Department of Labor & Economic Growth

Bureau of Construction Codes

Construction Code Commission
Barrier Free Design Board
Electrical Administrative Board
Board of Mechanical Rules
State Plumbing Board

Providing for Michigan's Safety in the Built Environment

Commission & Board Manual

November 2006

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BUREAU ORGANIZATIONAL HISTORY

The Bureau of Construction Codes (Bureau) is charged with the responsibility of administering and enforcing the public acts listed below, and the rules drafted under the authority of each statute.

- The Stille-DeRossett-Hale Single State Construction Code Act
  1972 PA 230

- Construction of School Buildings Act
  1937 PA 306

- Boiler Act of 1965
  1965 PA 290

- Building Officials and Inspectors Registration Act
  1986 PA 54

- Electrical Administrative Act
  1956 PA 217

- Elevator Safety Board
  1967 PA 227

- Elevator Licensing
  1976 PA 333

- Forbes Mechanical Contractors Act
  1984 PA 192

- Land Division Act
  1967 PA 288

- Mobile Home Commission Act
  1987 PA 96

- State Plumbing Act
  2002 PA 733

- State Survey and Remonumentation Act
  1990 PA 345

The Bureau's primary responsibility is the objective, competent administration and enforcement of these laws. The Bureau is organized to efficiently and effectively fulfill that duty. Each division within the Bureau is staffed with individuals who are technically skilled and experienced to carry out the obligations assigned to the Bureau by each of the twelve (12) acts. To understand how the Bureau's authority and responsibilities have grown, it helps to take a quick look back.

Originally, the Bureau was within the Department of Labor, and was organized with an administrative section and the Electrical and Plumbing Divisions, which were transferred from the Department of Licensing and Regulation.

In January of 1974, the Plan Review Division was established. The Building Division was established in July of 1974, and the Mechanical Division added in early 1975. In October of 1979, a Barrier Free Design Division was instituted and currently operates under the Plan Review Division (PRD).

On October 1, 1980, General Departmental Order 1980-13 transferred the Boiler, Elevator and Ski-Carnival Divisions from the Bureau of Safety and Regulation to the Bureau. The Board of Boiler Rules, the Elevator Safety Board, the Ski Area Safety Board and Carnival-Amusement Safety Board were also transferred, and retained intact all prescribed statutory powers, duties and functions. This transition was designed to promote economic and efficient administration and operation of these programs within the most appropriate bureau.

In January of 1981, the Ski-Carnival Division, the Ski Area Safety Board and the Carnival-Amusement Safety Board were transferred to the Department of Licensing and Regulation by Executive Order 1980-1a.

In January of 1988, an Office of Management Services (OMS) was established within the administrative unit of the Bureau.

In March of 1996, the Governor issued Executive Order 1996-2 establishing the new Department of Consumer and Industry Services (CIS). The Executive Order, which became effective May 15, 1996, reorganized and

combined several agencies, including the former Department of Labor, to consolidate licensing; permitting; and registration functions into one principal department. By the Executive Order, the Bureau was transferred from the Department of Labor to CIS.

A copy of Executive Order 1996-2 is located in Section XV.

In November of 1997, the Office of Local Government and Consumer Services (OLGCS) was created in the Bureau.

The Bureau's responsibilities increased on October 30, 2000, when the Director of CIS reassigned the Manufactured Housing and Land Development Division to the Bureau. The Manufactured Housing function currently operates under the Building Division and the OLGCS; while the Office of Land Survey and Remonumentation administers Land Development.

The Building Division issues licenses for manufactured housing retailers, installer/servicers, and the owners of communities/parks. OLGCS conducts audits of manufactured housing retailers and communities.

On October 1, 2001, the Office of Administrative Services (OAS) was established within the administrative unit of the Bureau.

On March 26, 2003, the Governor merged the Office of Fire Safety with the Bureau, thereby adding the Fire Safety Code Administration Section, and the Fire Safety Field Administration Section to the Bureau's divisions.

To address the safety and security of Michigan residents, the role of Michigan's fire service in the state's emergency management and homeland security efforts was reassessed and reevaluated as a result of Executive Directive 2005-10. Thus, on June 22, 2006, Governor Granholm signed a package of bills creating the Bureau of Fire Services, transferring the State Fire Marshal, Fire Fighters Training Council and all related fire safety programs from the Bureau of Construction Codes.

The Bureau, in administering and enforcing the twelve (12) public acts entrusted to its authority, is charged with the responsibility of seeing that the construction, alteration, demolition, occupancy, and use of buildings, including public and nonpublic schools, is in compliance with statutory

mandates; and also promotes the safety and welfare of Michigan's citizens, particularly regarding protection against fire hazards. The Bureau is organized to efficiently and effectively meet that challenge and fulfill those duties.

A current organization chart of the Bureau and brief descriptions of each division's functions follow.

Boiler Division:
The Boiler Division is responsible for issuing boiler permits, examination and licensing of boiler installers, repairers, and inspectors, conducting inspections of boiler installations and repairs and in-service inspections of existing boilers and boiler accident investigations. The division also provides staff support to the Board of Boiler Rules and handles code questions.

Building Division:
The Building Division is responsible for conducting inspections and issuing certificates of occupancy. The division also has enforcement responsibility for the state building code and also provides building inspections for manufactured housing communities. The program establishes statewide standards for manufactured home community development and manufactured home businesses. The Building Division issues manufactured housing licenses and provides staff support to the Manufactured Housing Commission and handles code questions -- i.e., residential, commercial, foundations, drywall, roofing, footings and foundations, snow loads, demolition, school construction inspections and building code questions.

Electrical Division:
The Electrical Division is responsible for the examination, licensing and renewals of licenses of master and journey electricians, apprenticeship registration, fire alarm specialty technicians, sign specialists, electrical contractors, sign specialty contractors, and fire alarm contractors. Electrical inspectors conduct inspections of electrical wiring and installations. The division also provides staff support to the Electrical Administrative Board and handles electrical code questions.

Elevator Safety Division:
The Elevator Division is responsible for issuing elevator permits, the examination and licensing of elevator journeypersons and contractors, inspections of all elevating devices, complaint investigations and reporting of elevator accidents. The division also provides staff support to the Elevator Safety Board, handles elevator code questions and elevator code book sales.

Mechanical Division:

The Mechanical Division is responsible for the examination, licensing and renewals of licenses of mechanical contractors and inspections of mechanical installations and repairs. The division also provides staff support to the Board of Mechanical Rules and handles code questions --i.e., furnaces, HVAC (heating and air conditioning), duct work, solar heating, refrigeration and underground tanks.

Office of Land Survey and Remonumentation:

The Office of Land Survey and Remonumentation (OLSR) enforces the applicable provisions of the Land Division Act (LDA) to ensure the orderly development of land division in the State of Michigan. Staff conducts final reviews of subdivision plat maps to confirm compliance with the LDA; and authorizes final plats to be submitted to the Register of Deeds for proper recordation.

Pursuant to the State Survey and Remonumentation Act, OLSR administers the statewide program of monumenting and remonumenting the original U.S. government public land identifying and remarking the approximately 300,000 property controlling corners in the State along with handling general questions. All land ownership in Michigan, both public and private, is located from these property-controlling corners.

Office of Local Government and Consumer Services:

The Office of Local Government and Consumer Services (OLGCS) is responsible for investigation of consumer licensing complaints, performance evaluations of local enforcing agencies, applications and ordinances for approval to administer and enforce construction codes locally, registration of construction code inspectors, and approval of training programs for code inspectors. OLGCS also conducts manufactured housing audits, complaint investigation regarding installer/servicers, retailers, and manufacturers, enforcement of administrative action relative to these functions as well as ordinance reviews for manufactured housing communities.

Plan Review Division:

The Plan Review Division has responsibility for the review of building, electrical, mechanical, plumbing, and manufactured housing community plan reviews, all Barrier Free Design exception requests and the Barrier Free Design Board. The division also reviews premanufactured plans and compliance assurance manuals.

Plumbing Division:

The Plumbing Division is responsible for the examination, licensing and renewals of licenses of plumbing contractors, apprenticeship registration, master and journey plumbers and for the inspection of plumbing installations and repair. The division also provides staff support to the State Plumbing Board and handles plumbing code questions--i.e., plumbing fixtures, water distribution, sanitary and storm lines.

Office of Administrative Services:

The Office of Administrative Services is responsible for personnel actions, promulgation of administrative rules, publications, technical bulletins, media coordination, processing Freedom of Information requests under PA 442 of 1976.

Office of Management Services:

The Office of Management Services (OMS) is responsible for the bureau budget, internal controls, performance reporting, document management, permitting, code books sales, and maintaining the bureau's web site.

HISTORY OF CONSTRUCTION CODES IN MICHIGAN

Construction code enforcement on a statewide basis has been in effect in Michigan for a relatively short period of time (since 1974). However, construction regulations, in one form or another, have been around a long time. Early American colonists brought with them a number of safety regulations from Europe such as the construction and maintenance of fireplaces and chimneys, the spacing between houses, materials used in roof coverings, the destruction of vacant buildings, and basic sanitation requirements.

In the early 1900's, major insurance companies encouraged the development of model building codes which were designed to help reduce both the number of deaths and payments on claims for fire losses. Construction code regulations have evolved in response to catastrophes involving large losses of life or property. On a national level, the codes were first applied only to the more complex structures such as hotels, office buildings, theaters, factories, and large apartment buildings.

Enforcement of the codes was left to local government. It was up to the local unit to determine what codes were in effect, or, for that matter, if codes were in effect. In the late 60's, Michigan began looking at their construction regulations.

The State Construction Code Act of 1972 (CCA) is the product of the Michigan Commission on Housing Law Revision (Housing Law Commission). The Housing Law Commission was established by Executive Order on October 28, 1968, to make legislative recommendations concerning the amendment of the Michigan Housing Law. Their report was released in December of 1969, and identified a number of problems.

1. Some 1200 political subdivisions were responsible for establishing and enforcing highly technical standards. This proliferation of differing construction codes had retarded necessary housing construction in Michigan.
2. In terms of geographic area, a majority of the State was not covered by construction codes. Substantial construction was being undertaken with no assurance that buildings met minimum standards.
3. The lack of uniformity of construction standards from community to community made it impossible to take advantage of new technology and new construction techniques. Although most construction codes in effect

were based on a model code, it was found that virtually no jurisdiction adopted a model code without numerous amendments.

4. There was no established procedure for the testing, evaluation and acceptance of new products and construction methods. At that time, the developer of a new product had to first gain approval from the nationally recognized model code body. If the product was in the plumbing or electrical field, approval from the Plumbing or Electrical Boards was necessary. Then the developer had to receive approval from each political subdivision in the State. The process was expensive, cumbersome, and discouraged research and development in the construction field.
5. A fourth weakness was the lack of a procedure for the approval of premanufactured housing and modular units. At that time, the Plumbing and Electrical Divisions inspected units at the factory, but when they arrived on site, they were inspected a second time. This often required dismantling of the unit and the units had to meet a bewildering array of similar, but distinct, building code requirements.
6. One further weakness identified was that construction requirements, except in the larger cities, were developed by groups of construction code officials at the national level with little representation from Michigan or from a broad cross section of the construction industry.

In order to solve these problems, the Housing Law Commission recommended the enactment of the CCA**.**

It recommended the establishment of a Construction Code Commission (CCC) to consist of members technically skilled and experienced in all phases of the construction industry.

The report also recommended that the CCA define the relationship between the existing Plumbing, Electrical, Elevator, Boiler, and Fire Boards and all licensing functions performed by the Boards would continue. The respective Board would work with the CCC to draft the portions of the State Construction Code related to their particular field; however, the CCC would have final responsibility for the content of the State Construction Code.

This recommendation was not fully accepted. The State Fire Marshal and the Fire Safety Board were not included in the final draft of the CCA or the Elevator and

Boiler Boards. The Plumbing and Electrical Boards were included but maintained their autonomy for licensing functions.
The major responsibility of the CCC was to issue rules that would constitute a State Construction Code. The rules were to be sufficiently broad to cover all aspects of construction, including not only a traditional building code, but also fire, plumbing, electrical, elevator, boiler and other related codes. The Code, however, was not to affect in any way local zoning or land development ordinances. The Code was to be based on nationally recognized standards. Again, in the final draft of the Law, fire, elevator and boiler codes were removed.

The Housing Law Commission recommended that administration of the Code be left with local government. They recommended that the county be the unit of government primarily responsible for administration of the code and that cities, villages, and townships could agree to enforce the codes. Their reasoning was that principal responsibility for code enforcement matters should be left in local hands with the State's role limited to those subjects where uniform action was highly desirable or where expertise was not available except in the larger cities.

When the proposed legislation finally became law on January 1, 1973, most of the Housing Law Commission's recommendations were accepted. The Law included provisions for the approval of products and new methods of construction; procedures for premanufactured units to be built to the State Code and inspected at the factory; provisions for the adoption of state codes; and provisions for units of government to enforce the Code. It set forth provisions for approval of plans; issuance of permits; inspection of construction; appeals and variances. It also set provided enforcement assistance from the State.

The Governor appointed the original nine member Construction Code Commission late in January 1973. The Senate initially rejected all nine members, but confirmed them after amendments to the CCA on June 21, 1973, which included a 10th member who would represent licensed residential builders. This body was subsequently expanded from the original recommendation to include 17 members.

The Construction Code Commission now consists of a designee of the Director of the Department of Labor & Economic Growth (Department); and the chairpersons of the Barrier Free Design Board, the Electrical Administrative Board, the State Plumbing Board, and the Board of Mechanical Rules, who shall be permanent members; and 12 residents of the State to be appointed by the Governor with the advice and consent of the Senate. Appointed members of the CCC shall include 1

person from each of the fields of industrial management, architecture, professional engineering, building contracting, organized labor, premanufactured building; and 3 members representing municipal building inspection; 2 persons from the general public; and a licensed residential builder. A member of the CCC shall be appointed for a term of 2 years, except that a vacancy shall be filled for the unexpired portion of the term.

After implementation, the first task was the adoption of codes. Ideally the Housing Law Commission stated the State Construction Code should be the only construction code in effect throughout the State. However, it recognized that many political subdivisions had adopted other codes. The CCA, therefore, provided that any political subdivision could elect to not have the State Code in effect in their jurisdiction. But, to insure that the citizens were fully protected by a complete and current set of construction regulations, any unit of government making that election would be required to adopt a nationally recognized code with only such amendments reasonable in light of unusual conditions in the area.

As each part of the Code was initially adopted pursuant to the CCA, the county became responsible for the administration and enforcement of that Code. The Law placed the primary responsibility for code administration and enforcement at the county level. Cities, villages, and townships had some options:

1. They could do nothing, in which case the county was responsible for the administration of the Code.
2. They could assume responsibility for the administration and enforcement of the State Code.
3. They could adopt a nationally recognized code without amendment.
4. They could adopt and amend a nationally recognized code; however, the amendments were subject to review by the Construction Code Commission.

The Plumbing and Electrical Codes in effect prior to enactment of the CCA remained in effect until codes were adopted under the CCA. There were, however, population clauses in those Codes so they were not in effect throughout the State.

The Codes were adopted as follows:

- *Building Code, including Barrier Free Design*
  Adopted: May 6, 1974

Effective: November 6, 1974

- *Plumbing Code*
  Adopted: November 19, 1974
  Effective: May 19, 1975

- The Mobile Home Code was adopted in 1975, but was preempted by federal regulations in 1976.

- *Premanufactured Unit Rules*
  Effective: June 26, 1975
  (Superseded emergency rules promulgated June 28, 1974.)

- *Energy Conservation*
  Adopted: December 22, 1976
  Effective: June 22, 1977

- *Electrical Code*
  Adopted: May 11, 1977
  Effective: November 11, 1977

- *Mechanical Code*
  Adopted: October 5, 1979
  Effective: April 5, 1980

Many were reluctant as the Codes were being developed and made counties assume responsibility for these programs without providing any resources to do so.

Most of the counties assumed responsibility for building codes, or every unit of government within a county assumed responsibility, particularly in southeastern Michigan. But when the Plumbing Code and then the Electrical Code became effective, it was another story.

First, the Plumbing and Electrical Divisions had staff that included inspectors, so the State continued enforcing the Codes. Secondly, counties could not afford to hire inspectors with the expertise required to enforce the Codes. Third, if they could afford to hire them, they couldn't find them.

Many units of government adopted ordinances to enforce codes on paper although nothing was actually done to enforce the codes, or unqualified people were hired. In some cases they simply did nothing, refusing to assume responsibility for code enforcement. This continued until the Mechanical Code went into effect.

Act 371

To clarify the confused lines of enforcement, the Department of Labor worked with the Legislature to amend the CCA to provide for State enforcement of the Codes. Because the Mechanical Code was completely new to many areas of the State, and because there were no inspectors on staff, it was decided that either the Law had to be revised or local government would have to enforce the Codes. No inspectors were to be hired at the State level until there was some authority to enforce the Codes. Also, the CCA at that time, did not apply to State-owned facilities. The Attorney General advised that unless a law specifically stated that State-owned facilities were covered, the law could not be applied.

When amendments were drafted to provide for State enforcement of codes, language was included to require that State-owned facilities be built to State codes and be inspected and be approved.

Act 371 of 1980 became effective on December 30, 1980. It placed the primary responsibility for code enforcement with the Bureau of Construction Codes (Bureau), but allowed local units of government to continue enforcement of codes already in effect if they chose to do so, or they could transfer responsibility back to the State. It established provisions to require new enforcing agencies to seek approval from the Construction Code Commission prior to assuming additional or different codes.

To address the ineffective enforcement of the codes Legislature added two sections to the Law.

One, if a unit of government had not previously enforced a code and decided to, they were now required to complete an application for approval to administer and enforce, and certify that proper services would be provided and qualified staff would be appointed.

Second, a provision was added to provide for State investigation of complaints regarding local administration and enforcement of codes; and to withdraw local responsibility if grounds exist to justify such action.

Act 245

Act 245 of 1999 became effective on December 28, 1999. Among its major modifications to the CCA are:

- The name of the CCA was changed from the State Construction Code Act of 1972 to the Stille-DeRossett-Hale Single State Construction Code Act. The new title reflects that a governmental subdivision may no longer elect to exempt itself from certain parts of the CCA and the State Construction Code by adopting and enforcing a nationally recognized model code. The CCA and the State Construction Code are the exclusive standards to be applied in the design, construction, or use of buildings and structures throughout Michigan.

- The State Construction Code consists of the 2003 Michigan Residential Code, the 2003 Michigan Building Code, the 2003 Michigan Mechanical Code, the 2003 Michigan Plumbing Code, the 2002 Michigan Electrical Code, and the Michigan Uniform Energy Code. Each Michigan Code is a combination of the international code applicable to that specialty with the Michigan-made amendments, additions, or deletions to that international code.

- All governmental subdivisions administering and enforcing a nationally recognized model code other than the Code established by Act 245 of 1999, had to indicate on a Notice of Intent Form, provided by the Bureau, whether the governmental subdivision would now administer and enforce the State Construction Code. If the city, village, or township chooses not to enforce the Code, the State will, unless the county within which the governmental subdivision is located has submitted a Notice of Intent to continue to administer and enforce the CCA and the State Construction Code.

- The Director of the Department of Labor & Economic Growth or the Director's authorized representative has the sole statutory authority to promulgate rules, a responsibility previously held by the Construction Code Commission.

On December 23, 2002, Act 306 of 1937, the law regulating authority over kindergarten through 12th grade, public and nonpublic, school building construction was amended. The change resulted in the Department (and ultimately the Bureau) becoming responsible for the administration and enforcement of the

CCA and the State Construction Code in the construction, remodeling, or reconstruction of school buildings in Michigan.

This new authority involved reviewing plans for proposed construction; and performing the inspections required before a Certificate of Occupancy can be issued.

The amendment to Act 306 of 1937 does instruct that if both the school board and the governing body of the governmental subdivision have annually certified to the Department, that full-time code officials, inspectors, and plan reviewers registered under the Building Officials and Inspectors Registration Act, Act 54 of 1986, will conduct plan reviews and inspections of school buildings, then the Department must delegate the responsibility to the applicable agency.

The amendment to Act 306 of 1937 reinforced the dual responsibility of the Bureau and the Office of Fire Safety to assure construction in Michigan is safe by adding the following provision. "A certificate of occupancy shall not be issued by the appropriate code enforcement agency until a certificate of approval has been issued under the Fire Prevention Code, Act 207 of 1941".

To improve efficiency in the performance of this dual responsibility, on March 26, 2003, the Governor merged the Office of Fire Safety with the Bureau. The new formal name of the agency became the Bureau of Construction Codes and Fire Safety.

Then on December 7, 2003, by an executive reorganization order, the Governor transferred to the Department and Bureau the State Fire Marshal Division and the Fire Fighters Training Council. This move, contemplated when the CCA was drafted, resulted in one state agency housing Michigan's construction and fire safety standards, allowing centralized administration, enforcement, and training regarding the codes.

To address the safety and security of Michigan residents, the role of Michigan's fire service in the state's emergency management and homeland security efforts was reassessed and reevaluated as a result of Executive Directive 2005-10. Thus, on June 22, 2006, Governor Granholm signed a package of bills creating the Bureau of Fire Services, transferring the State Fire Marshal, Fire Fighters Training Council and all related fire safety programs from the Bureau of Construction Codes.

The history of construction code enforcement in the Great Lakes State reflects the goal achieved of a single state code being objectively administered by a streamlined staff, including technically skilled plan reviewers and inspectors. Building on this past, the story of the future should contain a growth in construction and advances in the protection of the public safety and welfare.

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

CODE OF CONDUCT

FOR

BOARDS, COMMISSIONS, AGENCIES, AUTHORITIES AND COMMITTEES

In an effort to maintain the high standard of conduct expected and deserved by the community and to comply with all applicable state conflicts and ethics laws, every Board, Commission, Agency, Authority and Committee (hereinafter "Board" or "Boards") within the Department of Labor and Economic Growth ("DLEG") shall operate under the following Code of Conduct.

Each Board member shall:

1. Comply with DLEG's Conflict of Interest Policy for boards, Commissions, Agencies, Authorities and committees as well as applicable Michigan law;
2. Disclose any pecuniary, contractual, business, employment or personal interest that the Board member may have in a contract, grant, loan or regulatory matter before the Board, refrain from participating in any discussion, directly or indirectly, with other Board members regarding the pending item and abstain from voting on any motion or resolution relating to the matter. A Board member who is a director, officer, shareholder or employee of an entity that is to be awarded a contract, grant or loan by the Board, or is the subject of a regulatory action before the Board, is hereby deemed to have an interest that warrants disclosure and abstention from participation in discussion or vote on the contract, grant, loan or regulatory matter. Such disclosure shall be made a part of the public record of the Board's official action.
3. Use state resources, property, and funds under the Board member's official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.
4. Refrain from all of the following:
    a. Divulging to an unauthorized person confidential information acquired in the course of the member's service on the Board in advance of the time prescribed for its authorized release to the public.
    b. Representing his or her personal opinion as that of the Board.
    c. Soliciting or accepting a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the State, which tends to influence the manner in which the board member performs official duties.
    d. Engaging in a business transaction in which the Board member may profit from his or her official position or authority or benefit financially from confidential information which the Board member has obtained or may obtain by reason of that position or authority.
    e. Rendering services for a private or public interest when that service is incompatible or in conflict with the discharge of the Board member's official duties.

f. Participating in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the Board member has a pecuniary or personal interest.

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

CONFLICT OF INTEREST POLICY

BOARDS, COMMISSIONS, AGENCIES, AUTHORITIES AND COMMITTEES

SECTION ONE

All persons serving as members and designated alternate members of any Board, Commission, Agency, Authority and/or Committee (hereinafter a "Board" or "Boards") within the Department of labor and Economic Growth ("DLEG") are public officials who have been appointed by the Governor and who have taken the constitutional oath of office. As public officials, Board members shall perform their official duties in a manner that is consistent with the DLEG Code of Conduct and the conflicts of interest laws of the State of Michigan, which, as may be applicable to a particular Board member, include the following:

- Article 4, section 10 of the Michigan Constitution of 1963
- Michigan Incompatible Public Office Statute, MCL 15.181 et seq.
- Conflicts of Interest Statute, MCL 15.301 et seq.
- Michigan Contracts of Public Servants with Public Entities Statute, MCL 15.321 et seq. (hearinafter, "Public Servant Act")
- Standards of Conduct For Public Officers and Employees ("State Ethics Act"), MCL 15.341 et seq.; and
- Executive Orders 2003-1 and 2003-19.

SECTION TWO

In addition to the requirements set forth above, with respect to contracts, grants or loans, the Board's conflict of interest policy shall be as follows:

Any contract, grant or loan that is approved by the Board, and which is entered into or awarded to a entity that has a Board member who is a member, director, office or employee of the entity, is not a contract, grant or loan prohibited under applicable conflicts of interest law, if all of the following occur:

1. Except as otherwise provided in Section 3(3) of the Public Servant Act, MCL 15.323(3), the affected Board member abstains from participating in any discussion or vote on the contract, grant or loan; and
2. The affected Board member promptly discloses the pecuniary, contractual, business, employment or personal interest in the contract, grant or loan as may be required, and in the manner provided, by the statutory requirements set forth in Section One.

CONSTRUCTION CODE COMMISSION RESPONSIBILITIES
1972 PA 230

Subject	Action	Manual Section
General Practices	When recommendations, decisions, appeals, petitions, etc. are to be presented to the commission, **related information is mailed to all commission members for review with the agenda and meeting materials prior to the scheduled meeting.**	N/A
	At the scheduled meeting **a formal discussion (if necessary) is taken by commission members** for each agenda item. When appropriate, bureau staff is available to answer any question directed to them by commission members.	N/A
	Testimony of interested or affected parties may also be conducted. Depending on the action sought, Commission members may present questions to the parties.	N/A
	After discussion, the commission renders a decision with a majority vote.	N/A
	Where mandated, written decisions are issued.	N/A
Appeals ***125.1514*** ***125.1516*** ***125.1517***	**The Commission may review a decision of a local board of appeals or a decision made by bureau enforcement staff.** When deciding an appeal the Commission may act either as a whole or by a panel of commission members designated by the chair. A decision by a panel requires concurrence of at least a majority of the panel's members.	Section III
	The hearing of an appeal based on denial of a request for a variance by a local board of appeals is within the sole discretion of the Commission. A variance may be granted as long as the building or system in the building will be safe and function properly. A variance is to be granted only to alleviate an exceptional, practical difficulty. The variance from the code is to be limited to only what is absolutely necessary to resolve the practical difficulty.	

Subject	Action	Manual Section
Appeals continued	Appeals which relate principally to a plumbing, mechanical or electrical matter shall be referred to the appropriate board. A person aggrieved by a decision of the board may petition the commission to review the decision. **The commission shall grant the petition if it appears the appeal involves a question of major significance to the people of this state and has substantial merit**. In this case the Commission acting as a whole shall review the decision.	Section III
	The appeal(s) shall be heard de novo. **The commission may affirm, modify, or reverse a decision of a local board of appeals or enforcing agency.** A record of decisions made by the commission is maintained as a permanent record and open to the public.	
	If a party fails to appear after proper notice, the commission may proceed with the hearing and make its decision in the absence of the party, or may postpone the hearing.	
	The decision of the commission shall be made in writing. The final decision includes findings of fact and conclusions of law.	
Applications to Administer and Enforce 125.1529	When a unit of government wishes to become responsible for the administration and enforcement of a construction code they must first **adopt an ordinance to that effect and submit it to the commission with an application for approval to administer and enforce the act**. Enforcement does not begin upon adoption. The standards for approval to administer and enforce codes are applied by staff and an approval recommendation is presented to the Commission for action. The Commission must render a decision and transmit its findings to the governmental subdivision within 90 days of receipt of the application.	Section X

Subject	Action	Manual Section
Building Officials and Inspector Registrations 1986 PA 54	**Board approved applications for provisional registration** as an electrical inspector, mechanical inspector or plumbing inspector **are submitted to the commission for final approval**. Staff recommended applicants for building official, plan reviewer, and building inspector are presented directly to the commission. **Applicants deemed not qualified for registration may appeal the decision to the commission.**	Section V
	Renewal of registration is required for registered building officials, plan reviewers and inspectors. **Applicants meeting the requirements for renewal must be approved by the appropriate board or commission.**	
	The commission has the responsibility to establish: ➢ Minimum training and experience standards and qualifications of persons engaged in the enforcement of codes and plan reviews. ➢ Minimum criteria for the approval of educational or training programs and tests. Rule requirements for educational and training programs, tests and instructors are outlined in the Building Official, Plan Reviewers & Inspector Registration Rules 408.30010, 408.30016 and 408.30019.	Section XV
	Applications and programs determined to meet the requirements are submitted to the commission for approval. Approved education and training programs or tests are approved for a limited time period and cannot be modified without prior authorization.	
Code Promulgation 125.1503a(4) &	**Historical**	Section XIV
	Transfer of rules promulgation authority to the Department Director. Executive Order No. 1996 -2.	Section XV
	Current – the commission has no rules promulgation authority or responsibility.	Section VI

Subject	Action	Manual Section
Fees ***125.1506*** ***125.1522***	After bureau staff determines the cost of processing permits & conducting inspections, a proposed fee schedule is submitted to the commission for consideration.	Section VII
	The commission holds a public hearing during the regular business meeting for input on proposed fee schedules. **The commission considers the analysis and adopts a fee schedule and effective date.** After department director approval the fees are published and implemented.	
Performance Evaluations ***125.1509b***	When a recommendation for performance evaluation of an enforcing agency is sought from the Construction Code Commission (CCC), **the recommendation is provided to all commission members for review with the commission agenda and meeting materials** prior to the scheduled Commission meeting. A summary of the complaint and the rationale for the recommendation are included.	Section XI
	Commission members may discuss the recommendation at the meeting. Bureau staff is available to answer any questions the commission might have before a decision is made.	
	An approved performance evaluation is scheduled and conducted by bureau staff.	
	At the completion of the performance evaluation **a report of the findings and recommendation is prepared for the CCC** and added to the meeting agenda. Copies of the report are included with the agenda and meeting materials sent to members prior to the meeting.	
	At the CCC meeting the Commission may: Elect to issue **a recommendation to improve administration and enforcement of the codes to the enforcing agency**. A date deficiencies are to be corrected is specified at that time.	

Subject	Action	Manual Section
Perf. Evals. Continued	Elect to issue a **Notice of Intent to Withdraw Responsibility for Code Administration and Enforcement**. The commission considers each code (building, electrical, plumbing and mechanical) separately. The notice specifies the code(s) affected, and the enforcing agency's rights.	Section XI
	If a settlement cannot be agreed upon at a pre-hearing conference when an enforcing agency files an appeal, a formal hearing is conducted by the The State Office of Administrative Hearings & Rules. SOAHR issues a proposed decision to all affected parties.	
	The commission reviews the proposed decision and may affirm, modify, reverse or remand the proposed decision. The written decision issued by the commission includes the findings of fact and conclusions of law the decision is based upon.	
	The Commission's Notice is considered a final order if the enforcing agency does not appeal the decision.	
Product Approval 125.1521	Electrical, Mechanical and Plumbing Boards prepare an analysis or recommendation for consideration by the commission. Recommendations for building products are submitted directly to the Commission. **The Commission may reject the application in whole or in part or may grant a certificate of acceptability. The Commission may also attach any condition it deems appropriate to a certificate of acceptability.**	Section XIII

ELECTRICAL ADMINISTRATIVE BOARD RESPONSIBILITIES
1956 PA 217

Subject	Action	Manual Section
General Practices	When recommendations, decisions, appeals, petitions, etc. are to be presented to the board, **related information is mailed to all board members for review with the agenda and meeting materials prior to the scheduled meeting.**	N/A
	At the scheduled meeting **a formal discussion (if necessary) is conducted by board members** for each agenda item. When appropriate, bureau staff is available to answer any question directed to them by board members.	N/A
	Testimony of interested or affected parties may also be provided. Depending on the action sought, Board members may present questions to the parties.	N/A
	After discussion, the board renders a decision with a majority vote.	N/A
	Where mandated, written decisions are issued.	N/A
Appeals ***1972 PA 230***	A person aggrieved by a decision of a local board of appeals may petition the commission/board to review that decision.	Section III
	The hearing of an appeal based on denial of a request for a variance by a local board of appeals is within the sole discretion of the Commission. Appeals which relate principally to a plumbing, mechanical or electrical matter may be referred to the appropriate board. A person aggrieved by a decision of the board may petition the commission to review the decision. The commission shall grant the petition if it appears the appeal involves a question of major significance to the people of this state and has substantial merit. In this case the Commission acting as a whole shall review the decision.	

Subject	Action	Manual Section
Appeals continued	The appeal(s) shall be heard de novo. **The board may affirm, modify, or reverse a decision of a local board of appeals or enforcing agency.** If a party fails to appear after proper notice, the board may proceed with the hearing and make its decision in the absence of the party, or may postpone the hearing. **The decision of the board shall be made in writing**. The final decision includes findings of fact and conclusions of law. A record of decisions made by the board is maintained as a permanent record and open to the public.	Section III
Building Officials and Inspector Registrations 1986 PA 54	**Applications for provisional registration as an electrical inspector are submitted to the board for approval**.	Section V
	Board approved applications for registration as electrical inspectors are submitted to the commission for final approval.	
Code Promulgation 338.883 & 338.888c	**Historical**	Section XIV
	Transfer of rules promulgation authority to the Department Director. Executive Order No. 1996 – 2.	Section
	Current – The board has no rules promulgation authority or responsibility but may make recommendations to the department.	Section VI
Product Approval 1972 PA 230	Bureau staff prepares an analysis or recommendation for consideration by the board. Board approval is forwarded to the Construction Code Commission. **The Commission may reject the application in whole or in part or may grant a certificate of acceptability. The Commission may also attach any condition it deems appropriate to a certificate of acceptability.**	Section XIII

BOARD OF MECHANICAL RULES RESPONSIBILITIES
1984 PA 192

Subject	Action	Manual Section
General Practices	When recommendations, decisions, appeals, petitions, etc. are to be presented to the board, **related information is mailed to all board members for review with the agenda and meeting materials prior to the scheduled meeting.**	N/A
	At the scheduled meeting **a formal discussion (if necessary) is conducted by board members** for each agenda item. When appropriate, bureau staff is available to answer any question directed to them by board members.	N/A
	Testimony of interested or affected parties may also be provided. Depending on the action sought, Board members may present questions to the parties.	N/A
	After discussion, the board renders a decision with a majority vote.	N/A
	Where mandated, written decisions are issued.	N/A
Appeals ***1972 PA 230*** ***125.1514*** ***125.1516*** ***125.1517***	A person aggrieved by a decision of a local board of appeals may petition the commission/board to review that decision.	Section III
	The hearing of an appeal based on denial of a request for a variance by a local board of appeals is within the sole discretion of the Commission. Appeals which relate principally to a plumbing, mechanical or electrical matter may be referred to the appropriate board. A person aggrieved by a decision of the board may petition the commission to review the decision. The commission shall grant the petition if it appears the appeal involves a question of major significance to the people of this state and has substantial merit. In this case the Commission acting as a whole shall review the decision.	

Subject	Action	Manual Section
Appeals continued	The appeal(s) shall be heard de novo. **The board may affirm, modify, or reverse a decision of a local board of appeals or enforcing agency.** If a party fails to appear after proper notice, the board may proceed with the hearing and make its decision in the absence of the party, or may postpone the hearing. **The decision of the board shall be made in writing**. The final decision includes findings of fact and conclusions of law. A record of decisions made by the board is maintained as a permanent record and open to the public.	Section III
	Applicants not considered eligible for examination due to findings of a good moral character review as defined in 1974 PA 381 may appeal the decision to the board. Appeals are heard at the regularly scheduled board meeting. Due to the confidential nature of the information required to conduct a criminal history search and assessment, the applicant's criminal history, court records and supporting documents are provided to board members at the meeting. *It is the responsibility of the board to determine the sufficiency of this and any new information provided by the applicant to continue or reverse the denial.*	
Building Officials and Inspector Registrations 1986 PA 54	**Applications for provisional registration as a mechanical inspector are submitted to the board for approval**.	Section V
	Board approved applications for registration as mechanical inspectors are submitted to the commission for final approval.	

Subject	Action	Manual Section
Code Promulgation	**Historical**	Section XIV
338.975	Transfer of rules promulgation authority to the Department. Executive Order No. 1996 – 2.	
	Current – The board has no rules promulgation authority or responsibility but may make recommendations to the department.	Section VI
Product Approval ***1972 PA 230*** ***125.1521***	Bureau staff prepares an analysis or recommendation for consideration by the board. Board approval is forwarded to the Construction Code Commission. **The Commission may reject the application in whole or in part or may grant a certificate of acceptability. The Commission may also attach any condition it deems appropriate to a certificate of acceptability.**	Section XIII

STATE PLUMBING BOARD RESPONSIBILITIES
2002 PA 733

Subject	Action	Manual Section
General Practices	When recommendations, decisions, appeals, petitions, etc. are to be presented to the board, **related information is mailed to all board members for review with the agenda and meeting materials prior to the scheduled meeting.**	N/A
	At the scheduled meeting **a formal discussion (if necessary) is conducted by board members** for each agenda item. When appropriate, bureau staff is available to answer any question directed to them by board members.	N/A
	Testimony of interested or affected parties may also be provided. Depending on the action sought, Board members may present questions to the parties.	N/A
	After discussion, the board renders a decision with a majority vote.	N/A
	Where mandated, written decisions are issued.	N/A
Appeals ***1972 PA 230*** ***125.1514, 125.1516 & 125.1517***	A person aggrieved by a decision of a local board of appeals may petition the commission/board to review that decision.	Section III
	The hearing of an appeal based on denial of a request for a variance by a local board of appeals is within the sole discretion of the Commission. Appeals which relate principally to a plumbing, mechanical or electrical matter may be referred to the appropriate board. A person aggrieved by a decision of the board may petition the commission to review the decision. The commission shall grant the petition if it appears the appeal involves a question of major significance to the people of this state and has substantial merit. In this case the Commission acting as a whole shall review the decision.	

Subject	Action	Manual Section
Appeals continued	The appeal(s) shall be heard de novo. **The board may affirm, modify, or reverse a decision of a local board of appeals or enforcing agency.** If a party fails to appear after proper notice, the board may proceed with the hearing and make its decision in the absence of the party, or may postpone the hearing. **The decision of the board shall be made in writing**. The final decision includes findings of fact and conclusions of law. A record of decisions made by the board is maintained as a permanent record and open to the public.	Section III
	Applicants not considered eligible for examination due to findings of a good moral character review as defined in 1974 PA 381 may appeal the decision to the board. Appeals are heard at the regularly scheduled board meeting. Due to the confidential nature of the information required to conduct a criminal history search and assessment, the applicant's criminal history, court records and supporting documents are provided to board members at the meeting. *It is the responsibility of the board to determine the sufficiency of this and any new information provided by the applicant to continue or reverse the denial.*	
Building Officials and Inspector Registrations 1986 PA 54	**Applications for provisional registration as a plumbing inspector are submitted to the board for approval**.	Section V
	Board approved applications for registration as a plumbing inspector are submitted to the commission for final approval.	

Subject	Action	Manual Section
Code Promulgation	**Historical**	Section XIV
338.3523	Transfer of rules promulgation authority to the Department. Executive Order No. 1996 – 2.	
	Current – The board has no rules promulgation authority or responsibility but may make recommendations to the department.	Section VI
Product Approval ***1972 PA 230*** ***125.1521***	Bureau staff prepares an analysis or recommendation for consideration by the board. Board approval is forwarded to the Construction Code Commission. **The Commission may reject the application in whole or in part or may grant a certificate of acceptability. The Commission may also attach any condition it deems appropriate to a certificate of acceptability.**	Section XIII

APPEALS

The Bureau of Construction Codes directly enforces codes in many areas of the state. Decisions made by enforcement staff may be challenged or requests for variances to the code may be received. The Construction Code Commission and the Electrical, Mechanical and Plumbing Boards function as the construction board of appeals in areas where the bureau is the enforcing agency, except for barrier free design appeals.

The Construction Code Act also provides that decisions made by a local construction board of appeals may be appealed to the Construction Code Commission, or the appropriate board.

During any appeals hearing the chair of the board/commission or panel may administer, or cause to be administered, an oath or affirmation to a witness in a matter before the board. All interested parties served with a notice of hearing may file written answers before the date set for hearings. Parties shall be given an opportunity to present oral and written arguments on issues of law and policy and an opportunity to present evidence and arguments on issues of fact. A party may cross-examine a witness, including the author of a document prepared by, on behalf of, or for use of the enforcing agency and offered in evidence. A party may submit rebuttal evidence.

Appeal of Bureau of Construction Codes Decision

In areas of the state where the Bureau of Construction Codes directly enforces the code, an interested person or the person's authorized agent may request a variance from the code or appeal a decision made by bureau enforcement staff {R 408.30311}.

When a request for a variance or an appeal is received by the Bureau, the executive director assigns the appeal to the appropriate board or the Commission {R 408.30315 & Section 16(2)}. If the matter relates to the electrical code, for example, the matter would be heard by that Board. If the matter deals with a building code issue, it may be presented to the Commission, as a whole, or by a panel of the Commission.

Decisions made by the Electrical, Mechanical, or Plumbing Board may be appealed to the Commission when the interested party is aggrieved by the board's decision {Section 16(2)}.

Decisions subject to appeal include:

- Refusal to grant an application for permit. (Failure to grant, in whole or in part, or deny an application for permit within 15 business days, is deemed a denial of the application for purposes of authorizing the institution of an appeal.) {Sec 14(1)}.

- Other decisions pursuant to or related to the act or the codes (dispute between enforcing agency and contractor, violation of correction notice, refusal to issue certificate of occupancy, etc.)

- Denial of a request to a specific variance to a substantive requirement of the code.

The Act requires that appeals be heard and a decision rendered and filed, with a statement of reasons for the decision, not more than 30 days after submission of the appeal. Proper notice must be distributed to interested parties, the hearing held, and the decision delivered within those 30 days {Sec 16(1)}.

Variance Requests

Section 15 of the act provides that "a board of appeals may grant a specific variance to a substantive requirement of the code if the literal application of the substantive requirement would result in an exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied:

(a) The performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the code of that particular item or part for the health, safety, and welfare of the people of this state.

(b) The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment of the code with respect to the condition reasonably practical or desirable.

The board of appeals may attach in writing any condition in connection with the granting of a variance that in its judgment is necessary to protect the

health, safety, and welfare of the people of this state. The breach of a condition shall automatically invalidate the variance and any permit, license, and certificate granted on the basis of it. In no case shall more than minimum variance from the code be granted than is necessary to alleviate the exceptional, practical difficulty.

The decision of the commission/board shall be made in writing with a statement of reasons for the decision. The final decision includes findings of fact and conclusions of law.

Findings of fact shall be based on the evidence and on matters officially noticed and be accompanied by a statement of the underlying facts supporting them. Each conclusion of law shall be supported by authority or reasoned opinion.

A decision or order shall be delivered or mailed to each party in the same manner as described for the hearing notice.

Appeal of Local Construction Board of Appeals

Section 16 of the act provides for the appeal of a decision of a local board of appeals to the commission.

An interested person, or the interested person's authorized agent, may appeal a decision of the local board of appeals to the commission within 10 business days after filing of the decision with the local enforcing agency {Sec 16(1)}. In the case of an appeal because of failure of board of appeals to act within the prescribed time, an interested party may appeal to the commission at any time before filing of the decision. The hearing of an appeal based on the denial of a request for a variance by a local board of appeals is within the sole discretion of the Construction Code Commission.

The executive director shall refer an appeal which relates principally to a plumbing, electrical, or mechanical matter to the appropriate board. The board will hear and decide the appeal in he same manner as an appeal is heard and decided by the Construction Code Commission, except the board shall meet as a whole and not as a panel {Sec 16(2)}.

A person aggrieved by a decision of a board may petition the commission to review the decision. The Construction Code Commission shall act on the petition within five days after receipt, and may grant the petition at their

discretion. The Commission shall grant the petition if it appears the appeal involves a question of major significance to the people of this state and that the case of the appellant has substantial merit. If the commission grants the petition, the commission acting as a whole shall review the decision {Sec 16(2)}.

The appeal shall be heard de novo (from the beginning). If the appeal is heard by a panel of the commission, a majority of a panel constitutes a quorum and a decision by a panel requires concurrence of at least a majority of the panel's members. The hearing is conducted in accordance with the Administrative Procedures Act, 1969 PA 306 {Sec 16(1)}.

The commission or board may affirm, modify, or reverse a decision of the local board of appeals or the enforcing agency {Sec 16(1)(2)}.

The decision of the board or commission is prepared in written form and includes the decision and supporting statements. When the decision is made by a board, the notice includes a statement that the person may petition the Construction Code Commission to review the decision.

A record of decisions made by the boards or commission is maintained as a permanent record and open to the public {Sec 16(1)}.

An appeal to a board of appeals or the commission or to a court of competent jurisdiction does not stay a stop construction order issued by an enforcing agency or prevent an enforcing agency from seeking an order in a court of competent jurisdiction enjoining the violation of a stop construction order. In other cases, an appeal to a board of appeals, or to the commission or to a court of competent jurisdiction shall act as a stay upon an order, determination, decision or action appealed from, unless the enforcing agency establishes that immediate enforcement of the order, determination, decision or action is necessary to avoid substantial peril to life or property. {Sec 17}

An appeal from a decision of the commission or a board, following an appeal from a decision of a board of appeals or enforcing agency shall be made by a claim of appeal filed with the court of appeals. An appeal from any other decision of the commission or of a board shall be by petition to review filed with the Ingham county circuit court. {Sec 18}

BARRIER FREE DESIGN

Functions

The Barrier Free Design Board was created by Act 190 of 1974, amending 1966 PA 1. The board has the responsibility to receive, review, and process requests for exceptions to the barrier free design specifications; require appropriate equivalent alternatives when exceptions are granted; receive, process, and make recommendations for barrier free design rules.

The 9 members of the board are appointed by the governor, with the advice and consent of the senate, to serve 3-years terms.
The Act requires that:

- 4 members shall be physically limited of which:
  - 1 shall be a wheelchair user
  - 1 shall be a severely mobility limited person
  - 1 shall be visually impaired
  - 1 shall have impaired hearing
- Of the remaining members, 1 of which may be physically limited or a wheelchair user:
- 1 shall be from the construction industry
- 1 shall be a building inspector of a local unit of government
- 1 shall be a registered architect
- 1 shall be a professional engineer
- 1 shall be from the general public

Upon expiration of a term, a member may continue to serve until a successor is appointed.

Exceptions

Only the Barrier Free Design Board can grant exceptions from Michigan's barrier free code requirements. A person requesting an exception must demonstrate compelling need to warrant an exception. A "compelling need" includes, but is not limited to, structural, site, economic and technological limitations, jurisdictional conflicts or historical structures, under conditions prescribed by rule of the Construction Code Commission.

Upon receipt of an application for an exception, division staff reviews the application within 10 business days. If the application is incomplete, the applicant will be notified of the additional items necessary to complete the application. If the application is complete, the applicant is advised of a prehearing conference and hearing will be scheduled by the Plan Review Division.

The prehearing conference is an informal off-the-record discussion in which the applicant and/or the applicant's representative will meet with a staff member of the Plan Review Division to discuss the application and project, as well as possible alternatives and issues, which will be covered in the formal hearing.

Immediately following the prehearing conference, a formal hearing will be conducted by an administrative law judge. The applicant has the responsibility at the hearing to explain the compelling reasons why an exception from the requirements is warranted for this project. After the hearing, the judge will prepare a written recommendation, which summarizes the facts in the case and recommends a decision to the Board. The recommendation is transmitted to the Board, the applicant and the other parties to the case.

A minimum of 10 days will transpire from the date of the recommendation and the date the Board takes final action. This period of time is provided to assure the applicant and the other parties an opportunity to review the recommendation and offer any written clarification or arguments believed necessary for the Board to consider before action being taken. Such clarification or arguments shall be in the form of a sworn statement.

Action taken by the Board can be appealed to Circuit Court in the county where the project is located within 60 days of the Board's Final Order. In addition, the Board may order a rehearing in a contested case on its own motion or on request of a party.

The law authorizes the Board to grant exceptions for stated time periods and conditions.

If an exception is granted, the Final Order of the Board will clearly detail any conditions or limitations established by the Board, which apply to the project. The Final Order must be displayed at a conspicuous location in the building and/or be available with the manager of the building for examination by the public, as a condition of the granting of the exception.

BFD Exception Intervention

The barrier free design exception process allows for petitions for leave to intervene. The petition may be filed at any time before the commencement of the initial hearing. The petition must state the interest of the petitioner and show their participation will assist in the determination of the issues. The intervention must not unnecessarily delay the exception proceedings.

Status under intervention is not automatic. The petitioner must provide material to show that they have factual information that is germane to the exception request. The parties in the exception process (the applicant and building official) may submit briefs on the petition to intervene. The petition is reviewed by the presiding officer and a recommendation is prepared. The recommendation is forwarded to the Barrier Free Design Board for a final ruling on the intervention.

If the petitioner is granted status as an intervener, they become a party of the proceedings. They now have all the rights and responsibilities afforded the applicant and building official. All parties are entitled to copies of the documentation in the proceedings and each party is obligated to copy all parties when submitting materials for the proceedings.

Complaints

Alleged violations of barrier free design requirements are processed by the bureau's Office of Local Government and Consumer Services on behalf of the Barrier Free Design Board. Complaints are reviewed, investigated and ordered corrected if appropriate. An interested party may appeal the decision of a complaint investigation. The appeal is processed by the Plan Review Division, a hearing scheduled and a report on the recommended decision prepared for the board. The board will review the report and recommended decision and issue an order based on its findings.

BUILDING OFFICIALS AND INSPECTORS REGISTRATION

Provisional Registration

Applications for provisional registration as a building official, plan reviewer, building inspector, electrical inspector, mechanical inspector or plumbing inspector are reviewed by bureau staff for compliance with Act 54 of 1986 and the related rules.

Staff recommendations for approval of qualified applicants are prepared for the Electrical, Mechanical, and Plumbing Boards. Staff recommendations for qualified building officials, plan reviewers, and building inspectors are prepared for the Construction Code Commission.

Upon board approval a recommendation is submitted to the Construction Code Commission for final approval.

Registration Appeals

Applicants deemed not qualified for registration may appeal the decision to the commission in accordance with section 338.2312 of the act.

Renewal of Registration (Re-registration)

Renewal of registration is required in Section 7 of the Act and R408.30052 for registered building officials, plan reviewers and inspectors.

Section 7 of the Act and Rule 408.30055 prescribe the continuing education requirements and the evidence of successful completion required for re-registration.

Applicants meeting the re-registration requirements and have paid the required fees are renewed.

Approving Educational and Training Programs, Tests and Instructors

Section 4 (2) of the Act specifies the commission, working with the advisory board, barrier free design board, electrical administrative board, board of mechanical rules and the state plumbing board has the responsibility to establish:

- Minimum training and experience standards, qualifications, and classifications of persons engaged in the enforcement of codes and plan reviews.
- Minimum criteria for the approval of educational or training programs and tests.

Rule requirements for educational and training programs, tests and instructors are outlined in Rules 408.30010, 408.30016 and 408.30019.

Providers of an educational or training program or test and instructors shall submit applications with required course material to the bureau for evaluation. Bureau staff reviews the materials for compliance with the Act and Rules. Applications and programs determined to meet the requirements are submitted to the commission for approval.

Approved education and training programs or tests are approved for a limited time period and cannot be modified without prior authorization by the bureau.

Rules 13, 16 and 19 further authorize the commission to withdraw approval of a program, test or instructor when the approval:

- Was issued in error.
- Was issued on the basis of incorrect information.
- When the program, test or instructor are in violation of the rules.

CODE PROMULGATION PROCESS

The following information provides the major steps in the rule promulgation/publishing process:

- Prepare Request for Rule-making to be transmitted to State Office of Administrative Hearings and Rules (SOAHR).

  The request includes a brief description of the rules, identification of significant changes in the rules, the state statutory basis for the rules, the problem the rules intend to address—and an assessment of the significance of the problem.

  An agency cannot proceed with the processing of a rule unless SOAHR has approved the request for rule-making.

- When SOAHR approves the request a committee is formed and meets to discuss and draft language for the adoption of the code rules.

  Committee members are representative of persons/organizations most directly affected by the rule set. As an example: members of the Plumbing Code Review Committee generally represent plumbing inspectors, licensed plumbers & contractors, training & standards, manufacturers and the general public.

- The proposed rules are submitted to SOAHR and the Legislative Service Bureau (LSB) for informal review.

  LSB review is for form, classification, arrangement, and numbering. SOAHR is a legal review to determine if rules are with statutory authority.

- Upon receipt of approval of draft rules from SOAHR and LSB, the Bureau arranges for publication in the *Michigan Register* and prepares a notice of public hearing.

  The notice of public hearing must include:

(a) A reference to the statutory authority under which the action is proposed.

(b) The time and place of the public hearing and a statement of the manner in which data, views, questions, and arguments may be submitted by a person to the agency at other times.

(c) A statement of the terms or substance of the proposed rule, a description of the subjects and issues involved, and the proposed effective date of the rule.

- A public hearing is scheduled and is typically held in the Lansing area. Affected parties are notified at least 30 days in advance of the scheduled hearing.

  The notice must be sent by mail to each person who has requested, in writing, advance notice from the Bureau of proposed action that may affect him or her.

  The APA requires that the notice of public hearing appear in at least three (3) newspapers of general circulation in different parts of the state (one (1) of which must be in the Upper Peninsula). The notice must be published not less than ten (10) days and not more than sixty (60) days before the date of the hearing.

- Bureau staff prepares a Regulatory Impact Statement (RIS) for review and approval by SOAHR.

  The RIS must contain, among other information:

  1. *An identification of the businesses, groups, or individuals who will be directly affected by, bear the cost of, or directly benefit from the rule;*
  2. *An estimate of the cost of rule imposition on the agency promulgating the rule;*
  3. *An estimate of the actual statewide compliance costs of the proposed rule on individuals, businesses, and other groups;*

4. *An identification of any disproportionate impact the proposed rule may have on small businesses because of their size;*
5. *An analysis of the costs of compliance for all small businesses affected by the proposed rule, including costs of equipment, supplies, labor, and increased administrative costs;*
6. *An estimate of any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the rule.*

- SOAHR reviews the RIS, requests additional information if necessary, and approves the RIS.

  SOAHR must approve the RIS prior to the public hearing, and copies must be available for distribution at the hearing.

- The Bureau holds the public hearing.

- Following the hearing, an agency report is prepared which includes a transcript of the hearing and a summary of public comments. The rules may be modified after public comment. Rules requiring substantive changes after public comment must be submitted to SOAHR for approval of the changes, and may require an additional public hearing.

- Following approval of any modifications to the rules, the rules are submitted to SOAHR and the LSB for formal certification.

- After formal certification, the rules, RIS, and agency report are assembled for the Joint Committee on Administrative Rules (JCAR) and transmitted to SOAHR.

- SOAHR submits the package to JCAR, who has fifteen (15) session days in which to consider the rules, and file a Notice of Objection if JCAR determines that one (1) or more of the following conditions exist:

(a) The agency lacks statutory authority for the rule.
(b) The agency is exceeding the statutory scope of its rule-making authority.
(c) There exists an emergency relating to the public health, safety, and welfare that would warrant disapproval of the rule.
(d) The rule is in conflict with state law.
(e) A substantial change in circumstances has occurred since enactment of the law upon which the proposed rule is based.
(f) The rule is arbitrary or capricious.
(g) The rule is unduly burdensome to the public or to a licensee licensed by the rule.

- While awaiting JCAR's decision, the Director formally adopts the rules by signing the Certificate of Adoption and causing it to be submitted to SOAHR.

- If JCAR does not adopt a Notice of Objection within the fifteen (15) session day period, SOAHR files the rules, with Certificates of Approval and Adoption, with the Secretary of State (SOS), Office of the Great Seal.

The rules may become effective immediately upon filing or at a later date specified in the rules.

The Stille, DeRossett, Hale Single State Construction Code Act requires that a copy of the promulgated rules be sent or delivered to each governmental subdivision.

The steps described above do not include complete details but are the major steps in the rule-making process.

The Bureau, in its history of drafting and promulgating rules, has remained steadfast to the Legislature's expressed goals for the Code that:

> To the extent practicable, the Code be written in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability.

The Code permit to the fullest extent feasible the use of modern technical methods, devices, and improvements, consistent with reasonable requirements for the health, safety, and welfare of the occupants and users of buildings and structures.

The Code eliminate restrictive, obsolete, conflicting, and unnecessary construction regulations that tend to increase construction costs unnecessarily or restrict the use of new materials, products, or methods of construction, or provide preferential treatment to types or classes of materials or products or methods of construction.

The Code assure adequate maintenance of buildings and structures throughout the state and to adequately protect the health, safety, and welfare of the people.

The Code provide standards and requirements for cost-effective energy efficiency.

Amendments, additions and deletions to the Code be based upon a consensus of persons who are affected by the rules.

Following the Legislature's intent, and the steps in rule-making prescribed by the APA has resulted in the Code governing the construction, use, and occupation of buildings and structures in Michigan being comprised of current, sound, nationally recognized technical standards, in which the citizens of the Great Lake State can be confident.

Administrative Rules Process in a Nutshell (2-7-06)

Request for Rulemaking (RFR)	Requests to commence rulemaking can come from professional boards/commissions, the department, or the public.

Committee	When RFR is approved committees are formed and meet to discuss and propose language for the adoption of the code rules.

Pre-Hearing Draft Rules	• Strike & bold documents are prepared for review. • Department approves the draft; Regulatory Affairs Officer (RAO) of department or agency approves the draft. • SOAHR approves (authority/policy) and sends to LSB. • LSB edits and returns to SOAHR; SOAHR returns to department/agency for correction. • Final draft document prepared for public hearing.

Public Forum	*May be held to discuss and debate issues concerning the proposed code rules. Usually held for the rules that have major revisions or those that have not been updated in many years. Draft language may be revised based on the concerns at a public forum.*

Public Hearing	• Regulatory Impact Statement (the "why" and "$" document) prepared by bureau staff, reviewed and approved by the RAO and sent to SOAHR for review and approval. • Public hearing notice is sent by RAO to SOAHR. • Newspaper ads (hearing notice secured by RAO). • *Michigan Register* (SOAHR publishes notice). • Public hearing and comment period held.

Post-Hearing Draft Rules	• Department approves rules. • LSB edits and has 21 days to certify for form. • SOAHR legally certifies.

Joint Committee on Administrative Rules (JCAR)	• The rules must be submitted to JCAR within one year from the hearing. • JCAR Agency Report summarizes changes made after the hearing. • JCAR has 15 **session** days to meet and object.

Department/Agency Adopts the Rules	• Department director, the agency or commission adopts rules. • Rules filed by SOAHR with Great Seal after JCAR clock expires, unless JCAR files a notice of objection, which gives them 15 more session days to pass rules-stopping legislation and present it to the Governor. • Rules become effective upon date specified in the rules.
Document Printing	• Hopeful JCAR will approve the rule set; the bureau must prepare the documents for printing. • This process must be completed timely to assure rules are available to the public before the rules go into effect.

FEES

Commission Authority

Section 22(2) of Act 230, P.A. of 1972 provides the Commission authority to establish a reasonable fee to be charged for acts and services performed by the commission, including without limitation:

- Inspection of plans and specifications
- Issuance of certificates of acceptability
- Testing and evaluation of new products
- Methods and processes of construction or alteration
- Issuance of permits
- Inspection of construction undertaken pursuant to a permit
- Issuance of certificates of use and occupancy
- Hearing of appeals

Fees established by the department shall bear a reasonable relation to the cost, including overhead, of the service or act.

Fees collected are deposited into the state construction code fund and are appropriated by the legislature for operation of the bureau, and indirect overhead expenses in the department. The state treasurer is the custodian of the fund with the director of the department supervising and administering the fund. The bureau receives no general fund appropriation.

Establishing Fees

Bureau staff determines cost of processing permits by assessing costs involved with:

- Issuing permits
- Conducting inspections
- Issuing certificate of occupancy
- Bureau overhead
- Department direct costs (mailroom, receipts cashiering)
- Department overhead

Staff proposes fee schedules; assuring fees cover operational costs.

The Commission holds a public hearing during the regular business meeting for input on proposed fee schedules. The commission adopts the fee schedule and effective date. Copies of the new fee schedule are distributed at least 2 months prior to the effective date.

Local Authority

The legislative body of a governmental subdivision shall establish reasonable fees for act and services performed by the enforcing agency and the construction board of appeals including:

- Issuance of permits
- Examination of plans and specifications
- Inspection of construction undertaken pursuant to a permit
- Issuance of certificates of use and occupancy
- Appeal hearings

The revenue for services is to be used solely for code administration and enforcement and related overhead.

LICENSING BOARD DESCRIPTIONS AND FUNCTIONS

The Electrical Administrative Board, the Board of Mechanical Rules, the State Plumbing Board, The Elevator Safety Board and the Board of Boiler Rules major function is the licensing and regulation of electrician's, mechanical contractors, plumbers, elevator contractors and journey persons, and boiler inspectors and installers and repairers. The bureau provides necessary support to the boards.

The Electrical Division is responsible for the examination, licensing and renewals of licenses of master and journey electricians, apprenticeship registration, fire alarm specialty technicians, sign specialists, electrical contractors, sign specialty contractors, and fire alarm contractors.

The Mechanical Division is responsible for the examination, licensing and renewals of licenses of mechanical contractors.

The Plumbing Division is responsible for the examination, licensing and renewals of licenses of plumbing contractors, master plumbers, journey plumbers and apprenticeship registration.

The Elevator Division is responsible for issuing elevator permits, the examination and licensing of elevator journeypersons and contractors, inspections of elevators, escalators, and dumbwaiters, complaint investigations and reporting of elevator accidents.

The Boiler Division is responsible for issuing boiler permits, examination and licensing of boiler installers, repairers, and inspectors, conducting inspections of boiler installations and repairs and in-service inspections of existing boilers and boiler accident investigations.

Electrical Administrative Board

The Electrical Administrative board was established by Act 217 of 1956 and consists of:

- State Fire Marshal
- A representative of an insurance bureau
- A representative of an electrical energy supply agency
- An electrical contractor
- A master electrician serving as a supervisor
- An electrical Journeyman
- A chief electrical inspector of a municipality

- A representative of distributors of electrical apparatus and supplies
- A representative of manufacturers primarily and actively engaged in producing material fittings, devices, appliances, fixtures, apparatus, and similar products used as a part of or in connection with, an electrical installation.
- A representative of the general public

The department director or authorized representative is an ex officio member without vote.

The Board:

- May, working jointly with the department, develop examinations designed to test the qualifications and competency of applicants seeking licensure under Act 217 of 1956.
- May impose sanctions for a violation of the act. Sanctions include suspension, denial or revocation of license or registration, and restitution.
- Shall approve annual licenses of qualified applicants.

The Electrical Administrative Act is unique in that it allows a city, village, or township to adopt an ordinance providing standards for licensing and regulation of the license classes covered by the Act. The Act also requires that licenses be reciprocal.

The Act further requires as a condition of renewal that the licensee demonstrate the successful completion of a course approved by the board, concerning any update or change in the code within 12 months after the update or change in that code.

Board of Mechanical Rules

The Board of Mechanical Rules was established by Act 192 of 1984 and consists of:

- State Fire Marshal.
- A person from the general public.
- A member of organized labor representing the mechanical trades.
- A professional mechanical engineer registered in the state.
- A representative of an energy-producing public utility.
- 2 chief mechanical inspectors of governmental subdivisions.
- A representative from each of the following work classifications:
    - Hydronic heating and cooling and process piping
    - HVAC equipment
    - Ductwork
    - Refrigeration

- Limited service, heating or refrigeration
- Unlimited service, heating or refrigeration
- Fire suppression
- Specialty

The Board:

- Shall, working jointly with the department, review and approve the form and content of the examination or test prior to administration of such an examination or test.
- May impose sanctions for a violation of the act. Sanctions include suspension, denial or revocation of license or registration, and restitution.

The act prohibits licensing of mechanical contractors at the local level.

State Plumbing Board

The State Plumbing Board was established by Act 266 of 1929, continued in Act 733 of 2002, and consists of:

- 2 licensed plumbing contractors who hold a master's license.
- A licensed master plumber securing permits (with 10 years experience).
- A licensed journey plumber (with 10 years experience).
- A representative of the general public.
- The Director of the Department of Environmental Quality (DEQ).
- A member or employee of the drinking water and radiologic protection division of the DEQ.

The Board:

- In consultation with the department shall review and approve the form and content of an examination.
- Shall acting jointly with the department conduct examinations for licensing as a plumbing contractor, master plumber or journey plumber.
- Shall impose sanctions for a violation of the act. Sanctions include suspension, denial or revocation of a license or registration, and censure, probation or restitution.

Plumbing contractor and master plumber licenses are renewed every 3 years. Journey plumber and apprentice registrations are renewed annually.

Elevator Safety Board

The Elevator Safety Board was established by Act 360 of 1965, continued in Act 227 of 1967 and consists of:

- The Director of the Department

- A representative of owners and lessees of elevators
- 2 representatives of insurance companies authorized to insure elevators
- 2 representatives of the elevator constructors union
- A representative of a municipality with a population of not less than 500,000
- A representative of architects and engineers
- 2 representatives of manufacturers of elevators
- A representative of the general public

The Board:

- In consultation with the department shall develop and conduct examinations for elevator contractors, journey persons and certificates of competency.
- Shall license and regulate elevator contractors and journey persons.
- Grant exceptions and variances to the code.
- Hear and decide appeals.

Board of Boiler Rules

The Board of Boiler Rules was established by Act 174 of 1917, continued in Act 290 of 1965 and consists of:

- 2 representatives of owners and users of boilers within this state, one of which represents owners and users of power boilers operating at 1,000 p.s.i.g. or more.
- 2 representatives of organized labor in the state engaged in the erections, fabrication, installation, operation, or repair of boilers.
- A representative of water tube boiler manufacturers doing business in the state.
- A representative of fire tube boiler manufacturers doing business in the state.
- A representative o a boiler insurance company licensed to do business in the state.
- A representative of mechanical contractors within the state having experience in the installation, piping, or operation of boilers.
- A representative of boiler repair contractors within the state in the business of repairing boilers by welding and riveting.
- A representative of the consulting engineers within this state having boiler experience.
- A representative of antique boiler owners and operators.
- A representative of the general public.

The Board:

- Shall license and regulate boiler inspectors and installers and repairers.
- Grant exceptions and variances to the code.
- Hear and decide appeals.

GOOD MORAL CHARACTER REQUIREMENTS

The bureau is responsible for assuring that applicants for licensing as journey or master plumbers, plumbing apprentices and plumbing or mechanical contractors are of good moral character who will serve the public in a fair, honest and open manner.

Authority

The Occupational License for Former Offenders Act, Act 381 of 1974, is an act to "prescribe the use of the term "good moral character" or similar term as a requirement for an occupational . . . license . . .; and to provide administrative and judicial procedures to contest licensing board or agency rulings thereon.

The Forbes Mechanical Contractors Act, Act 192 of 1984, states in Section 6(2) "An applicant is not considered eligible for examination unless the applicant is of good moral character, as defined in 1974 PA 381, . . ."

The State Plumbing Act, Act 733 of 2002, states in Section 17(1) "The board shall grant licenses or registrations to qualified applicants for examination or registration. The character, experience, and fitness of an applicant for examination or registration shall also be taken into consideration. Each applicant shall be of good moral character as defined and determined under 1974 PA 381. . .".

Responsibilities

Bureau staff are responsible for reviewing, assessing and processing all applications for plumbing apprentice, journey and master plumbers and plumbing and mechanical contractor licenses in which the applicant has indicated an affirmative response to the felony/misdemeanor conviction question.

A review of criminal history records is conducted by staff to properly determine the relevance of the offense and identify extenuating circumstances which may be appropriate for an exception to the basic standards.

Many considerations are necessary when applying criteria to determine the relevance of the offense to license. To assure consistency ***offense relevance criteria is applied to all felony*** convictions when assessing an applicant's ability or likelihood to serve the public in a fair, honest and open manner or determining the relevance of the offense to the license. Assessment of misdemeanor convictions in relation to the felony convictions may be warranted to fully assess public risk.

Answers to the following questions provide a ***basis for determining if the offense is relevant,*** if the relevance of the offense is questionable, or if the offense is not relevant.

- How does the offense directly affect the work performed by the licensed person?
- Can the public be served in a fair, honest and open manner?
- How could the public be adversely affected?
- How recent was the offense?
- Does the applicant have multiple offenses?
- Over what period of time did the offenses occur?
- What were the circumstances or nature of the offense?
- Will the person be working independently or under direct supervision?

These are the standards and criteria applied to all applicants assessed for good moral character which are incorporated into the rationale and recommendations for approval or denial.

Once the applicant's criminal history is researched, court conviction documents are requested and received and established standards and criteria for determining good moral character are applied the recommended action with supporting documentation is forwarded to the divisions for appropriate action.

Denied applicants may appeal the decision to the appropriate board. Appeals are heard at the regularly scheduled board meeting. Due to the confidential nature of the information required to conduct a criminal history search and assessment, the applicant's criminal history, court records and supporting documents are provided to board members at the meeting. *It is the responsibility of the board to determine the sufficiency of this and any new information provided by the applicant to continue or reverse the denial.*

ORDINANCES AND APPLICATIONS TO ADMINISTER AND ENFORCE THE CODE

A governmental subdivision may by ordinance assume responsibility for administration and enforcement of this act within its political boundary.

When a unit of government wishes to become responsible for the administration and enforcement of a construction code they must first *adopt an ordinance to that effect and submit it to the commission with an application for approval to administer and enforce the act.* The adoption date by the municipality is not the effective enforcement date.

Section 8b (1) of the Act set forth the requirements for ordinances and Sec 8b (6) set forth the standards for approval to administer and enforce codes which include:

- Certification by the governmental subdivision that the enforcing agency is qualified by experience or training to administer and enforce this act and the code and all related acts and rules.
- Agency personnel are provided as necessary.
- Administrative services are provided.
- Plan review services are provided.
- Timely field inspection services will be provided.

Bureau staff reviews all applications and related documentation for compliance. Upon successful review, the governmental subdivision will be notified of the date the application will be presented to the Commission for formal approval. The Commission must render a decision and transmit its findings to the governmental subdivision within 90 days of receipt of the application.

A sample ordinance and application to administer and enforce appear at the end of this section.

A governmental subdivision may rescind an ordinance adopted to administer and enforce the code thereby transferring the responsibility for administration and enforcement of the act and the code to the county or the director.

Section 8b (7) further states "The director shall assume responsibility for administering and enforcing this act and the code in that governmental subdivision, unless the county within which that governmental subdivision is located has submitted a notice of intent to continue to administer and enforce the code. However, that action shall not take effect until 12 months after the passage of an ordinance to that effect."

SAMPLE ORDINANCE
STATE CODE

Ordinance Number

An ordinance to designate an enforcing agency to discharge the responsibility of the (County, City, Village or Township) of _____ (Name of Unit of Government) located in _____ County, under the provisions of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 et seq.

The _____ (County, City, Village, or Township) of _____ (Name of Unit of Government) ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the Michigan (Building, Electrical, Mechanical or Plumbing) Code, in accordance with Section 8b(6) of 1972 PA 230, the (Building, Electrical, Mechanical, or Plumbing) Code Official of the _____ (County, City, Village or Township) of _____ (Name of Unit of Government) is hereby designated as the enforcing agency to discharge the responsibility of the _____ (County, City, Village, or Township) of _____ (Name of Unit of Government) under 1972 PA 230, State of Michigan. The _____ (County, City, Village, or Township) of (Name of Unit of Government) assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted this _____ day of _____ , _____ (Year).
This ordinance duly adopted on _____ at a regular meeting of the _____ (adopting body) and will become effective _____.

Date: _____, _____ (Year).
Signed:
Clerk of the _____ (County, City, Village, or Township) of (Name of Unit of Government).

Attested: _____ (Chair, Mayor, Supervisor or President)
of the _____ (County, City, Village, or Township) of _____ (Name of Unit of Government).

Application to Administer and Enforce

Michigan Department of Labor & Economic Growth
Bureau of Construction Codes
Office of Local Government and Consumer Services
P.O. Box 30254, Lansing, MI 48909
517-241-9347
www.michigan.gov/bcc

Authority: 1972 PA 230 Completion: Mandatory Penalty: Governmental subdivisions will not be approved to administer and enforce code(s)	The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

NAME OF GOVERNMENTAL SUBDIVISION			CONTACT PERSON (Elected Official)
ADDRESS (Street Number and Name)			
CITY	COUNTY	STATE **MI**	ZIP CODE
TELEPHONE NUMBER (Include Area Code)	FAX NUMBER (Include Area Code)	E-MAIL ADDRESS	

A. Code Adoption

☐ To assume responsibility for the administration and enforcement of the act and the state code in accordance with Section 8b(6) of 1972 PA 230. **Attach a copy of the ordinance assuming responsibility for administration and enforcement of the act and the code.** *(Ordinance may be a proposed ordinance)*

State Code(s) to be Enforced

☐ Building ☐ Mechanical

☐ Electrical ☐ Plumbing

B. Enforcing Agency

1. ☐ This is to certify the enforcing agency is qualified by experience or training to perform the duties associated with construction code administration and enforcement, including the code and all related acts and rules.

Name of Inspector(s) *(Attach additional sheet, if necessary)*	**Registration Number**	**Experience and/or Qualifications**

Name of Plan Reviewer(s) *(Attach additional sheet, if necessary)*	**Registration Number**	**Experience and/or Qualifications**

Each inspector listed on the application must provide verification that he/she will perform inspections and/or plan review functions for the specific code discipline(s) identified.

Are the inspector(s) listed above associated with a private inspection agency? ☐ Yes ☐ No

If yes, complete the following:

Name and address of the private inspection agency_____

Governmental official responsible for the decision making as it relates to code administration and enforcement.

Name_____ Title_____ Registration No._____

(Attorney General Opinion No. 4885, dated August 15, 1975, provides that an enforcing agency must be a public official or governmental agency. Inspection functions or other technical assistance may be performed under contract with a private organization, but all decisions and official actions based on such inspection or technical advice must be made by the enforcing agency. Any formal actions such as the issuance, suspension, revocation, or cancellation of permits is exclusively within the purview of the governmental entity. Decision making by a non-governmental entity in which government is not the final authority is in violation of the Michigan Constitution.)

B. Enforcing Agency (continued)

2. This is to certify the following services will be provided by the enforcing agency:

☐ Plan Review ☐ Permit issuance ☐ Timely field inspections

☐ Issuance of final approval and certificate of occupancy ☐ Retention of records ☐ Identification/resolution of code violations

3. ☐ This is to certify a copy of the ordinance(s) assuming the responsibility to administer and enforce the state code(s) and a copy of each code enforced will be available for public viewing at the offices of the local governmental subdivision.

4. ☐ This is to certify the application for permit and permit forms are in compliance with the requirements of Section 10 of 1972 PA 230. **Attach copies of the application(s) for permit and a copy of the permit form.**

5. ☐ This is to certify that procedures for the administration and enforcement of the code have been adopted by the enforcing agency. These procedures govern the operation of the code administration and enforcement program for the governmental subdivision. The procedures should include:

☐ (i) How permit applications are reviewed and approved.

☐ (ii) How plans are reviewed and violations identified during the process are resolved.

☐ (iii) How permits are issued.

☐ (iv) How inspections are scheduled and findings reported.

☐ (v) How code violations identified during inspections are resolved.

☐ (vi) Record keeping procedures.

☐ (vii) How certificates of occupancy and final approvals are issued.

Attach a copy of the procedures for the administration and enforcement of the code(s).

6. ☐ This is to certify fees have been adopted for the administration and enforcement of the code(s) in compliance with Section 22 of 1972 PA 230. **Attach a copy of the fee schedule.**

C. Construction Board of Appeals

This is to certify a Construction Board of Appeals has been established in accordance with Section 14 of 1972 PA 230. The names and qualifications of the members of the Construction Board of Appeals is listed below. *(Attach additional sheet, if necessary)*

Attach a copy of the Board of Appeals procedures.

Name	**Qualifications** (Include professional license number and/or registration number)

D. Certification

I certify the information given in this application to administer and enforce is true and accurate to the best of my knowledge.

Name of Elected Official (Type or Print)_____ Title_____

Signature of Elected Official_____ Date_____

Copies of all documents attached to or submitted with this application should include a reference to the governmental subdivision.

PERFORMANCE EVALUATIONS

Section 9b(1) of Act 230, PA 1972 states "The director, ... may conduct a performance evaluation of an enforcing agency to assure that the administration and enforcement of this act and the code is being done pursuant to either section 8a or 8b. A performance evaluation may only be conducted at the request of the local enforcing agency or upon the receipt of a written complaint".

The Complaint

When a complaint related to administration and enforcement of codes is received in the Bureau the complaint is reviewed to determine if there is an allegation against the local unit of government, and if there is adequate information to refer the complaint to the affected enforcing agency for a response. The complaint is then sent to the affected local enforcing agency with a request for a response within ten business days (Sec 9b (1)). Information regarding the provisions of the act related to the performance evaluation is included so the enforcing agency is fully aware of the need to respond.

Evaluation of the Response

When the enforcing agency responds, the complaint allegations and the response are analyzed.

If the enforcing agency's response is determined satisfactory the file is closed and the complainant is provided with the rationale for the decision. Any objections from the complainant are reviewed. When the enforcing agency's response is satisfactory, no additional action is warranted.

If the response provided by the enforcing agency is not complete or there are questions regarding the manner in which codes are enforced, bureau staff requests additional information. Before a recommendation for a performance evaluation is prepared, staff works with the enforcing agency in an effort to resolve the issues, so that an evaluation is not needlessly performed.

The only time a recommendation is prepared without preliminary efforts to resolve the problem is when no response to the referral of a complaint is received (Sec 9b(1)). The enforcing agency is given ample notice before this is done. Bureau staff cannot respond to the complainant without input from the enforcing agency.

Recommendation for Performance Evaluation
When the response from the enforcing agency indicates there may be some deficiencies in the manner in which codes are enforced, a recommendation for a performance evaluation is prepared for review by the Director. The recommendation includes a brief summary of the complaint and the reason for the recommendation. If the Director approves the recommendation it is prepared for Commission review.

The enforcing agency is provided a copy of the recommendation at least 10 days in advance of the Commission meeting at which it will be reviewed (Sec 9b(1)). All interested parties to the complaint are provided notice that the Commission will consider the recommendation.

Approval of the Performance Evaluation
The Construction Code Commission's decision to proceed with a performance evaluation will be made at a public meeting. The enforcing agency is notified of the decision following the meeting.

The Act further requires that the decision be mailed to the enforcing agency 10 days in advance of conducting the performance evaluation (Sec 9b(1)). To allow the bureau to coordinate scheduling with inspection staff and the enforcement agency 30 days notice is usually given.

The Evaluation
When conducting an evaluation, extensive effort is made to thoroughly review the manner in which codes are administered and enforced.

BCC staff may request that the local enforcing agency accompany BCC on inspections (Sec 9b(2)). Records are reviewed and projects are selected at random. The projects selected for review, to the extent possible, represent a variety of use groups and those at various stages of construction. State inspectors observe the agency's inspections and identify any errors or omissions. Inspectors prepare an inspection report for the performance evaluation report. The inspection report will include any errors or omissions by the local inspector, along with relevant information provided by the local inspector.

Inspections of occupied residential structures are avoided unless a home was part of the initial complaint. As a result, it is sometimes not feasible to perform inspections.

Bureau staff conducts plan reviews when possible. Again, any errors or omissions identified in the local enforcing agency plan review report along with any relevant explanations from the enforcing agency will be included in the performance evaluation report.

Bureau staff reviews official records and documents relating to applications for permits and inspection records including correction notices, orders to stop construction, and certificates of use and occupancy (Sec 9b(2)) to assure that the enforcing agency is using proper forms, applications are complete and reviewed appropriately, permits are issued properly, necessary inspection records are maintained, violations are properly cited and followed up, and that certificates of occupancy are issued. The evaluation is a complete review of departmental records to assure a comprehensive administrative system to manage the business associated with code enforcement is in place.

Evaluations may take several hours or may take as long as three to four days. The time and manner in which the evaluation is conducted are dictated by the local program.

The purpose of the evaluation is to identify deficiencies in the overall program that may result in unsafe construction or inconsistent code administration and enforcement. Many of the deficiencies identified during an evaluation are record keeping items that fail to properly document code enforcement which could affect an enforcing agency's credibility in legal challenges. The recommendations set forth in the report, therefore, are for the benefit of the enforcing agency as well as the public they service.

The Performance Evaluation Report

Following the evaluation, a report of the findings and recommendations is prepared to the commission and the enforcing agency (Sec b(3)).

The enforcing agency is notified of the date the Commission will consider the performance evaluation report.

The Commission may issue a notice of intent to withdraw the responsibility for administration and enforcement of the act and the code from a governmental subdivision after receiving the results of a performance evaluation.

In most cases the commission sets forth recommendations to improve code administration and enforcement at the local level, rather than to remove a governmental agency's authority for code enforcement. The enforcing agency will be

provided a specific period of time to correct deficiencies.

Bureau staff assists the enforcing agency in implementing recommendations and re-evaluate their program. *The results of the re-evaluation are provided to the commission with a recommendation that the file be closed, or that a notice of intent to remove code enforcement responsibilities be issued.* Multiple visits to an enforcing agency may take place before a final recommendations is made.

Notice of Intent to Withdraw Responsibility for Code Administration and Enforcement

If an enforcing agency fails to properly enforce codes, the Commission may issue a Notice of Intent to Withdraw Responsibility for Code Administration and Enforcement (Sec 9b(3)). Since each code discipline (building, plumbing, electrical, mechanical) is considered separately the notice specifies the code or codes affected by the notice.

The enforcing agency has the right to appeal within 30 business days after receipt of the notice of intent to withdraw the responsibility (Sec. 9b (3)). Bureau staff continues to work with the local government during the appeal process to correct deficiencies.

A pre-hearing conference is scheduled before a formal hearing on an appeal. During this conference settlement agreements are sought with the local agency. This allows the local enforcing agency an opportunity to maintain their program based on mutually agreed upon stipulations.

If a settlement cannot be reached informally, a formal hearing on the appeal is conducted (Sec 9b(4)). The State Office of Administrative Hearings & Rules issues a proposed decision to all affected parties. The proposed decision becomes a final order issued by the Commission unless exceptions are filed by a party within 30 days of receipt of the proposed decision.

The Commission reviews the proposed decision and may affirm, modify, reverse, or remand the proposed decision (Sec 9b(5)). The decision of the Commission must be in writing and contain the findings of fact and conclusions of law upon which its decision is based. Other than in a case of remand, the period for seeking judicial review of the commission's decision will begin upon receipt by the parties of the commission's written decision.

If the enforcing agency does not appeal the decision of the Commission, the

Commission's notice is considered a final order of the Commission. Responsibility for code administration and enforcement is assumed by the Bureau, unless the county within which the governmental subdivision is located has a code administration and enforcement program in place. In that case, the County becomes responsible for code administration and enforcement.

PREMANUFACTURED UNIT APPROVAL

The Michigan Premanufactured Units program is authorized by 1972 PA 230 Section 19, MCL 125.1519, which allows building components and buildings to be certified for use in Michigan at a place of manufacture, rather than the site of final use. The program requires participating manufacturers and inspection agencies to be approved by the Construction Code Commission. Manufacturers and agencies requesting program recognition in Michigan must submit a Compliance Assurance Program, and will be issued a Certificate of Acceptability upon approval.

Compliance Assurance Program

The Compliance Assurance Program must include documentation addressing specific matters affecting the construction of certified units.

- An organizational chart demonstrating that there are no conflicts between code compliance, production and sales.
- All aspects of materials, handling and production must be detailed.
- Procedures for the security and handling of certification labels, and record keeping must be in place.
- The manufacturer must also have procedures for storage, shipping and installation of units.
- Procedures for inspection and use of testing equipment.

Plan Review Division staff reviews the application, compliance assurance manual and plans and specifications for compliance with the rules which provide for the control of materials, production, products and installation. When compliance is demonstrated, the division prepares and submits a recommendation of approval to the commission for the action of issuing a Certificate of Acceptability provided in Sec. 19 (1) of the Act.

Certificates of Acceptability

Once a Certificate of Acceptability is issued the manufacturer may submit plans to the bureau for approval. Approved 3rd party plan review entities may review plans for 1 & 2 family dwellings and recommend approval to the bureau.

A manufacturer must submit an application with the appropriate fee and a complete set of construction documents for each building component or building. Each application is reviewed for compliance with the Michigan Construction Codes.

When the documents are found to comply, a Building System Approval Report (BSAR) is issued for the unit. All premanufactured units must be inspected by the

bureau or approved inspection agency to determine the unit has been manufactured in accordance with the code and approved BSAR. Rule 408.31167 requires the manufacturer to provide authorization in the compliance assurance manual for the bureau or its authorized inspection agencies (Rule 408.31171) to inspect its manufacturing facilities, products or building sites at any reasonable time without prior announcement.

An approved building system may not be manufactured contrary to the approved drawings. If a modification of an approved model is desired, the manufacturer must submit an application for a modification with revised construction documents and the appropriate fee.

Units manufactured and labeled under this program are guaranteed certain protections. The units must be accepted by all enforcing agencies. Local enforcing agencies shall not conduct destructive inspections and manufacturing violations are reviewed and addressed by the Bureau of Construction Codes.

Application for Premanufactured Unit

Michigan Department of Labor & Economic Growth
Bureau of Construction Codes / Plan Review Division
P.O. Box 30255, Lansing, MI 48909
517-241-9328
www.michigan.gov/bcc

Agency Use Only

Authority: 1972 PA 230 Completion: Voluntary Penalty: Plans will not be reviewed	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Note: The applicant is responsible for all fees applicable to this application.

MANUFACTURER

PRIMARY MANUFACTURER NAME (Note: Building Systems Approval Report and approved plans will be sent to this address)	C.A. NUMBER
MANUFACTURER NAME	C.A. NUMBER
MANUFACTURER NAME	C.A. NUMBER
MANUFACTURER NAME	C.A. NUMBER
MANUFACTURER NAME	C.A. NUMBER

DESIGN DATA

DESCRIPTION OF MANUFACTURED MODEL

USE GROUP	CONSTRUCTION TYPE	OCCUPANT LOAD	TYPE OF UNIT
		☐ ACTUAL ☐ CALC._____PERSONS	☐ MODULAR ☐ CORE ☐ COMPONENT

ROOF LIVE / SNOW LOAD	FLOOR LIVE LOAD	GROUND SNOW LOAD
PSF	PSF	PSF

WIND SPEED	ROOF DEAD LOAD	FLOOR DEAD LOAD	HEATING DEGREE DAYS
MPH	PSF	PSF	

PLAN REVIEW REQUEST

☐ BUILDING ☐ ELECTRICAL ☐ MECHANICAL ☐ PLUMBING

PROJECT ARCHITECT / ENGINEER

NAME	MICHIGAN LICENSE NUMBER

ADDRESS	CITY	STATE	ZIP CODE	TELEPHONE NUMBER (Include Area Code)

APPLICANT (Note: All correspondence, except approval, will be sent to this address)

NAME OF COMPANY	APPLICANT NAME	SOCIAL SECURITY NUMBER* OR FEIN **(REQUIRED)**

ADDRESS	CITY	STATE	ZIP CODE	TELEPHONE NUMBER (Include Area Code)

APPLICANT SIGNATURE **(Must be an original signature)**	DATE	EMAIL	FAX NUMBER (Include Area Code)

*This information is confidential. Disclosure of confidential information is protected by the Federal Privacy Act.

ITEM	LOCATION		
	PLANS Sheet No.	SPECIFICATIONS Page No.	SYS. MANUAL Page No.
BUILDING			
MATING DETAILS			
FOUNDATION CONNECTION DETAILS			
EXTERIOR ELEVATIONS			
MAJOR CROSS SECTIONS			
WALL SECTION			
FLASHING DETAILS			
ATTIC ACCESS			
ATTIC VENTILATION			
EXTERIOR MATERIALS & FINISHES			
INTERIOR MATERIALS & FINISHES			
FIRE SEPARATION ASSEMBLY LOCATIONS			
DOOR / WINDOW SCHEDULES			
FOUNDATION PLANS			
CRAWL SPACE VENTING			
ENERGY CONSERVATION CALCULATIONS			
ACCESSIBILITY DETAILS			
LOCATION OF SMOKE DETECTORS			
FIRE RESISTANCE RATING / DETAILS			
FIRESTOPPING / DRAFTSTOPPING DETAILS			
STAIR DETAILS			
TOXICITY & FLAME SPREAD RATING FOR INTERIOR FINISHES			
DESIGN SOIL BEARING CAPACITY			
FOUNDATION LOADS			
FOUNDATION SIZES & DETAILS			
STRUCTURAL FRAMING DETAILS			
HEADER / LINTEL SCHEDULES			
TRUSS DESIGN			
FASTENER SCHEDULE			
LABEL & DATA PLATE LOCATION			
SITE INSTALLED ITEMS			
ELECTRICAL			
PANEL SCHEDULE(S)			
SERVICE EQUIPMENT PLAN OR RISER DIAGRAM			

ITEM	LOCATION		
	PLANS Sheet No.	SPECIFICATIONS Page No.	SYS. MANUAL Page No.
GROUNDING METHOD AND DETAILS			
LOAD CALCULATIONS			
SIZE OF FEEDERS AND BRANCH CIRCUIT			
LOCATION OF MAIN DISCONNECT			
METHOD OF INTERCONNECTION BETWEEN UNITS			
LOCATION OF OUTLETS AND JUNCTION BOXES			
FIXTURE MOUNTING METHOD			
SPECIAL EQUIPMENT OR APPLIANCE LOCATIONS			
OPTIONAL EQUIPMENT PLANS OR DETAILS			
SITE INSTALLED ITEMS			
MECHANICAL			
IS HEATING SYSTEM INSTALLED IN THE FACTORY? ☐ YES ☐ NO			
IS HEATING EQUIPMENT SUPPLIED? ☐ YES ☐ NO			
HEATING AND COOLING EQUIPMENT LOCATIONS			
EQUIPMENT LOAD CALCULATIONS			
DUCT DESIGN CALCULATIONS			
DUCT AND REGISTER LAYOUTS			
LOCATIONS OF EXHAUST GRILLS IN BATHROOMS			
EXHAUST DUCT MATERIAL			
COMBUSTION AIR REQUIREMENTS			
VENTILATING AIR REQUIREMENTS			
VENTING SYSTEMS			
FIRE DAMPER LOCATIONS			
AIR BALANCING DEVICE LOCATIONS			
SMOKE DETECTORS IN DUCTWORK			
SPRINKLER SYSTEM			
SPRINKLER PLANS			
SPRINKLER CALCULATIONS			
MANUFACTURED FIREPLACE SPECIFICATION			
SITE INSTALLED ITEMS			
PLUMBING			
WATER PIPING SYSTEM			
AIR CHAMBERS			
VACUUM BREAKER ON HOSEBIBBS			

ITEM	LOCATION		
	PLANS Sheet No.	SPECIFICATIONS Page No.	SYS. MANUAL Page No.
SHOWER VALVES, TYPE AND TEMPERATURE SETTING			
INDIRECT WASTE			
CLEANOUTS			
SUBMIT RISER DIAGRAM			
MATERIAL - SPECIFICATIONS			
WATER HEATER DETAILS			
PIPE HANGER SPACING			
ACCESS PANEL LOCATION			
SITE INSTALLED ITEMS			

FEE CALCULATION			
ITEM	**FEE (each)**	**NUMBER**	**TOTAL**
ONE- AND TWO-FAMILY DWELLINGS			
NEW MODEL (ONE FOUNDATION SYSTEM)	$300.00		
FOUNDATION OPTIONS	$100.00		
REVERSE PLAN	$100.00		
VARIOUS OPTIONS	$100.00		
ADDITIONAL MANUFACTURER(S) SUBMITTAL (NOT PRIMARY)	$100.00		
OTHER THAN ONE- AND TWO-FAMILY DWELLINGS			
NEW MODEL (ONE FOUNDATION SYSTEM) **$100 Minimum** ☐ BUILDING ☐ELECTRICAL ☐MECHANICAL ☐PLUMBING			
ADDITIONAL MANUFACTURER(S) SUBMITTAL (NOT PRIMARY)	$100.00		
		GRAND TOTAL $_____	

Instructions for Application for Premanufactured Unit

Manufacturer: Multiple plants may be listed. Provide manufacturer name and compliance assurance (C.A.) number for each plant. The information provided must match the information on file.

Design Data: Provide all requested information. The building use, construction type and number of occupants shall be as prescribed by the building code.

Plan Review Request: Mark all plan reviews desired or required.

Project Architect / Engineer: Provide all requested information.

Applicant: Provide all requested information with an original signature. All correspondence, except approval, will be sent to this address and this entity will be responsible for all fees.

Required Submittals for Plan Review

For each model, submit completed application, the appropriate fee made payable to the **State of Michigan** and three (3) sets of plans and/or specifications with **original seals and signatures** in accordance with 1980 PA 299. The first $100.00 of an application is non-refundable.

Upon Receipt of All Applications

Written confirmation will be sent to the applicant. Further correspondence, concerning the requested plan reviews, will be sent to the applicant and the inspection agency. A copy of the Building Systems Approval Report(s) and two (2) sets of approved plans will be shipped to the primary manufacturer for appropriate distribution to any additional listed plants and inspection agency(ies).

Validation Area

U.S. Postal Service
Michigan Dept. of Labor & Economic Growth
Bureau of Construction Codes
Plan Review Division
P.O. Box 30255
7150 Harris Drive
Lansing, MI 48909

Courier Other Than U.S. Postal Service
Michigan Dept. of Labor & Economic Growth
Bureau of Construction Codes
Plan Review Division
2501 Woodlake Circle
Okemos, MI 48864

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

ROBERT W. SWANSON
ACTING DIRECTOR

April 1, 2006,

Third Party Plan Review for Premanufactured Units

Under the provision of Section 19 of 1972 PA 230, the Construction Code Commission may approve qualified entities to review the plans for 1 and 2 family dwellings. For that purpose, the Premanufactured Unit Rules were amended to add Rule 1170 that provides the requirements for the approval of "Third Party Plan Review" entities.

If you are interested in being an approved third party plan review entity, complete the Application for Approval and Renewal of Plan Review Agency, submit it with the required fee of $750.00 and three (3) copies of a compliance assurance manual. The manual shall be bound and address the items in Rule 1170(1) through 1170(3)(m). Each sub-rule shall be addressed in the order published and identified in the table of contents.

Previously submitted applications were improper and will not be reviewed. When an application is in compliance with all the requirements of Rule 1170, it will be submitted to the commission for approval.

If you have any questions, contact the Plan Review Division at (517) 241-9328.

Links to:

Application for Approval and Renewal of Plan review Agency

1972 PA 230

Part 11 Premanufactured General Rules

PRODUCT APPROVAL

Section 21 of Act 230 PA 1972 grants an individual the opportunity to petition the commission for approval of any particular material, product, method of manufacture or method or manner of construction or installation. This process is not necessary for products which conform to the code required standards.

Bureau Process

An application for use approval of a particular material, product, method of manufacture, or method or manner of construction or installation may be submitted to the bureau for review. Testing and evaluation results and other appropriate evidence, as indicated on the application, are to be submitted with the application. A review of the submitted application and materials is conducted by the appropriate division.

Upon completion of the review, bureau staff will prepare an analysis and recommendation for consideration by the appropriate board and/or commission.

Board Process

The application, along with the bureau staff analysis and recommendation, is presented to the board for consideration at a regularly scheduled meeting. The petitioner or any other interested party is allowed to attend the meeting and present evidence in support of or against the application.

Board approval of the application is forwarded by the board to the Construction Code Commission (CCC) for consideration. The petitioner may appeal, to the CCC, the Board's decision to disapprove an application.

Commission Process

The Commission may reject the application in whole or in part or may grant a certificate of acceptability for the particular material, product, method of manufacture, or method or manner of construction or installation. The commission may also attach any condition it deems appropriate to a certificate of acceptability. All conditions will be listed on the certificate presented to the petitioner.

The petitioner shall be notified within 5 working days of the commission's action. If approved, the petitioner will receive a certificate of acceptability issued by the

commission. If denied, the petitioner shall be notified in writing of the reasons for denial. A sample certificate is included in this section.

A material, product, method of manufacture, or method or manner of construction or installation, approved by the commission, shall be acceptable for use throughout the state in accordance with the terms of the certificate of acceptability.

Certificates of Acceptability may not be used for advertising purposes and state such on the certificate.

Governmental subdivisions and the Department of Community Health use the Commission approval to assist in the evaluation and acceptance of products or materials not conforming to or having a nationally recognized standard found in the national codes.

Petition Application for Approval of Material, Product or Method

Michigan Department of Labor & Economic Growth
Bureau of Construction Codes
P.O. Box 30255, Lansing, MI 48909
www.michigan.gov/bcc

Agency Use Only

Application Fee: $500.00

Authority: 1972 PA 230 Completion: Mandatory Penalty: Use of material, product or method will not be approved	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

PRODUCT INFORMATION

NATURE OF APPLICATION

☐ Material ☐ Product ☐ Method of Manufacture or Construction ☐ Component

CODE UNDER WHICH APPROVAL IS SOUGHT

☐ Building (140) ☐ Electrical (115) ☐ Mechanical (130) ☐ Plumbing (98)

NAME OF MATERIAL, PRODUCT OR METHOD OF MANUFACTURE (Limit To One Item Per Application)

OTHER IDENTIFICATION (Model Number)

DESCRIPTION (Use Additional Sheets If Necessary)

INTENDED USE (Use Additional Sheets If Necessary)

DATA SUBMITTED

☐ Letter
☐ Manual
☐ Standards
☐ Installation Instructions
☐ Display Catalog

Reports
☐ ICC - NES
☐ BOCA - NES
☐ ICBO
☐ SBCC
☐ NRB
☐ Other

☐ Product Sample or Model
☐ Prior Approvals by Other Agencies
☐ Recommendations by Model Code Bodies

LABORATORY TEST BY

PILOT SERVICE EXPERIENCE AND CONDITIONS (Use Additional Sheets If Necessary)

RESTRICTIONS FOR USE (Use Additional Sheets If Necessary)

APPLICANT (Note: All correspondence will be sent to this address)

NAME OF COMPANY		APPLICANT NAME	
ADDRESS			
CITY	STATE	ZIP CODE	TELEPHONE NUMBER (Include Area Code)
APPLICANT SIGNATURE **(Must be an original signature)**		DATE	FAX NUMBER (Include Area Code)

Instructions for Petition Application for Approval of Material, Product or Method

Nature of Application: Check the appropriate box. A component is a preassembled unit of different materials or products that will be incorporated into a building.

Code Under Which Approval is Sought: Check all codes that apply. There may be requirements in 2 or more codes for the approval sought.

Name of Material, Product or Method of Manufacture: Provide the name of the material, product or method.

Other Identification: Provide the model numbers.

Description: Provide a description of the material, product, method or component.

Intended Use: Give a brief description of how the product is incorporated into a building or structure and its purpose.

Data Submitted: Check the appropriate boxes and submit the required number of copies as listed below:

Building Code - **3** copies
Electrical Code - **15** copies
Mechanical Code - **18** copies
Plumbing Code - **11** copies

Only one sample is to be submitted when practical.

Laboratory Test By: List all tests performed and provide copies as listed above.

Pilot Service Experience and Conditions: Provide report of finding as listed above.

Restrictions for Use: Identify any restrictions or conditions of use.

Applicant: Provide all information requested.

Validation Area

U.S. Postal Service
Michigan Dept. of Labor & Economic Growth
Bureau of Construction Codes
(Address to appropriate division-Electrical Division, Mechanical Division or Plumbing Division
***Please address Building approvals to Plan Review Division*)**
P.O. Box 30255
7150 Harris Drive
Lansing, MI 48909

Courier Other Than U.S. Postal Service
Michigan Dept. of Labor & Economic Growth
Bureau of Construction Codes
(Address to appropriate division-Electrical Division, Mechanical Division or Plumbing Division
***Please address Building approvals to Plan Review Division*)**
2501 Woodlake Circle
Okemos, MI 48864

CERTIFICATE OF ACCEPTABILTY

NO. 1559 PA

Issued by the Michigan State Construction Code Commission in accordance with authority granted under Section 21, Act 230 of Public Acts of 1972, as amended, being Section 125.1521 of the Michigan Compiled Laws' on the recommendation of the State Plumbing Board.

MANUFACTURER: Arjo Inc.
50 N. Gary Avenue
Roselle, Illinois 60172

PRODUCT: Arjo Inc., Freedom Bathing Unit, Models AF12110, AF12114, AF14100, AF14104, AF22110, AF22114, AF24100, and AF24104

CONDITIONS OF USE AND INSTALLATION:

1. All requirements of the Michigan Plumbing and Electrical Codes shall be applicable.
2. Installations shall be in accordance with manufacturer's specifications.
3. Requests from hospital or care institutions must be approved by the Health Department having jurisdiction.
4. Both hot and cold water supplies shall be protected by and approved for reduced pressure principle backflow preventer.
5. The unit shall discharge into an approved waste receptor.

THIS CERTIFICATE SHALL NOT BE USED FOR ADVERTISING PURPOSES.

By Direction of the Construction Code Commission

Henry L. Green, Executive Director

Robert G. Konyndyk, Chief, Plumbing Division

Effective Date: September 18, 2006

HISTORY OF BARRIER FREE DESIGN IN MICHIGAN

Although construction regulations have been in existence for many years, buildings and facilities were designed to meet the needs of the healthy. Accommodations for persons with disabilities were not even recognized as an issue in early construction.

A 2-year study regarding accessibility issues was conducted in the 1950's by a coalition of 50+ organizations. As a result of this study, in 1961, the American Standards Association, in conjunction with the President's Committee on Employment of the Physically Handicapped approved and adopted a guide entitled "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped".

Initial Legislation

The 73rd Legislature of the State of Michigan followed by enacting Act No. 1 of Public Acts of 1966 (The Act). It became effective February 11, 1966 and was titled "Utilization of Public Facilities by Physically Limited". It provided for the accessibility and utilization by the physically handicapped of certain public buildings constructed with funds of the state or its political subdivisions and provided for the enforcement of the act.

Under the act a new state office building, a new township or city hall or other public building had to meet barrier free design rules promulgated by the Department of Management and Budget's State Building Division. Existing buildings undergoing major remodeling or rehabilitation also had to meet the original barrier free design requirements which included:

- Parking lot serving entrances, with the proper number of signed reserved spaces.
- Curb cuts – 1 foot in 3 feet slopes.
- One primary entrance.
- Handrails at 2 feet 8 inches.
- Surfaces could not be slippery.
- Doors were required to have a clear width of not less than 2 feet 8 inches when open.
- Areas on the same floor were to have a common level or be connected by a ramp.

The Act also covered toilet facilities, drinking fountains, telephones at 4 feet above the floor, at least one elevator provided in a multi-story building to serve the floor containing the primary entrance and all other floors accessible to the public, light

switches at 4 feet above the floor, room identification plates and available seating areas in auditoriums and lecture rooms.

Building Accessibility Requirements Expand

Act No. 243 of 1970 amended the Act to include accessibility requirements for buildings used by the public. A building used by the public was defined as: a building, structure or improved area used primarily by the general public as a place of gathering or amusement, including but not limited to theaters, restaurants, hotels and stadiums. The rules for compliance were basically the same as those previously established.

Act 190 of 1974 further amended the Act placing the responsibility for administering and enforcing the act with the state or the local political subdivision where building permits were issued. The Construction Code Commission was required to develop barrier free design requirements and the Deptartment of Education was responsible for administration and enforcement of the act for school buildings.

Barrier free design was defined as: design which eliminated the type of barriers and hindrances that deter physically limited persons from having access to and free mobility in and around a building or structure.

A facility used by the public was defined as: a building, structure, or improved area utilized for purposes of education, employment, housing, transportation, recreation or for the purchase, rental or acquisition of goods or services. The same basic definition applied to public facilities.

An easier way of describing what had to comply was to state what was exempt, which is a privately-owned one or two family dwelling.

Current Law

Under the current law a public facility is any building, structure, or improved area used for purposes of education, employment, housing other than privately owned one or two family dwellings, transportation, recreation or for the purchase, rental or acquisition of goods or services and is:

- Owned by, or on behalf of the state or its political subdivision or
- Leased or rented in whole or in part by the state or its political subdivisions after June 30, 1974, and after construction or alteration is in accordance with the plans and specifications of the lessee. A public facility under lease to the state or its political subdivisions which had to have its lease or rental

agreement renewed after June 30, 1974, must have been brought into compliance with the barrier free design provisions.

- Finance in whole or in part by a grant or loan made or guaranteed by the state or its political subdivisions after June 30, 1974 must be in compliance with the barrier free design provisions.
- Constructed, purchased, leased or rented in whole or in part by the use of federal funds shall also comply with the barrier free design provisions unless otherwise provided by federal law.

If the public facility was built with the first contract for construction made after July 2, 1974, that building or the portion covered by the contract must be barrier free.

The following requirements were included in Act No. 177 of 1975 and the effective date of July 20, 1975 of these requirements was defined in Act 137 of 1979.

- If the existing public facility undergoes a change in use-group or occupancy load or an alteration other than ordinary maintenance than those provisions of the barrier free design requirements apply in one of two ways. If the change in use group, occupancy load or alteration involves less than 50 percent of the floor area which can be used by the public or employees then the affected areas and areas necessary to provide a continuous and unobstructed route of travel to and from the affected areas from and including the nearest entrance must become barrier free. If the change in use group, occupancy load or alteration involves 50 percent or more of the floor area which can be occupied by the public or employees then the entire building or structure shall be brought into compliance with the barrier free design provisions.
- If the building, structure or improved area is a public facility solely by reason of a lease or rental agreement of a portion by the state or its political subdivisions that portion not leased or rented need not be altered to comply with the barrier free design provisions unless required by the change in use group, occupancy load or alteration or unless the portion rented by the state or its political subdivisions or a combination thereof represents 50 percent or more of the floor area that can be occupied by the public or employees.

The major difference between a public facility and a facility used by the public is whether the state or any of its political subdivisions are involved through contracts, lease or rental agreements, financing to any degree, purchased, or if federal funds are involved. The requirements other than the above three apply to both a facility used by the public and a public facility.

HISTORY / BUILDING OFFICIALS AND INSPECTOR REGISTRATIONS

After the enactment of the State Construction Code Act and the creation of the Bureau of Construction Codes, another major concern became apparent. Codes were not uniformly applied throughout the state. Inspector qualifications varied as much as interpretations of the code they enforced.

Improving the professionalism of code administration and enforcement personnel became a goal of the department. One of the major problems in promoting this program was increasing public awareness of the importance of quality, professional inspectors in the community. The training requirements of police and fire fighters were typically never challenged but training for inspection personnel was often deemed unnecessary.

Inconsistent and uneven interpretation of codes can be very costly to businesses and consumers. An unqualified inspector can unnecessarily increase the cost of construction because he or she does not understand the numerous ways a project can be constructed and still comply with the code.

Situations existed where construction progressed that was unsafe as a result of unqualified inspectors. Other times costly and unnecessary changes were required because of an unqualified inspector. Homeowners could spend their life savings on a home only to find it could not be occupied because the inspector failed to identify code violations during the progress of construction.

These concerns were addressed when the Building Officials and Inspectors Registration Act became effective on March 17, 1986. The act requires all construction code inspection personnel to be registered with the state and to participate in education and training courses maintain registration. Rules were promulgated to regulate the registration program and became effective June 25, 1991.

CODE PROMULGATION HISTORY

Codes or rules effectuate the general purposes of their enabling statute, which allows and directs that the regulations be written.

After the State Construction Code Act (CCA) of 1972 went into effect in 1973, the first major task the Construction Code Commission (CCC) faced was the development of the State Construction Code (Code).

The Code was to be divided into sections as considered appropriate by the CCC, including, without limitation, building, plumbing, electrical, and mechanical sections.

The CCA requires that the Code be promulgated pursuant to 1969 PA 306, known as the Administrative Procedures Act of 1969 (APA). The APA's procedures for processing and publishing rules must be followed by all state agencies. Thus, not only the CCA, but the other laws that the Bureau of Construction Codes (Bureau) administers direct that the drafting and promulgating of regulations be in compliance with the APA. A list of the public acts that the Bureau enforces may be found under Bureau Organization History in Section I.

The CCA provides that the Code may incorporate the provisions of a code, standard, or other material by reference. However, the APA limits the code, standard or material that may be incorporated by reference to that "[w]hich has been adopted by an agency of the United States or by a nationally recognized organization or association. The reference shall fully identify the adopted matter by date and otherwise. The reference shall not cover any later amendments and editions of the adopted matter."

The CCC's first job was to choose which nationally recognized code it would adopt by reference. After much consideration, the CCC elected to adopt the Building Officials and Code Administrators, Inc. (BOCA) codes for building, plumbing, and mechanical, and the National Electrical Code for electrical.

The next step was to determine what would be deleted or amended from the codes and what would be added. The most recent edition of the nationally recognized code is adopted by reference in the Code with deletions, amendments and additions. The goal is to reduce the number of amendments to the nationally recognized codes.

The CCC started with Parts 1-Administration and Enforcement, 2-Permits, Inspections, and Fees, 3-Appeal Boards and Hearings, and 4-the Building Code, which included barrier free design requirements. The Plumbing Code was developed next, then Premanufactured Unit Rules, the Energy Code, the Electrical Code, and finally the Mechanical Code. The date of the initial adoption of each part of the Code is provided in this section.

As each code was promulgated, governmental subdivisions throughout the state were contacted and notified they could assume responsibility to administer and enforce the Code, as promulgated by the CCC, or adopt nationally recognized codes.

By Executive Order No. 1996-2 (ref Sec. XV), all authority, duties, functions, and responsibilities related to the promulgation of rules by boards and commissions were transferred to the Director of the Department of Consumer and Industry Services (now the Department of Labor and Economic Growth).

In 1999, the CCA (now known as the Stille-DeRosset-Hale Single State Construction Code Act) was amended incorporating the Executive Order so that the Director or the Director's authorized representative has the sole statutory authority to promulgate rules, the responsibility previously held by the CCC.

Importantly, the amendment established that the CCA and the Code are the exclusive standards to be applied in the design, construction, or use of buildings and structures throughout Michigan. A governmental subdivision may no longer elect to exempt itself from certain parts of the CCA and the Code by adopting and enforcing a nationally recognized model code.

The Code consists of the Michigan Residential Code, the Michigan Building Code, the Michigan Mechanical Code, the Michigan Plumbing Code, the Michigan Electrical Code, the Michigan Rehabilitation Code for Existing Buildings, and the Michigan Uniform Energy Code. Each Michigan Code is a combination of the international code applicable to that specialty with the Michigan-made amendments, additions, or deletions to that international code.

The CCA requires that the Director add, amend, and rescind rules to update the Code at least once every three (3) years to coincide with the national code change cycle. Updating the codes every three (3) years results in keeping the codes current with changing technology; and allows problem areas that have arisen, as the codes are enforced, to be addressed.

Promulgating Codes

In 1995, the Office of Regulatory Reform (ORR) was created through Executive Order 1995-6, later codified in 1999 PA 262, as an agency charged with the duty to "review proposed rules, coordinate the processing of rules by state agencies and work with agencies to streamline the rulemaking process and to improve public access." Executive Order 2000-1 transferred ORR to the Executive Office by a type 1 transfer defined in the MCL 16.103. Executive Order 2002-11 transferred ORR to the Department of Management and Budget, effective September 1, 2002. Executive Order 2005-1 transferred the powers and responsibilities of ORR to the Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules (SOAHR) and abolished ORR, effective March 27, 2005.

Internet web site access to the rulemaking process was established in 1998. Continually upgraded, the web site now provides daily updated information as to all aspects of Michigan administrative law, including all current rules and the text and description of the potential regulatory impact of all proposed rules. The site is visited tens of thousands of times per month by lawyers, professionals, students, and citizens from the State of Michigan and around the world.

Since April 2000, SOAHR has published the state's three administrative rule periodicals, the Michigan Register, the Michigan Administrative Code, and the Annual Administrative Code Supplement. All are available, free of charge, on this web site.

Copies of Executive Order No. 1995-6, Executive Order 2000-1, and Executive Order 2002-11 are located in Section XV.

HISTORY OF ORDINANCES PRIOR TO ADOPTION OF THE SINGLE STATE CONSTRUCTION CODE

Local units of government received their authority and power to administer and enforce codes from the Construction Code Act, Act 230 of 1972 prior to adoption of the Single State Construction Code. If local government elected to enforce a code or codes, the Act required that the governmental subdivision pass an ordinance to either adopt a nationally recognized code or elect to administer and enforce the state code(s).

Prior to the enactment of the Construction Code Act, Michigan, like many other states simply left the authority to administer and enforce or not to administer and enforce codes to local municipalities. Except for electrical and plumbing codes, local units of government could elect to enforce any code it chose or to not enforce a code at all. Even the electrical and plumbing laws included exceptions based on population or type of government. As a result a large majority of the state, geographically, was not covered by codes. And, each political subdivision enforcing a code adopted or developed whatever code it wished.

Some 1,200 political subdivisions were responsible for establishing and enforcing highly technical codes. The various code requirements from community to community retarded construction. The lack of uniformity made it impossible to take advantage of new technology and new construction techniques.

After the Construction Code went into effect, each of the initial codes was promulgated by the Commission, and local government was contacted and provided options. At that time, the law placed the primary responsibility for enforcing the codes at the county level. The county was notified they had six months to establish a program to administer and enforce the state code. At that time, the county had no other option. They were required to enforce the state code adopted by the Construction Code Commission. Cities, villages and townships were allowed to assume this responsibility by ordinance.

The building code was the first code to go into effect under the Act. Counties, or every city, village, or township, within certain counties, took action to enforce the codes. However, when the plumbing code went into effect, many counties did not have the resources to establish a plumbing code administration and enforcement program. Because the Bureau had an existing staff of plumbing inspectors, the Bureau continued direct enforcement of the codes in areas where a local program was not

established. (A plumbing code enforcement program was in place under Act 266 of 1929. The plumbing program was transferred from the previous Department of Licensing and Regulation to the Department of Labor when Act 230 went into effect. The same situation occurred when the first electrical code went into effect under the Act. Again, the Bureau had an existing staff of electrical inspectors so code administration and enforcement continued where the county was unable to establish a program.

The last code to be promulgated by the Commission was the mechanical code. Again, many counties did not have the resources to establish a code administration and enforcement program. The Bureau did not have a staff of mechanical inspectors adequate enough to cover the areas without local programs and it was determined that the direct enforcement of codes by the Bureau of Construction Codes was not authorized by law. The Act placed that responsibility at the county level. On December 31, 1980, Act 230 was amended to place primary responsibility for code administration and enforcement at the state level. The amendatory legislation did the following:

- Placed primary responsibility for code administration and enforcement with the State rather than the County.
- Required that a Notice of Intent to Continue Construction Code Administration and Enforcement be sent to all units of government enforcing a code.

  If a County responded, yes, on the notice, their responsibility continued. If they responded, no, the responsibility was transferred to the state.

  If a City, Village or Township responded, yes, their responsibility continued. If they responded, no, the responsibility transferred to the County program, if a county program was in place, or to the State, if no program was in place.

Each part of the code was treated separately. A county could elect to continue enforcement of the building code, but transfer responsibility for electrical, mechanical or plumbing to the state. Each unit of government had the same option.

The Notice of Intent to Continue Construction Code Operations was important to a county. Because the law initially required the county to enforce codes, no ordinance was required. Many counties operated without an ordinance because they opted to

continue code enforcement on the notice. That notice was on file in the Bureau of Construction Codes.

- The amendatory legislation also expanded options to local units of government regarding code adoption and enforcement. It allowed counties to elect to enforce nationally recognized codes by adopting an ordinance to do so. It allowed governmental subdivisions to change from enforcing the state code to a nationally recognized code, or to change from enforcing nationally recognized codes to the state code. There were some restrictions and timeframes to be met when changing codes, but under the original act, there were no provisions for changing codes.
- And, it provided for governmental subdivisions to transfer responsibility for code administration and enforcement. A county, city, village, or township, could take action to rescind their ordinance for code administration and enforcement. The law, however, required that the actual transfer not take place until 12 months after the ordinance was rescinded. This provided time for the county or the state to assume the additional responsibility.
- The amendatory legislation also added sections to require governmental subdivisions to apply to administer and enforce codes which it had not previously enforced. This required an application for approval to administer and enforce a code along with an ordinance.

Today, the Bureau of Construction Codes receives applications for approval to administer and enforce the codes. The applications are reviewed to determine compliance with the Act. Section 8 and 9 of the Act set forth the requirements for ordinances to administer and enforce codes, and set forth certain requirements of the Act and the state code that applied regardless of the code in effect. The following information details the now obsolete ordinance review process.

Ordinances for Nationally Recognized Codes

Section 8 stated that the act and the code are applicable throughout the state except a government subdivision could elect to exempt itself from certain parts of the act and the code by adopting and enforcing a nationally recognized model building code or other nationally recognized model codes. When a government subdivision selected this option under the code, they were exempting themselves from the construction code act. Only the sections of the act that applied statewide were enforceable within the unit of government.

It was not necessary for a governmental subdivision to elect to exempt itself from every part of the state code in order to preserve its exemption election as to one or more nationally recognized model codes. (In other words, a governmental subdivision could elect to enforce the state building code but exempt itself from parts of the act and the code by adopting a nationally recognized model electrical code. Each part of the code was treated separately.)

A governmental subdivision made this election by the passage of an ordinance adopting by reference or otherwise without amendment a nationally recognized model building code or other nationally recognized model codes.

The unit of government was required to pass an ordinance to adopt the nationally recognized code. The name of the code and the edition must be included in the ordinance. The governmental subdivision could propose amendments to the code, but these were subject to review by the Construction Code Commission.

A governmental subdivision which elected not to be governed by certain parts of this act and the code had to review and update its code by:

- amending its ordinance at least once every 3 years by adopting without amendment all changes to those codes. This required that the most recent edition of the code that was available must be adopted.
- submitting a certified copy of the amended ordinance to the commission

A governmental subdivision adopting nationally recognized model codes could approve amendments to those codes by ordinance. The amendments became effective 90 days after passage of the ordinance and 90 days after a certified copy of the ordinance was delivered to the commission unless the commission determined after a public hearing that the codes, as amended:

- Did not adequately protect the health, safety, or welfare of the people, or
- Unnecessarily increased construction costs or restricted the use of new materials, products or methods of construction, or
- Provided preferential treatment to types or classes of materials, products or methods of construction, or
- Obstructed the substantive uniformity of building codes within a region or

locality in the state.

The review of technical amendments to codes adopted by local units of government was a major responsibility of the Bureau. The intent of the Act was to promote code uniformity throughout the state. Amendments to the code were to provide for unique, local conditions.

The review of amendments to the code was the responsibility of the Building, Electrical, Mechanical, and Plumbing Division Chiefs. Because the act stated that the amendments become effective unless challenged within 90 days after delivery to the Bureau, amendments to nationally recognized codes had to be reviewed and analyzed immediately upon receipt to allow for a hearing if necessary.

The ordinance was reviewed for administrative formats such as proper wording, signatures, effective dates, and administrative amendments. Administrative amendments were reviewed to identify possible inconsistencies with the national code being adopted, applicable sections of the Act, state licensing laws, and other related laws and rules. Particular attention was devoted to make-up of construction board of appeals, permit requirements, penalties, and other similar provisions.

Only nationally recognized codes could be adopted by reference, and the most recent edition must be adopted. An ordinance to update a code could be an amendment to a previous ordinance. It was therefore, necessary to review the previous ordinance, as well as the amending ordinance to determine if acceptable.

The Division chief reviewed all amendments to the code and prepared an analysis. The analysis included a description of the amendment--section of the code affected, whether it is a deletion, an addition or an amendment to the code, and a recommendation for approval or disapproval. If the amendment significantly differed from the basic code and did not address a unique local condition, the amendment, in most circumstances, was recommended for disapproval.

When the analysis was completed, it was reviewed by the executive director, deputy director, or other administrative staff. If the final analysis included amendments that could not be recommended for approval, it was forwarded to the unit of government to give them an opportunity to address concerns.

If concerns could not be resolved informally, a hearing was scheduled. The

Commission was then presented with the findings of fact and conclusions of law following the hearing. The Commission could approve or disapprove amendments to the code following the hearing.

When the governmental subdivision agreed to delete objectionable amendments or provided acceptable justification for amendments, the analysis was revised and prepared for Construction Code Commission review. An analysis was not presented to the Construction Code Commission unless all amendments were recommended for approval.

Ordinances to Assume Responsibility for the Administration and Enforcement of the State Codes

Section 9 of the Act stated that a governmental subdivision may by ordinance assume responsibility for administration and enforcement of the act within its political boundary.

Governmental subdivisions did not adopt the state code, but agreed to administer and enforce the act and the code that was by the Construction Code Commission. This created confusion for many persons. There were other laws in the state that allowed state codes to be adopted by reference, but the Construction Code Act was a special statute with a special purpose and it, only, governed the manner in which ordinances were prepared for code administration and enforcement.

The State Construction Code Commission was responsible for developing the state codes by administrative rules adopting a nationally recognized code and adding to, amending or deleting portions of the code adopted. This was the state code.

The ordinance did not identify the particular code. Local government could not propose amendments to the code. It had to be enforced as adopted by the State Construction Code Commission. The Commission updated the codes and these automatically applied to any unit of government with an ordinance to administer and enforce the state code(s).

A governmental subdivision which assumed responsibility for administration and enforcement of the state code(s) could, through its chief legal officer, issue a complaint and obtain a warrant for a violation of the act and/or code with the same power and authority it possesses in prosecuting a local ordinance.

In the ordinance, the governmental subdivision had to designate an enforcing agency to discharge the responsibilities of the governmental subdivision under the act. The Act provided that an enforcing agency shall be any official or agent qualified by experience or training to perform the duties associated with construction code administration and enforcement. When the Registration Act went into effect, personnel must be registered in accordance with Act 54 of 1986.

Governmental Subdivision Options

- A county which was under the state code could exempt itself by passage of an ordinance adopting by reference or otherwise without amendment a nationally recognized model building code or other nationally recognized codes. This could not take effect until 90 days after the passage of an ordinance. Before the effective date, the county could file the proposed ordinance for approval with the commission. The commission reviewed the ordinance and approved or disapproved within 90 days. Once approved, it was the responsibility of that county to administer and enforce the codes in all governmental subdivisions within the county that had no local program.
- A city, village or township which elected to administer and enforce the state code could exempt itself by passage of an ordinance adopting by reference or otherwise without amendment a nationally recognized model building code or other nationally recognized codes. This could not take effect until 90 days after the passage of the ordinance. Before the effective date, the governmental subdivision had to file the proposed ordinance for approval with the commission. The commission reviewed the ordinance and approved or disapproved within 90 days. If this subdivision elected to go back to the state code, it could do so. This could not take effect until 6 months after passage of an ordinance to that effect.
- A governmental subdivision which had elected to exempt itself could reverse that election, making itself subject to the act and the code. That action could not take effect until 60 days after the passage of an ordinance.
- A governmental subdivision which elected to make itself subject to the code in accordance with this subsection could exempt itself not later than 3 years subsequent to its administration and enforcement of the code. The exemption could not take effect until 1 year after passage of an ordinance.

Transferring Administration and Enforcement Responsibility

Governmental subdivisions could also transfer responsibility for code administration

and enforcement. This required an ordinance to rescind their ordinance for code enforcement.

- A governmental subdivision which adopted a nationally recognized model code could rescind that ordinance and transfer the responsibility for the act and the code to the executive director. The executive director assumed the responsibility unless the county enforced the code. That action could not take effect until 12 months after the passage of an ordinance to that effect.
- A governmental subdivision which elected to use the state code may rescind that ordinance and transfer the responsibility to the executive director. The executive director assumed the responsibility unless the county enforced the code. That action could not take effect until 12 months after the passage of an ordinance to that effect.

Only the Commission could consider a request for a waiver of the 12 month period.

Applications for Approval to Administer and Enforce

The act was amended to require an application for approval to administer and enforce a code, if the unit of government had not previously enforced the code prior to December 30, 1980. The following were the requirements relating to this application.

The application and the ordinance were reviewed by BCC staff and provided to the Commission for formal approval or denial.

A governmental subdivision which did not enforce a code prior to December 30, 1980, could elect to adopt a nationally recognized model code by:

- Passage of an ordinance to that effect, and submission of an application to the commission for approval to enforce the code within its jurisdiction.

A governmental subdivision which did not enforce a code before December 30, 1980, elected to enforce the state code by:

- Passage of an ordinance to that effect, and submission of an application to the commission for approval to enforce the code within its jurisdiction

The standards for approval were:

- Certification by the governmental subdivision that the enforcing agency was qualified by experience or training to administer and enforce the code and all related acts and rules. The enforcing agency personnel had to be registered pursuant to Act 54 of 1986, or meet the qualifications for provisional registration according to the rules promulgated pursuant to Act 54 of 1986.
- Certification that agency personnel were provided as necessary. This included a review to determine that an inspector and plan reviewer were employed to enforce the codes.
- Certification that administrative services. plan review services and timely field inspection services would be provided.

The commission had to render a decision on the application and transmit its findings within 90 days. If the commission disapproved the application, the reasons for denial must be documented.

Upon receipt of approval from the construction code commission to administer and enforce the code, the governmental subdivision could administer and enforce that code within its jurisdiction pursuant to the provisions of its approved application.

Provisions Effective Throughout the State
A governmental subdivision could not exempt itself from certain sections of the act as identified below.

- **Section 9(8) State Owned Buildings**
- **Sec 9 (10) Hospitals and Nursing Homes**
- **Section 9a Performance Evaluations**
- **Section 10 Applications for Building Permit**
- **Section 13a Prohibited Appliances**
- **Section 13b Potable Water Supply**
- **Section 14 Construction Board of Appeals**
- **Section 15 Variances**
- **Section 20 Assistance**
- **Section 21 Product Approval**

- **Section 21a Installation or use of Heating Cable**
- **Section 22(1) Fees**
- **Section 23 Unlawful Conduct - Penalty**
- **Section 23a Civil Violation**

The provisions of the state code relating to the requirements of barrier free design, energy conservation, pre-manufactured units and potty parity are effective throughout the state without local modification.

Exemptions

Agricultural Buildings: The Construction Code Act does not apply to buildings incidental for agricultural purposes unless used for retail sales. If, a unit of government was enforcing a nationally recognized code, however, that code could be applied to buildings incidental for agricultural purposes.

This exemption was derived from the definition of building and structure in Section 2 of the Act. Section 2 was not a section that was applicable throughout the state. Therefore, the exemption applied only to those units of government enforcing the state code.

Schools:
Locally adopted codes could not apply to public or non-public schools within the governmental subdivision without concurrence by the school authorities having jurisdiction.

Act 230 did not repeal, amend, or otherwise affect Act No. 306 of the Public Acts of 1937, as amended, which governs the construction of schools. A school is defined as a building or part of a building which is owned, leased, or under the control of a public or private school or school system for the purpose of instruction and which is occupied by 6 or more students and used 4 or more hours per day or more than 12 hours per week.

HISTORY OF PREMANUFACTURED UNITS

One of the concerns identified in the Michigan Commission on Housing (MCH) report of 1969 was the lack of a procedure for the approval of premanufactured housing and modular units.

At the time the report was issued, the State Plumbing Board and Electrical Board were performing inspections on units built at Michigan factory sites. Most local units of government were also requiring a second plumbing and electrical inspection on site, and were inspecting for compliance with other codes as well. These inspections were very costly because they often involved dismantling the unit on site.

The MCH report recommended the inclusion of premanufactured housing in the State Construction Code Act, and the promulgation of rules by the Commission to establish appropriate procedures.

Section 19 of Act 230 was added to provide the commission authority to approve and issue certificates of acceptability to the manufacturer of premanufactured units, which allows building components and buildings to be certified for use in Michigan at a place of manufacture other than the site of final use. Rules promulgated for premanufactured units in Part 11 specify that inspections entailing disassembly, damage to, or destruction of certified premanufactured units or building components shall not be conducted.

HISTORY OF PRODUCT APPROVAL

The Michigan Commission on Housing (MCH) report issued in 1969 identified deficiencies in construction regulations. The lack of an established procedure for testing, evaluation and acceptance of new products and construction methods was cited as a deficiency.

At the time the report was issued the developer of a new product had to first gain approval from a nationally recognized model code body. If the product was for the plumbing or electrical field approval from the Plumbing and Electrical Boards was required. To use the product the developer then had to obtain approval from each political subdivision in the state.

The process was expensive, cumbersome and slow, and discouraged research and development in the construction field.

The MCH Report recommended that the Construction Code Act include the right to petition the commission for approval of a material, product, method of manufacture, or method or manner of construction or installation.

The recommendation was adopted and appears in Sec. 21 of the Act.

Section XV

Administrative Rules

Administrative Procedure Act of 1969
http://legislature.mi.gov/doc.aspx?mcl-Act-306-of-1969

Building Official & Insp. Reg. 1986
http://legislature.mi.gov/doc.aspx?mcl-Act-54-of-1986

Conflict of Interest
http://legislature.mi.gov/doc.aspx?mcl-Act-318-of-1968

Construction of School Buildings
http://legislature.mi.gov/doc.aspx?mcl-Act-306-of-1937

Contracts of Public Servants with Public Entities
http://legislature.mi.gov/doc.aspx?mcl-Act-317-of-1968

Electrical Administrative Act
http://legislature.mi.gov/doc.aspx?mcl-Act-217-of-1956

Forbes Mechanical Contractors Act
http://legislature.mi.gov/doc.aspx?mcl-Act-192-of-1984

Incompatible Public Offices
http://legislature.mi.gov/doc.aspx?mcl-Act-566-of-1978

Occupational License for Former Offenders
http://legislature.mi.gov/doc.aspx?mcl-Act-381-of-1974

Standards of Conduct for Public Officers and Employees
http://legislature.mi.gov/doc.aspx?mcl-Act-196-of-1973

State Plumbing Act
http://legislature.mi.gov/doc.aspx?mcl-Act-733-of-2002

The Stille-Derossett-Hale Single State Construction Code Act
http://legislature.mi.gov/doc.aspx?mcl-Act-230-of-1972

Utilization of Public Facilities by Physically Limited
http://legislature.mi.gov/doc.aspx?mcl-Act-1-of-1966

Executive Orders

Executive Order – 1996-2
http://www.legislature.mi.gov/(S(5qendr2bdxfuwu55czi4x455))/documents/publications/executiveorders/1996-ERO-02.htm

Executive Order – 1995-6
http://www.legislature.mi.gov/(S(5qendr2bdxfuwu55czi4x455))/documents/publications/executiveorders/1995-ERO-06.htm

Executive Order – 2000- 1
http://www.legislature.mi.gov/(S(5qendr2bdxfuwu55czi4x455))/documents/publications/executiveorders/2000-ERO-01.htm

Executive Order 2002 – 11
http://www.legislature.mi.gov/(S(5qendr2bdxfuwu55czi4x455))/documents/publications/executiveorders/2002-ERO-11.htm

Executive Order 2003 – 1
http://www.legislature.mi.gov/(S(5qendr2bdxfuwu55czi4x455))/documents/publications/executiveorders/2003-ERO-01.htm

Executive Order 2003 – 19
http://www.legislature.mi.gov/(S(5qendr2bdxfuwu55czi4x455))/documents/publications/executiveorders/2003-ERO-19.htm

Executive Order 2005 – 1
http://www.legislature.mi.gov/(S(5qendr2bdxfuwu55czi4x455))/documents/publications/executiveorders/2005-ERO-01.htm

Rules

Barrier Free Design Board General Rules
http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=12501001&Dpt=CI&RngHigh=

Building Official, Plan Reviewers, and Inspector Registration Rules
http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=40830001&Dpt=CI&RngHigh=

Electrical Administrative Board – General Rules
http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=33801001&Dpt=LG&RngHigh=

Board of Mechanical Rules
http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=40830901&Dpt=LG&RngHigh=

State Plumbing Board
http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=33800921&Dpt=CI&RngHigh=

Premanufactured Unit – General Rule – Part 11
http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=40831101&Dpt=CI&RngHigh=

Part 10 – Michigan Uniform Energy Code
http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=40831001&Dpt=CI&RngHigh=