

DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH LICENSING
AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION CODE

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(By authority conferred on the director of the department of ~~energy, labor and economic growth~~ **licensing and regulatory affairs** by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, ~~and 2008-204 and 2011-4~~, MCL 445.2011, ~~and 445.2025 and 445.2030~~)

R 408.30551, R 408.30552, R 408.30556, R 408.30560, R 408.30561, R 408.30563, R 408.30564, R 408.30566, R 408.30568, R 408.30569, R 408.30570, R 408.30572, R 408.30573, R 408.30574, R 408.30575, R 408.30576 and R 408.30577 of the Michigan Administrative Code are amended and R 408.30565a is added to read as follows:

REHABILITATION CODE

R 408.30551 Applicable code.

Rule 551. The international existing building code, ~~2009~~**2012** 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, ~~605.1-1705.1.1 to 705.2605.2, 806.2706.2, 806.3706.3 and 1105.15~~ and Appendix B **and C**, and as otherwise noted in these rules. The international existing building code, ~~2009~~**2012** edition is available for inspection at the Okemos office of the Michigan Department of ~~Energy, Labor and Economic Growth~~ **Licensing and Regulatory Affairs**, Bureau of Construction Codes, **2501 Woodlake Circle, Okemos, Michigan 48864**, or from International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, D.C. 20001, at a cost as of the time of adoption of these rules of ~~\$66.00~~**76.00**.

R 408.30552 References to international codes.

Rule 552. All references to the code, ~~international~~**national** electrical code, international energy code, **international building code**, international residential code, international mechanical code, and international plumbing code in the international existing building code shall mean the Michigan building code, Michigan electrical code, Michigan uniform energy code, Michigan residential code, Michigan mechanical code and Michigan plumbing code, respectively.

June 7, 2013

R 408.30556 Elevators.

Rule 556. Section ~~902.1.2802-1.2~~ of the code is amended as follows:

902.1.2802-1.2. Elevators. Where there is an elevator or elevators for public use, at least 1 elevator serving the work area shall comply with this section. Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire fighting or rescue purposes shall be provided with emergency operation in accordance with the Michigan elevator code. New elevators shall be provided with phase I emergency recall operation and phase II emergency in-car operation in accordance with the Michigan elevator code.

R 408.30560 Annual permit.

Rule 560. Sections 105.1.1, 105.1.2, and 105.2 of the code are amended as follows:

105.1.1. Annual permit. In place of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the enforcing agency is authorized to issue an annual permit upon application to any person, firm, or corporation. The applicant shall be licensed in accordance with the requirements of **the electrical administrative act**, 1956 PA 217, MCL 338.881 to 338.892; **Forbes mechanical contractors act**, 1984 PA 192, MCL 338.971 to 338.988; or **state plumbing act**, 2002 PA 733, MCL 338.3511 to 338.3569.

105.1.2. Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under an annual permit. Access to the records shall be provided at all times and the records shall be filed with the enforcing agency.

105.2. Work exempt from permit. Exemptions from permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for any of the following:

(a) Building permits shall not be required for any of the following:

(i) One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15m²).

(ii) A fence that is not more than ~~6-7~~**6-7** feet (~~1-8292~~ **134** mm) high.

(iii) Oil derricks.

(iv) A retaining wall that is not more than 4 feet (1 219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II, or III-A liquids.

(v) A water tank supported directly ~~upon~~**on** grade if the capacity is not ~~more~~**greater** than 5,000 gallons (~~18 927 L~~)(**18 925 L**) and the ratio of height to diameter or width is not greater than 2 to 1.

(vi) A sidewalk ~~or~~**and** driveway ~~that~~ is not more than 30 inches (762 mm) above **adjacent** grade and ~~is~~ not over any basement or story below and ~~which~~ are not part of an accessible route.

(vii) Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.

(viii) Temporary motion picture, television, and theater stage sets and scenery.

(ix) Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in section 101.2, ~~which that~~ are less than 24 inches (610 mm) deep, ~~do~~ are not exceed **greater than 5,000 gallons (18 927 L)(18 925 L)** and are installed entirely above ground.

(x) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

(xi) Swings and other playground equipment accessory to **detached** 1- and 2-family dwellings.

(xii) ~~Window awnings supported by an exterior wall which do not project more than 54 inches (1 372 mm) from the exterior wall and do not require additional support of group R-3,~~ **Window awnings in group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1 372 mm) from the exterior wall and do not require additional support,** as applicable in section 101.2 ~~and group U occupancies.~~

(xiii) ~~Movable cases, counters, and partitions~~ **Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1 753 mm) in height.**

(b) Electrical permits shall not be required, as in accordance with the Michigan electrical code, R 408.30801 to R 408.30880, for any of the following:

(i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(ii) Radio and television transmitting stations: The provisions of the code do not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply and to the installation of towers and antennas.

(iii) Temporary testing systems: A permit ~~is not~~ **shall not be** required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) Mechanical permits shall not be required for any of the following:

(i) A portable ~~gas~~-heating **or gas** appliance that has inputs of less than 30,000 Btu's per hour.

(ii) Portable ventilation appliances and equipment.

(iii) ~~A~~ Portable cooling unit.

(iv) Steam, hot water, or chilled water piping within any heating or cooling equipment or appliances regulated by ~~this~~ **the** code.

(v) The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe.

(vi) A portable evaporative cooler.

(vii) Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less.

(viii) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

~~(ix) A boiler or pressure vessel for which a permit is required by sections 17 and 18 of 1965 PA 290, MCL 408.767 and 408.768.~~

~~(x)~~ **(ix)** An oil burner that does not require connection to a flue, such as an oil stove and a heater equipped with a wick.

~~(xi)~~ **(x)** A portable gas burner that has inputs of less than 30,000 Btu's per hour.

(xii) When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet (3005 mm) in length and not more than 6 fittings.

(xi) When installing geothermal vertical closed loops under the supervision of a mechanical contractor licensed in HVAC as long as the company meets both the following:

(A) Has obtained a certificate of registration as a well drilling contractor pursuant to part 127 of the public health code.

(B) Has installed the geothermal vertical closed loops in accordance with the department of environmental quality best practices regarding geothermal heat pump closed loops.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

(d) Plumbing permits shall not be required for either of the following:

(i) The stopping of leaks in drains, water, soil, waste, or vent pipe. However, if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the drain or pipe with new material, then the work is considered new work and a permit shall be obtained and inspection made as provided in the code.

(ii) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, if the repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

R 408.30561 Accessibility.

Rule 561. Sections ~~410.1310.4~~, ~~410.6310.6~~, ~~410.7310.7~~, ~~410.8.2310.8.2~~ and ~~410.8.3310.8.3~~ of the code are amended as follows:

~~310.1410.1~~ **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~~408.30547.

~~410.6.310.6~~ **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 ~~1615~~, 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. (1)~~ **(1)** The altered element or space is not required to be on an accessible route, unless required by section ~~410.7310.7~~ of the code.

~~2. (2)~~ **(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. (3)~~ **(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 ~~410.6310.6~~ to ~~410.8310.8~~ of the code.

~~4.~~ **(4)** The alteration to type A individually owned dwelling units within a group R-2 occupancy shall meet the ~~provision~~**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 **1615**.

~~410.7.310.7~~ Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to ~~a~~, 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 or drinking fountains serving the area of primary function.

Exceptions:

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

~~2.~~ **(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.~~ **(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.

~~410.8.2.310.8.2~~ 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.

~~410.8.3.310.8.3~~ Platform lifts. Platform (wheelchair) lifts complying with ICC/A 117.1 listed in chapter **1615**, 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 Fire flow requirements.

Rule 563. Section ~~106.1.1.2~~**106.1.1** is added to the code to read as follows:

~~106.1.1.2~~**106.1.1**. Fire flow requirements. The application for permit shall be accompanied by an evaluation of the available fire flow at the building utilizing the existing fire hydrants on the site, public streets, and adjacent sites in accordance with the provisions of section ~~B-105~~ of appendix ~~b~~ of the international fire code.

R 408.30564 Elevator control.

Rule 564. Section ~~1401.6.14~~**1301.6.14** of the code is amended as follows:

~~1401.6.14~~**1301.6.14** Elevator control. Evaluate the passenger elevator equipment and controls that are available to the fire department to reach all occupied floors. Elevator recall controls shall be provided in accordance with the Michigan elevator code, R 408.7001 to R 408.8695. Under the categories and occupancies in table ~~1301.6.14~~**1401.6.14**, determine the appropriate value and enter that value into table ~~1301.7~~**1401.7** under safety parameter ~~1301.6.14~~**1401.6.14**, elevator control, for fire safety, means of egress, and general safety. The values shall be zero for a single-story building.

R 408.30565a Smoke alarm reference codes.

Rule 565a. Sections 402.5, 403.6, 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.

403.6. 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 ~~401.4~~**501.4** and ~~401.5~~**501.4.1** are added to the code as follows:

~~401.4~~**501.4.** 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~~ **(1)** In each sleeping room or each area directly outside the sleeping room.
- ~~2~~ **(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.

~~401.5~~**501.4.1.** Equipment Requirements. The required equipment for smoke alarms consist of the following:

~~(1)~~ **(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~~**15**.

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

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

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

~~(4)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 408.30568 Altered area use and occupancy classification change.

Rule 568. ~~Section~~**Sections 110.1 and 110.2** of the code ~~is~~**are** amended as follows:

110.1. Altered area use and occupancy classification change. An altered area of a building shall not be used or occupied, and a change in the existing occupancy classification of a building or portion thereof shall not be made until the building official has issued a certificate of occupancy in accordance with the act. The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of the other ordinances of the jurisdiction.

110.2. Certificate issued. **After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department and all permit and plan review fees are paid, the building official shall issue a certificate of occupancy that contains all of the following:**

- (a) The building permit number.**
- (b) The address of the structure.**
- (c) A description of that portion of the structure for which the certificate is issued.**
- (d) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.**
- (e) The name and signature of the building official or designee, registered in accordance with the building officials and inspectors registration act, 1986 PA 54, MCL 338.2301 to 338.2313.**
- (f) The edition of the code under which the permit was issued.**
- (g) The use and occupancy, in accordance with the provisions of the Michigan building code.**
- (h) The type of construction as defined in the Michigan building code.**
- (i) The design occupant load.**
- (j) If an automatic sprinkler system is provided, whether the sprinkler system is required.**
- (k) Any special stipulations and conditions of the building permit.**

R 408.30569 ~~Minimum requirements.~~ **Michigan Uniform Energy Code Reference Codes.**

Rule 569. ~~Sections~~ **Section 1005707.1, 811.1, 908.1, and 1106.1** of the code is ~~are~~ amended as follows:

~~1005707.1. Minimum requirements. Accessibility provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, primary function shall comply with the requirements of section 310.~~ **Minimum requirements. Level 1 alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the Michigan uniform energy code or Michigan residential code. The alterations shall conform to the energy requirements of the Michigan uniform energy code, parts 10 and 10a, as they relate to new construction only.**

811.1. Minimum requirements. Level 2 alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the Michigan uniform energy code, parts 10 and 10a. The alterations shall conform to the energy requirements of the Michigan uniform energy code, parts 10 and 10a, as they relate to new construction only.

908.1. Minimum requirements. Level 3 alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the Michigan uniform energy code, parts 10 and 10a. The alterations shall conform to the energy requirements of the Michigan uniform energy code, parts 10 and 10a, as they relate to new construction only.

1106.1. Minimum requirements. Additions to existing buildings shall conform to the energy requirements of the Michigan uniform energy code, parts 10 and 10a, as they relate to new construction.

R 408.30570 Board of appeals.

Rule 570. Sections 112.1 and 112.3 of the code are amended as follows:

112.1. Means of appeal. An interested person may appeal a decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the construction code commission in accordance with the act and time frames.

Exception: Requests for barrier free design exception shall be in accordance with 1966 PA 1, MCL 125.1351 to 125.1356.

112.3. Qualification. The board of appeals shall consist of members who are qualified in accordance with the act **and are not employees of the governmental subdivision or the agency enforcing the code.**

R 408.30572 Stop work order.

Rule 572. Section 114.2 of the code is amended as follows:

114.2. Issuance. ~~Upon notice from the enforcing agency, work on any building or structure that has been done contrary to this code or in a dangerous and unsafe manner~~

~~shall immediately cease.~~ Notice shall be in accordance with the act. A person who is served with a stop work order, except for work that the person is directed to perform to remove a violation or unsafe condition, is subject to the penalty provisions prescribed in the act.

R 408.30573 Change of occupancy.

Rule 573. Section ~~410.4310.4~~ of the code is amended as follows:

~~410.4310.4.~~ Change of occupancy. Unless technically infeasible, sections ~~410.6310.5, 410.7310.6, 310.7, and 410.8310.8~~ of the code shall be applied in accordance with **the utilization of public facilities by physically limited**, 1966 PA 1, MCL 125.1351 to 125.1356.

R 408.30574 Accessibility.

Rule 574. Section ~~705.1605.1~~ of the code is amended as follows:

~~705.1.605.1~~ General. A building, facility, or element that is accessible shall remain accessible 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 408.30499R~~ 408.30547.

R 408.30575 High-rise buildings.

Rule 575. Section ~~902.1802.1~~ of the code is amended as follows:

~~902.1.802.1~~ 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 ~~902.1.1802.1.1 and 902.1.2802.1.2~~.

Exception: The provisions of sections ~~902.1.1802.1.1 and 902.1.2802.1.2~~ 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 408.30576 Accessibility requirements.

Rule 576. Sections ~~1006.1906.1 and 1012.8912.8, and 1104.1~~ of the code are amended as follows:

~~1006.1.906.1~~ General. Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with the provisions of section ~~410.4310.4~~.

~~1012.8.912.8~~ Accessibility. A building, facility, or element that has a change in use group or occupancy load or alteration shall comply 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 408.30499547.

~~1104.1~~ Accessibility requirements. ~~The provisions of section 310 shall apply to buildings and facilities designated as historic structures that undergo alterations, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the code official, the alternative requirements of sections 1104.1.1 to 1104.1.4 for that element shall be permitted.~~

R 408.30577 Applicability.

Rule 577. Sections ~~806.1706.1~~ and ~~906.1806.1~~ are added to the code and ~~1401.21301.2~~ and ~~1401.2.51301.2.5~~ of the code are amended as follows:

~~806.1.706.1~~ General. A building, facility, or element that is altered shall comply with section ~~310.410~~.

~~906.1.806.1~~ General. A building, facility, or element that is altered shall comply with section ~~310.410~~.

~~1401.2.1301.2~~ 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 ~~5-4~~ to ~~13-12~~ of the code. The provisions in sections ~~1401.2.11301.2.1~~ to ~~1401.2.51301.2.5~~ shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, M, R, and S. This rule shall not apply to buildings with occupancies in group H or I.

~~1401.2.5.1301.2.5~~ Accessibility requirements. All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of section ~~310.410~~.