



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

June 23, 2021

Ms. Jennifer Starlin o/b/o Muskegon Public Schools
Thrun Law Firm, P.C.
2900 West Road, Ste. 400, P.O. Box 2575
East Lansing, MI 48823

FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION

On June 17, 2021, the Construction Code Commission was presented with an Application for Construction Code Appeal submitted by Ms. Jennifer Starlin, Thrun Law Firm, P.C., on behalf of Muskegon Public Schools regarding the request for plumbing code variance for Charles Hackley Middle School, to be located at 1700 Clinton Street, Muskegon, Michigan. Muskegon Public Schools appealed the State Plumbing Board's March 5, 2021 denial of the requested variance from the requirements of Section 403.2 of the 2015 Michigan Plumbing Code (MPC). The Commission acknowledged receipt of the appeal on June 17, 2021, reviewed the application and all supplemental materials provided, consulted with counsel in closed session, and considered the matter at a public meeting on that date.

Ms. Starlin, and Mr. Matthew Cortez, Muskegon Public Schools Superintendent, attended the meeting, spoke in support of the requested variance, and answered questions from the Commission. Assistant Attorney General Joseph Froehlich attended the meeting on behalf of the State Plumbing Board and answered questions from the Commission. The Commission also gave opportunity for and heard public comment.

Following discussion, a motion was made, supported, and passed by a vote of 6-4 to reverse the decision of the State Plumbing Board and approve Muskegon Public Schools' requested variance for Charles Hackley Middle School. In reaching its decision, the Commission found there is an exceptional practical difficulty that prevents compliance with Section 403.2 of the 2015 MPC, the requested variance is not a substantial deviation from Section 403.2 of the 2015 MPC, and the requested variance is not so general or recurrent in nature such that an amendment of the code would be more appropriate.

THEREFORE, it is the final decision of the Construction Code Commission to grant Muskegon Public Schools' requested variance from the requirements of Section 403.2 of the 2015 MPC and reverse the State Plumbing Board's March 5, 2021 decision. A judicial review of this decision may be pursued in accordance with Section 18 of 1972 PA 230, MCL 125.1518.

cc: Mr. Matthew Cortez, Superintendent of Muskegon Public Schools
State Plumbing Board
BCC Plumbing Division
BCC Building and Permits Division



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Mr. Ali Elwaer, Village President
Village of Decatur
114 North Phelps Street
Decatur, MI 49045

Village of Decatur Application to Administer and Enforce
Michigan Electrical and Plumbing Codes

FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION

On June 17, 2021, the Construction Code Commission reviewed the Village of Decatur's Application to Administer and Enforce the Michigan Electrical and Plumbing Codes. The application and all supplemental materials were reviewed by the Commission. This final decision is issued pursuant to Section 8b(6) of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230.

FINDINGS AND CONCLUSIONS: The Commission acknowledged receipt and reviewed the material on this matter at the meeting on the above noted date. Notification was made to Mr. Ali Elwaer, Village President, on May 20, 2021 that this matter would be addressed by the Commission for consideration. Mr. Glenn Lindsey, Village Building Official from SAFEbuilt LLC, attended the meeting and provided testimony to the Commission. Following discussion, the Commission moved to approve the Village of Decatur's Application to Administer and Enforce as submitted, effective in thirty (30) days.

THEREFORE, it is the final decision of the Construction Code Commission to approve the Village of Decatur's Application to Administer and Enforce the Michigan Electrical and Plumbing Codes as submitted. This approval is effective 30 days from the approval, July 17, 2021. The responsibility for administration and enforcement of the Michigan Electrical and Plumbing Codes within the Village will remain with the State of Michigan until the approval becomes effective. This is a final decision of the Commission pursuant to Section 18 of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230.

cc: BCC, Building and Permits Division
BCC, Plumbing Division
BCC, Electrical Division