

Local code enforcement agencies must enforce state construction codes

Adopting nationally recognized model codes will enable uniform construction code enforcement

On December 28, 1999, Governor Engler signed Senate Bill 463 into law as the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 245 of 1999. PA 245 revises the State Construction Code Act of 1972 (MCL 125.1501, *et seq*) to mandate a single set of construction standards for use throughout Michigan.

Michigan codes updated to nationally recognized model codes

PA 245 requires the State Construction Code to consist of the International Residential, Building, Mechanical and Plumbing Codes, the National Electrical Code and the Michigan Uniform Energy Code. The Michigan Electrical, Plumbing, Mechanical and Building Codes must be updated to those nationally recognized model codes, and Michigan municipalities that enforce construction codes must indicate their intention to adopt and enforce each specific code. PA 245 is administered by the Michigan Department of Consumer & Industry Services Bureau of Construction Codes (BCC), which is in the process of updating the Michigan codes.

PA 245 no longer permits local municipalities to adopt and amend codes regulating construction. As each updated Michigan code is adopted, it will apply throughout Michigan. Local conditions will be included in the updated codes where specific safeguards have been identified as necessary for public welfare, such as frost depth and ground snow load provisions.

The Michigan Electrical Code was updated on December 6, 1999, to the 1999 edition of the National Electrical Code, making it the first of the codes to become effective within every jurisdiction in the state. Municipalities may not amend the code, but must adhere to the provisions outlined in the Part 8 Michigan Electrical Code Rules.

In January 2000, the BCC notified all local municipalities of the State Code changes and provided Notice of Intent and Notice of Adoption of the Michigan Electrical Code forms to each chief elected official. The notices outlined specific information regarding the state codes and the options available to local municipalities. Each municipality was required to respond by March 15, 2000, indicating their intent in the administration and enforcement of the electrical code.

A second notice was sent on March 17 to each municipality that did not respond. The BCC concluded that those municipalities ignoring the second notice do not intend to continue to administer and enforce the electrical code in their jurisdictions. In those cases, either the county agency or the BCC will provide for code administration and enforcement.

Other codes, including building, mechanical and plumbing codes, are in the process of being updated. Local municipalities have representation on the drafting committees to provide input on the codes.

Once the draft codes are developed, a public forum will be held to allow review and input on the final versions for adoption. Notice of the public forum will be provided on the BCC web site.

Once these codes become effective, local municipalities will again have a choice of electing to administer and enforce the state codes or relinquishing authority to a county agency or the BCC.

PA 245 impacts other aspects of enforcement

Other provisions of PA 245 include:

- An exemption for all agricultural buildings used for agricultural purposes on the land on which the building is located if it is not used in the retail trade business.
- Common stair tread and riser dimensions. Stairs in one- and two-family dwellings are required to have a maximum riser height of 8/ inches and minimum tread depth of 9 inches. These requirements are in place until the building code is updated, at which time the provisions of the building code will govern stair construction.

PA 245 no longer permits municipalities to adopt and amend codes regulating construction.

• Appeals of decisions made by local construction boards of appeals may now be heard by the State Construction Code Commission.

• Fees generated from applications for permit and inspections are now limited for use in the administration and enforcement of the codes, including construction boards of appeals. The funds may not be used for other purposes.

• Permit application forms have been revised to include new language and are available on the BCC web site for local municipalities to use.

PA 245 targets uniform training and enforcement

The changes in the State Construction Code Act will help in uniform application of construction codes and provide expanded opportunities for training. Inspectors will now be able to concentrate on one set of codes, rather than the numerous codes previously adopted by local municipalities. Trainers will be able to offer more in-depth training programs to more inspectors.

Local municipalities will benefit from a single state code, as they no longer will be required to update local ordinances. Completion of the two notices sent in January fulfilled the requirements for the Michigan Electrical Code. Notices will be provided for the building, mechanical and plumbing codes as they are updated.

For more information on the state construction codes, the code updating process and other Bureau of Construction Code activities, call (517) 241-9302, or visit the BCC web site at www.cis.state.mi.us/bcc.

by Henry L. Green, Director
Bureau of Construction Codes
Michigan Department of
Consumer & Industry Services