



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

July 27, 2022

Mr Kurtis Norton  
Township of AuSable  
9181 N. Keno Road  
St. Helen, MI 48656

Township of AuSable  
Application to Administer and Enforce  
Michigan Building, Electrical, Mechanical and Plumbing Codes

### **FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On July 20, 2022, the Construction Code Commission reviewed the Township of AuSable's Application to Administer and Enforce the Michigan Building, Electrical, Mechanical 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:** Notification was made to Mr. Kurtis Norton on July 18, 2022 that this matter would be addressed by the Commission at the meeting on July 20, 2022. The Commission acknowledged receipt and reviewed the application and materials at the meeting on July 20, 2022. There was no representation present at the meeting for the Township of AuSable. Following discussion, the Commission moved to deny the Township of AuSable's Application to Administer and Enforce due to deficiencies cited in the Bureau's July 18, 2022 Memorandum (attached) and further added that all items be corrected prior to reapplying.

**THEREFORE,** it is the final decision of the Construction Code Commission to deny the Township of AuSable's Application to Administer and Enforce the Michigan Building, Electrical, Mechanical and Plumbing Codes due to deficiencies cited in the Bureau's July 18, 2022 Memorandum and that all items be corrected prior to reapplying. 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 Section  
BCC Electrical Section  
BCC Mechanical Section  
BCC Plumbing Section

Attachment



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## Memorandum

DATE: July 18, 2022

TO: State Construction Code Commission

FROM: Keith Lambert, Bureau Director

SUBJECT: Application to Administer and Enforce, AuSable Township

On May 23, 2022, we received an application consisting of 27 pages. This application missed the May 20, 2022, deadline for submission for the July 20, 2022, meeting; however, we were requested to conduct a review and put it on the July 20, 2022, agenda.

A review was conducted in accordance with MCL 125.1508b(6) of 1972 PA 230. The overall application has been determined to be insufficient with the following items noted:

1. The application form was not certified by an elected official from AuSable Township.
2. A list of governmental subdivisions that each building official/inspector/plan reviewer is responsible for in other jurisdictions was not provided as required by checklist item 3.
3. According to the construction board of appeals documentation provided, it references the BOCA National Code and all members' terms expired in 2021. A construction board of appeals form, and process from AuSable Township were not provided as required by checklist item 4.
4. A Freedom of Information Act (FOIA) form, process, retention schedule, and location for storage of these records/documents from AuSable Township were not provided as required by checklist item 5.
5. According to the public facing documents provided, some of the documents provided referenced Crawford County and there was no mention of AuSable Township on any of these documents. Permits, correction/violation notice, certificate of occupancy, notice to appear or show cause, and a sample plan review letter were not provided by AuSable Township as required by checklist item 6.

6. A process for establishing reasonable fees from AuSable Township was not provided as required by checklist item 7.
7. Proposed fees for permits, plan reviews, inspections, certificate of use and occupancy, and registration of licenses were not provided by AuSable Township as required by checklist item 8.
8. A draft budget for the AuSable Building Department was not provided as required by checklist item 9.
9. An ordinance identifying the statutory/rule/code authority they wish to assume from AuSable Township was not provided as required by checklist item 10. MCL 125.1508b requires that a governmental subdivision pass an ordinance as a condition of the process to assume responsibility for administration and enforcement of the act and code.

According to the Crawford County January 1972 meeting minutes provided, the county by ordinance adopted the Crawford County Building Code which regulates building materials, construction standards, and a cost schedule for building permits among the items listed. The Bureau will be following up with the county to gather additional information regarding its ordinance, code authority, and fee schedule.

10. A fund 249 report for Crawford County was provided. AuSable Township is seeking the authority to administer and enforce the code; therefore, a 249 account/fund needs to be created for township depicting an estimate for the usage of construction fees. This document must be provided to meet the requirement for checklist item 11.

According to the Crawford County fund 249 report provided, there are revenue lines for licenses and builder registration fees. The Bureau will be following up with the county to gather additional information on these revenue items.

11. A process on granting code variances from AuSable Township was not provided as required by checklist item 12.
12. A process on how issues are addressed regarding licensing violations and work being performed by unlicensed individuals who are required to be licensed was not provided as required by checklist item 13.
13. The process to assure officials, inspectors, and plan reviewers are meeting continuing education requirements was not provided as required by checklist item 15.
14. An option or process on how the governmental subdivision addresses complaints against its construction officials, inspectors, and plan reviewers has not been provided as required by checklist item 16. This process should include notification with the licensing authority, Bureau of Construction Codes.

If the application is denied, we suggest all the above-mentioned items are addressed prior to a new application being submitted to the Commission.



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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

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July 27, 2022

Mayor Lori West  
City of Galesburg  
200 East Michigan Avenue  
Galesburg, MI 49053

City of Galesburg  
Application to Administer and Enforce  
Michigan Electrical, Mechanical, Plumbing Codes

### **FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On July 20, 2022, the Construction Code Commission reviewed the City of Galesburg's Application to Administer and Enforce the Michigan Electrical, Mechanical 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:** Notification was made to Mayor Lori West on July 12, 2022 that this matter would be addressed by the Commission at the meeting on July 20, 2022. The Commission acknowledged receipt and reviewed the application and materials at the meeting on July 20, 2022. Mr. Glenn Lindsey, SAFEbuilt, LLC attended the meeting and provided testimony to the Commission. Following discussion, the Commission moved to deny the City of Galesburg's Application to Administer and Enforce due to deficiencies cited in the Bureau's July 12, 2022 Memorandum (attached) and further added that all items be corrected prior to reapplying.

**THEREFORE,** it is the final decision of the Construction Code Commission to deny the City of Galesburg's Application to Administer and Enforce the Michigan Electrical, Mechanical, Plumbing Codes due to deficiencies cited in the Bureau's July 12, 2022 Memorandum and that all items be corrected prior to reapplying. 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 Electrical Section  
BCC Mechanical Section  
BCC Plumbing Section

Attachment



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

## Memorandum

DATE: July 12, 2022

TO: State Construction Code Commission

FROM: Keith Lambert, Bureau Director

SUBJECT: Application to Administer and Enforce, City of Galesburg

On January 26, 2022, we received the original application consisting of 48 pages. A review was conducted in accordance with MCL 125.1508b(6) of 1972 PA 230, and a letter was issued on March 25, 2022, outlining the review findings. On May 20, 2022, we received a supplemental application consisting of 38 pages. A subsequent review was conducted. The overall application has been determined to be insufficient with the following items noted:

1. According to Ordinance No. 281 provided, Galesburg adopted the 2015 edition of the plumbing code, references the International Electrical Code, and does not adopt the existing building code. MCL 125.1504(2) requires adoption of the existing building code and requires the Michigan Electrical Code be based upon the national electrical code published by the national fire prevention association. MCL 125.1504(2) does not require specific years of a code be adopted.
2. According to Ordinance No. 280 provided, Galesburg adopted the 2015 edition of the mechanical code and assumes responsibility for administration and enforcement according to Section 9 of 1972 PA 230. MCL 125.1504(2) does not require specific years of a code be adopted, and MCL 125.1508(b) provides a governmental subdivision the ability to administer and enforce the code.
3. According to the Professional Service Agreement provided, "If payment is not received within ninety days of invoice date, Services will be discontinued until all invoices and interest are paid in full". If services are discontinued by the Consultant in this agreement, how will the city continue to administer and enforce the code?
4. According to the Professional Service Agreement provided, plan review services will be reviewed by ICC Certified Plans Examiner. Plan reviews must be performed by individuals

registered as plan reviewers in accordance with the Skilled Trades Regulation Act, 2016 PA 407.

5. According to the sample plan review letter provided, it mentions both the 2015 Michigan Building Code and the 2015 Michigan Residential Code. The building permit, inspection, result, and certificate of occupancy for this project only mention the project being commercial.
6. A trial balance report for a fund 249 was provided. The City of Galesburg has the authority to administer and enforce the building code; therefore, a 249 account/fund should exist depicting the usage of construction fees. This document should be provided to meet the requirement for checklist item 11.
7. An option or process on how the governmental subdivision addresses complaints against its construction officials, inspectors, and plan reviewers has not been provided as required by checklist item 16. This process should include notification with the licensing authority, Bureau of Construction Codes.

If the application is denied, we suggest all the above-mentioned items are addressed prior to a new application being submitted to the Commission.

This memo was provided to the applicant at the time they were given notice of the meeting notice, and the applicant can address the above-mentioned items at the July 20, 2022, meeting.



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
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July 27, 2022

Ms. Nancy Ann Whaley  
Township of Geneva  
63133 16<sup>th</sup> Avenue  
Bangor, MI 49013

Township of Geneva  
Application to Administer and Enforce  
Michigan Plumbing Code

### **FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On July 20, 2022, the Construction Code Commission reviewed the Township of Geneva's Application to Administer and Enforce the Michigan Plumbing Code. 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:** Notification was made to Ms. Nancy Ann Whaley on July 11, 2022 that this matter would be addressed by the Commission at the meeting on July 20, 2022. The Commission acknowledged receipt and reviewed the application and materials at the meeting on July 20, 2022. There was no representation present at the meeting for the Township of Geneva. Following discussion, the Commission moved to deny the Township of Geneva's Application to Administer and Enforce due to deficiencies cited in the Bureau's July 11, 2022 Memorandum (attached) and further added that all items be corrected prior to reapplying.

**THEREFORE,** it is the final decision of the Construction Code Commission to deny the Township of Geneva's Application to Administer and Enforce the Michigan Plumbing Code due to deficiencies cited in the Bureau's July 11, 2022 Memorandum and that all items be corrected prior to reapplying. 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 Plumbing Section

Attachment





GRETCHEN WHITMER  
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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

## Memorandum

DATE: July 11, 2022

TO: State Construction Code Commission

FROM: Keith Lambert, Bureau Director

SUBJECT: Application to Administer and Enforce, Geneva Township

On January 21, 2022, we received the original application consisting of 14 pages. A review was conducted in accordance with MCL 125.1508b(6) of 1972 PA 230, and a letter was issued on February 28, 2022, outlining the review findings. On March 25, 2022, we received a supplemental application consisting of 16 pages. The overall application has been determined to be insufficient with the following items noted:

1. According to the Township Ordinance provided, Geneva Township adopted the 2018 edition of the plumbing code, references the International Electrical Code, and does not adopt the existing building code. MCL 125.1504(2) requires adoption of the existing building code and requires the Michigan Electrical Code be based upon the national electrical code published by the national fire prevention association.
2. According to the plumbing contractor compliance policy provided, plumbing contractors performing work in Geneva Township must register their license with MTS Allegan, Inc. and pay a \$15.00 registration fee. MCL 339.6125(4) provides that only the enforcing agency may register a licensee and only the governmental subdivision can collect the registration fee.
3. According to the plumbing contractor compliance policy provided, unpermitted work done by a plumbing contractor shall be reported by MTS Allegan, Inc. to LARA. This process contradicts what is required by MCL 125.1512(3) and MCL 339.5601(8). These acts require the enforcing agency to notify the person performing work without a permit of the violation of this act, or other applicable laws and ordinances, and to appear and show cause why the construction should not be stopped.
4. A retention schedule for the Freedom of Information Act (FOIA) was not provided as noted in checklist item 5. Based upon the documentation concerning FOIA, records are

retained and stored at MTS Allegan, Inc. The Freedom of Information Act, 1976 PA 442, requires the public body (in this instance the township) to be in possession and retain public records.

5. A correction/ violation notice, certificate of occupancy, notice to appear or show cause, stop work order, and sample plan review letter were not provided as required by checklist item 6. The plumbing permit that was provided indicates that the application must be submitted to the Bureau of Construction Codes on page two of this permit form.
6. A process for establishing reasonable fees was not provided as required by checklist item 7.
7. A draft budget for the plumbing department was not provided as required by checklist item 9.
8. A 249 account/fund for construction fees was not provided as required by checklist item 11.
9. The process to assure officials, inspectors, and plan reviewers are meeting continuing education requirements was not provided as required by checklist item 15.

If the application is denied, we suggest all the above-mentioned items are addressed prior to a new application being submitted to the Commission.

This memo was provided to the applicant at the time they were given notice of the meeting notice, and the applicant can address the above-mentioned items at the July 20, 2022, meeting.



GRETCHEN WHITMER  
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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

July 27, 2022

Mr. Joseph Sovis, P.E.  
Matrix Consulting Engineers, Inc.  
1601 E. Cesar E. Chavez  
Lansing, MI 48906

### **FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On July 20, 2022, the Construction Code Commission reviewed the Application for Construction Code Appeal submitted by Matrix Consulting Engineers, Inc., for the MDOC Jackson Regional Warehouse located at 1994 Parnell Road, Jackson; Jackson County. Matrix Consulting Engineers, Inc. requested exception to Sections 695.3(A), 695.4(B)(1)(a), and 695.4(B)(1)(c) of the 2017 Michigan Electrical Code. The application and all supplemental materials were reviewed by the Commission. This final decision is issued pursuant to Section 16 of 1972 PA 230.

**FINDINGS AND CONCLUSIONS:** Notification was made to Mr. Joseph Sovis on July 8, 2022, that this matter would be addressed by the Commission at the meeting on July 20, 2022. The Commission acknowledged receipt and reviewed the material on this matter at the meeting on July 20, 2022. Mr. Joseph Sovis attended the meeting and provided testimony to the Commission. Following discussion, the Commission moved to approve Mr. Sovis' appeal application as submitted.

**THEREFORE,** it is the final decision of the Construction Code Commission to approve Mr. Sovis' appeal for relief from the requirements of Sections 695.3(A), 695.4(B)(1)(a), and 695.4(B)(1)(c) of the 2017 Michigan Electrical Code for the MDOC Jackson Regional Warehouse. A judicial review of this decision may be requested in accordance with the Administrative Procedures Act, 1969 PA 306.

cc: BCC Electrical Section



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

July 27, 2022

Ms. Doris Methner  
Township of Wise  
7160 N. Wise Road  
Clare, MI 48617

Township of Wise  
Application to Administer and Enforce  
Michigan Building, Electrical, Mechanical and Plumbing Codes

### **FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On July 20, 2022, the Construction Code Commission reviewed the Township of Wise's Application to Administer and Enforce the Michigan Building, Electrical, Mechanical 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:** Notification was made to Ms. Doris Methner on July 11, 2022 that this matter would be addressed by the Commission at the meeting on July 20, 2022. The Commission acknowledged receipt and reviewed the application and materials at the meeting on July 20, 2022. There was no representation present at the meeting for the Township of Wise. Following discussion, the Commission moved to deny the Township of Wise's Application to Administer and Enforce due to deficiencies cited in the Bureau's July 11, 2022 Memorandum (attached) and further added that all items be corrected prior to reapplying.

**THEREFORE,** it is the final decision of the Construction Code Commission to deny the Township of Wise's Application to Administer and Enforce the Michigan Building, Electrical, Mechanical and Plumbing Codes, due to deficiencies cited in the Bureau's July 11, 2022 Memorandum and that all items be corrected prior to reapplying. 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: Steve Krotzer, Building Official, Isabella County

Attachment



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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

## Memorandum

DATE: July 11, 2022

TO: State Construction Code Commission

FROM: Keith Lambert, Bureau Director

SUBJECT: Application to Administer and Enforce, Wise Township

On March 31, 2017, the Bureau of Construction Codes issued a letter to Wise Township notifying it that the Bureau was made aware that the Township had entered into an agreement with Township Code Authority of Midland County for construction code enforcement within the Township. The Township was further advised that they did not have the authority to administer and enforce the State Codes and that this action and agreement were in violation of state law. Additionally, they were told that an application must be submitted to the State Construction Code Commission for their review and approval in granting the ability to administer and enforce the code. Please be advised that Isabella County is the enforcing agency for Wise Township.

On October 23, 2019, we received the original application consisting of 9 pages. A review was conducted in accordance with MCL 125.1508b(6) of 1972 PA 230, and a letter was issued on December 20, 2019, outlining the review findings. On December 21, 2020, we received a supplemental application consisting of 20 pages. A subsequent review was conducted, and a letter was issued on March 16, 2021, identifying that the supplemental application was deemed incomplete and a certified, adopted ordinance needed to be received before a further review would be conducted. On May 13, 2021, we received a response regarding the ordinance. On October 22, 2021, we issued a letter advising the Township of a more in-depth review process and allowing them the opportunity to move forward with its current application or withdraw it and resubmit a new application. The Township elected to continue with its current application. On March 24, 2022, we received supplemental information consisting of 21 pages to address the November 22, 2021, findings. The overall application has been determined to be insufficient with the following items noted:

1. According to the March 18, 2017, Wise Township Board meeting minutes regarding the agreement between Wise Township and the Township Code Authority of Midland County, it states that the Township Code Authority of Midland County will govern permit fees set

by the Township Code Authority of Midland County. A letter regarding administrative personnel also states that fees will be established by the Township Code Authority of Midland County. Only governmental subdivisions per MCL 125.1522(1) have the authority to set fees.

2. According to the Building Permit Application, penalties for a person practicing without being licensed, range from \$5,000 to 2 years in prison. These matters are criminal requiring prosecutorial action. Please provide procedures and processes on how these matters are addressed.
3. According to the Electrical, Mechanical, and Plumbing Applications under types of job indicates state owned and school buildings. State owned buildings are strictly under the authority of the Bureau of Construction Codes. School building are under the authority of the Bureau of Construction Code unless delegated by the Bureau. Please clarify the reason these job types are on the applications or revise the applications as necessary.
4. A Freedom of Information Request Reimbursement from the Township Code Authority was provided. Procedures and a retention schedule for the Freedom of Information Act was not provided as noted in checklist item 5.
5. A certificate of occupancy, notice to appear or show cause, stop work order, and sample plan review letter were not provided as required by checklist item 6.
6. A process for establishing reasonable fees was not provided as required by checklist item 7.
7. The Wise Township ordinance provided does not adopt the building, electrical, mechanical, plumbing, residential, existing building, and energy codes which are the seven codes which make up the State Code according to MCL 125.1504(2).
8. A 249 account/fund for construction fees was not provided as required by checklist item 11.
9. A process on granting code variances was not provided as required by checklist item 12.
10. A process on how issues are addressed regarding licensing violations and work being performed by unlicensed individuals who are required to be licensed was not provided as required by checklist item 13.
11. The process to assure officials, inspectors, and plan reviewers are meeting continuing education requirements was not provided as required by checklist item 15.

12. An option or process to allow complaints against construction officials, inspectors, and plan reviewers to be filed with the licensing authority, Bureau of Construction Codes, has not been provided as required by checklist item 16.

If the application is denied, we suggest all the above-mentioned items are addressed prior to a new application being submitted to the Commission.

This memo was provided to the applicant at the time they were given notice of the meeting notice, and the applicant has the opportunity to address the above-mentioned items at the July 20, 2022 meeting.



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

August 8, 2022

Michigan Air Conditioning Contractors Association  
602 W. Ionia  
Lansing, MI 48933

Mr. Phil Forner  
PO Box 296  
Allendale, MI 49401

### **FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On July 20, 2022, the Construction Code Commission was presented with a Request for Declaratory Ruling submitted by the Michigan Air Conditioning Contractors Association (MIACCA) and Mr. Phil Forner regarding MCL 125.1510(1). The request identified the question presented to the Commission as "Does MCL 125.1510(1) require all applications for a state construction code permit be issued on a form prescribed by the Commission?" On July 11, 2022, the requesting parties were notified that the request would be addressed by the Commission at the meeting on July 20, 2022.

The Commission acknowledged receipt of the request on July 20, 2022, reviewed the request and all supplemental materials provided, and considered the matter at a public meeting on that date. Ms. MJ D'Smith of the MIACCA spoke in support of the request for the declaratory ruling at the meeting.

Following discussion, a motion was made, supported, and passed by a unanimous vote to deny the Request for Declaratory Ruling for the reason that MCL 125.1510(1) speaks for itself and does not require any further action by the Commission.

THEREFORE, it is the final decision of the Construction Code Commission to deny the Request for Declaratory Ruling. Judicial review of this decision may be pursued as permitted by law.