections 702.4 and 902.1 of the code are amended to read as follows:

702.4. Window opening control devices. In group R-2 or R-3 buildings containing dwelling units, window opening control devices complying with ASTM F2090 shall be installed where an existing window is replaced and where all the following apply to the replacement window:

1. The window is operable.
2. The window replacement includes replacement of the sash and the frame.
3. In group R-2 or R-3 buildings containing dwelling units, the top of the sill of the window opening is at a height less than 36 inches (915 mm) above the finished floor, or in one- and two-family dwellings and townhouses regulated by the international residential code, the top of the sill of the window opening is at a height less than 24 inches (610 mm) above the finished floor.
4. The window will permit openings that will allow passage of a 4-inch diameter (102 mm) sphere when the window is in its largest opened position.

5. The vertical distance from the top of the sill of the window opening to the finished grade or other surface below, on the exterior of the building, is greater than 72 inches (1829 mm).

The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the minimum net clear opening area of the window unit to less than the area required by the international building code.

Exceptions:

1. Operable windows where the top of the sill of the window opening is located more than 75 feet (22.86 m) above the finished grade or other surface below, on the exterior of the room, space or building, and that are provided with window fall prevention devices that comply with ASTM F2006.

2. Operable windows with openings that are provided with window fall prevention devices that comply with ASTM F2090.

902.1. High-rise buildings. Any building having 1 or more occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall comply with the requirements of sections 902.1.1 and 902.1.2.

Exception: The provisions of sections 902.1.1 and 902.1.2 shall apply to buildings having occupied floor levels more than 75 feet above the lowest level of fire department vehicle access where the local unit of government has complied with the provisions of section 403.1 of the Michigan building code, exception 6.

R 408.30577 Applicability.

Rule 577. Sections 806.1 and 906.1 are added to the code and 1401.2 and 1401.2.5 of the code are amended as follows:

806.1. General. A building, facility, or element that is altered shall comply with section 410.

906.1. General. A building, facility, or element that is altered shall comply with section 410.

1401.2. Applicability. Structures existing before November 6, 1974, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of chapters 5 to 13 of the code. The provisions in sections 1401.2.1 to 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, I-2, M, R, and S. This rule shall not apply to buildings with occupancies in group H or I-1, I-3, or I-4.

1401.2.5. Accessibility requirements. All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of section 410.