

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION CODE

PART 4. BUILDING CODE

EMERGENCY RULES

Filed with the Secretary of State on

These rules take effect upon filing with the Secretary of State and shall remain in effect for 6 months.

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

FINDING OF EMERGENCY

These rules are promulgated by the Department of Licensing and Regulatory Affairs to establish emergency rule to exclude sections 423.3 and 423.4 from the Michigan Building Code which is based upon the international building code. Sections 423.3 and 423.4 are new additions to the previous international building code, 2012 edition. These additional sections require critical emergency operations and public school buildings to construct storm shelters where the shelter design wind speed for tornadoes is at its highest (250 MPH). For schools that have an auditorium or gymnasium where large numbers gather for sporting events or other school activities, a storm shelter must be capable of accommodating all of those occupants. Much of the lower peninsula of Michigan resides within this design criteria.

The 2015 Michigan Building Code is based on provisions of the international building code, 2015 edition, adopted in Michigan and effective April 20, 2017. This code regulates all alterations, renovations, improvements, and construction of new and existing buildings in Michigan which includes police, fire, and rescue stations along with public schools. Since the effective date, the Bureau of Construction Codes has received over 250 plans from public schools to perform building alterations, renovations, improvements and construction. With the application of sections 423.3 and 423.4, the approval for these plans would require the public school to include construction of a storm shelter able to withstand winds over 250 miles per hour, without prior funding, planning, design, or contractual provisions in place. This requirement poses a threat to public school opening dates, as construction would be delayed while funding, contractual negotiations, and revised design plans would be needed to accommodate the storm shelter mandate.

June 9, 2017

Many of the alterations requested by the schools include security measures to protect students and staff, or are expansions to ensure suitable space to accommodate the number of students in the school district. The funding for the renovations, security improvements, and expansions is through millage or bonds and is allocated when the improvements are proposed. This requirement creates an undue burden on the local communities attempting to protect the safety and welfare of students and staff. Most importantly, permanent administrative rules cannot be promulgated quickly enough to allow proposed public school construction projects to commence for the 2017 summer construction season.

In order to allow the schools to fulfill their commitment to renovations, security improvements, and expansions, the Department of Licensing and Regulatory Affairs therefore finds this action necessary, allowing renovations and thus timely school openings by expediting this process without the requirements of Section 423.3 and 423.4. This requires the promulgation of emergency rules without following the notice and participation procedures required by sections 41, 42, and 48 of 1969 PA 306, as amended, MCL 24.241, MCL 24.242, and MCL 24.248 of the Michigan Compiled Laws.

R 408.30401 Applicable code.

Rule 401. The provisions of the international building code, 2015 edition, including appendices F, G, and H, except for sections 104.8, 109.2 to 109.6, 114.3, 415.9.1.2 to 415.9.1.9, 415.7.4, 423.3, 423.4, 903.2.8.3.1, 903.2.8.3.2, 903.2.8.4, 2902 to 2902.6, Table 2902.1, 3005.5, the definition of “agricultural building” in section 202, the definition of "recreational vehicle" in Appendix G, and, IECC-2015, IEBC-2015, IMC-2015, IPC-2015, IPSDC-2015, NFPA 70-2014, listed in chapter 35, govern the construction, alteration, relocation, demolition, use, and occupancy of buildings and structures, and, with exceptions noted, the international building code is adopted by reference in these rules. All references to the International Building Code, International Residential Code, International Energy Conservation Code, National Electrical Code, International Existing Building Code, International Mechanical Code, and International Plumbing Code mean the Michigan Building Code, Michigan Residential Code, Michigan Energy Code, Michigan Electrical Code, Michigan Rehabilitation Code for Existing Buildings, Michigan Mechanical Code, and Michigan Plumbing Code, respectively. The code is available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 W. Ottawa St., 1st Floor, Ottawa Building, Lansing, MI 48933. The code may be purchased from the International Code Council, through the bureau’s website at www.michigan.gov/bcc, at a cost as of the time of adoption of these amendatory rules of \$128.00.

2015 Michigan Building Code

Section 423.3 Critical emergency operations. In areas where the shelter design wind speed for tornados in accordance with Figure 304.2(1) of ICC 500 is 250 MPH, 911 call stations, emergency operation centers and fire, rescue, ambulance, and police stations shall have a storm shelter constructed in accordance with ICC 500.

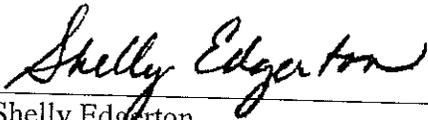
Exception: Buildings meeting the requirements for shelter design in ICC 500.

Section 423.4 Group E occupancies. In areas where the shelter design wind speed for tornados is 250 MPH in accordance with Figure 304.2(1) of ICC 500, all Group E occupancies with an aggregate occupant load of 50 or more shall have a storm shelter constructed in accordance with ICC 500. The shelter shall be capable of housing the total occupant load of the Group E occupancy.

Exceptions:

1. Group E day care facilities.
2. Group E occupancies accessory to places of religious worship.
3. Buildings meeting the requirements for shelter design in ICC 500.

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

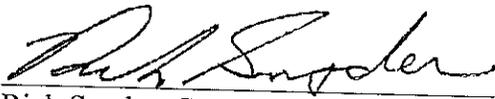


Shelly Edgerton

Director

Department of Licensing and Regulatory Affairs

Pursuant to Section 48(1) of 1969 PA 306, as amended, MCL 24.248(1), I hereby concur in the finding of the Department of Licensing and Regulatory Affairs that the circumstances creating an emergency have occurred and the promulgation of the above rules are required in the interest of public health.



Rick Snyder, Governor

6-13-17

Date