



# SENATE BILL No. 364

February 9, 1993, Introduced by Senators CHERRY, O'BRIEN  
and HART and referred to the Committee on State Affairs  
Military/Veteran Affairs.

A bill to amend section 8 of Act No. 230 of the Public Acts  
of 1972, entitled as amended

"State construction code act of 1972,"

as amended by Act No. 135 of the Public Acts of 1989, being  
section 125.1508 of the Michigan Compiled Laws; and to add  
section 21a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 230 of the Public Acts of  
2 1972, as amended by Act No. 135 of the Public Acts of 1989, being  
3 section 125.1508 of the Michigan Compiled Laws, is amended and  
4 section 21a is added to read as follows:

5 Sec. 8. (1) This act and the code ~~are applicable~~ APPLY  
6 throughout the state except that a governmental subdivision may  
7 elect to exempt itself from certain parts of this act and the  
8 code by adopting and enforcing a nationally recognized model

1 building code or other nationally recognized model codes. It  
2 ~~shall~~ IS not ~~be~~ necessary for a governmental subdivision to  
3 elect to exempt itself from every part of the code promulgated by  
4 the commission in order to preserve its exemption election as to  
5 1 or more nationally recognized model codes. A governmental sub-  
6 division may make this election by the passage of an ordinance  
7 adopting by reference or otherwise without amendment a nationally  
8 recognized model building code or other nationally recognized  
9 model codes. A county ordinance adopted pursuant to this act  
10 shall be adopted by the county board of commissioners and shall  
11 be signed by the chairperson of the county board of commissioners  
12 and certified by the county clerk. A governmental subdivision  
13 ~~which~~ THAT elects not to be governed by certain parts of this  
14 act and the code shall review and update its codes by amending  
15 its ordinance at least once every 3 years by adopting without  
16 amendment all changes to those codes and submitting a certified  
17 copy of the amended ordinance to the commission. However, a gov-  
18 ernmental subdivision adopting nationally recognized model codes  
19 may approve amendments to those codes by ordinance. The amend-  
20 ments shall become effective 90 days after passage of the ordi-  
21 nance and 90 days after a certified copy of the ordinance is  
22 delivered to the commission, unless the commission determines  
23 after a public hearing that the codes, as amended, do not ade-  
24 quately protect the health, safety, or welfare of the people of  
25 the governmental subdivision, or that the amendments tend to  
26 unnecessarily increase construction costs; ~~or~~ restrict the use  
27 of new materials, products, or methods of construction; ~~or~~

1 provide preferential treatment to types or classes of materials,  
2 products, or methods of construction; ~~—, or that the amendment~~  
3 ~~obstructs~~ OBSTRUCT the substantive uniformity of building codes  
4 within a region or locality in the state.

5 (2) ~~Within 10 days after the effective date of this subsec-~~  
6 ~~tion, the~~ THE executive director shall provide a notice of  
7 intent form to all governmental subdivisions administering and  
8 enforcing a nationally recognized model code. This form shall  
9 set forth the date return receipt is required, which date shall  
10 not be less than 60 days after receipt. The chief elected offi-  
11 cial of the governmental subdivision that receives this notice  
12 shall indicate on the form the intention of the governmental sub-  
13 division as to whether it shall continue to administer and  
14 enforce its code and transmit this notice to the executive direc-  
15 tor within the prescribed period. If a governmental subdivision  
16 fails to submit a notice of intent to continue to administer and  
17 enforce its code within the date set forth in the notice, the  
18 executive director shall send a notice by registered mail to the  
19 clerk of that governmental subdivision. The registered notice  
20 shall indicate that the governmental subdivision ~~shall have~~ HAS  
21 15 additional days in which to submit a notice of intent to con-  
22 tinue to administer and enforce its code. If the governmental  
23 subdivision does not respond by the end of the 15 additional  
24 days, it shall be conclusively presumed that the governmental  
25 subdivision does not intend to continue to administer and enforce  
26 its code and the executive director shall assume the  
27 responsibility for administering and enforcing this act and the

1 code in that governmental subdivision, unless the county within  
2 which that governmental subdivision is located has submitted a  
3 notice of intent to continue to administer and enforce this act  
4 and the code. Governmental subdivisions may provide by agreement  
5 for joint enforcement of another nationally recognized model code  
6 adopted pursuant to subsection (1).

7       (3) A county ~~which~~ THAT was administering and enforcing  
8 this act and the code pursuant to section 9(1) on December 30,  
9 1980, and has submitted a notice of intent to continue to admin-  
10 ister and enforce the code to the executive director pursuant to  
11 section 9, after December 30, 1980, may exempt itself pursuant to  
12 subsection (1) by the passage of an ordinance adopting by refer-  
13 ence or otherwise without amendment a nationally recognized model  
14 building code or other nationally recognized model codes.  
15 However, that action shall not take effect until 90 days after  
16 passage of an ordinance to that effect. Before the effective  
17 date of this action and the effective date of the ordinance,  
18 ~~the~~ A county ~~which~~ THAT proposes to adopt an ordinance to  
19 this effect shall file the proposed ordinance for approval pursu-  
20 ant to subsection (1) with the commission. The commission shall  
21 review the proposed ordinance. If the commission does not  
22 approve or disapprove the proposed ordinance within 90 days after  
23 it is filed with the commission, the proposed ordinance shall be  
24 considered approved unless the county grants the commission addi-  
25 tional time to consider the proposed ordinance. The executive  
26 director shall notify a county ~~which~~ THAT elects to exempt  
27 itself pursuant to subsection (1) of all governmental

1 subdivisions within their jurisdiction that have not submitted a  
2 notice of intent to continue to administer and enforce its code.  
3 It ~~shall be~~ IS the responsibility of that county to administer  
4 and enforce that code for all of the governmental subdivisions  
5 within the county ~~which~~ THAT have not submitted a notice of  
6 intent to continue to administer and enforce its code within its  
7 jurisdiction. A structure commenced under an effective code  
8 shall be completed under that code. A county ~~which~~ THAT elects  
9 to exempt itself in accordance with this subsection may exercise  
10 the option to administer and enforce this act and the code pursu-  
11 ant to section 9(1). However, the exercise of this election to  
12 administer and enforce this act and the code shall not take  
13 effect until 6 months after passage of an ordinance to that  
14 effect.

15 (4) A governmental subdivision ~~which~~ THAT has elected to  
16 assume responsibility for the administration and enforcement of  
17 this act and the code, and has submitted a notice of intent to  
18 continue to administer and enforce the code to the executive  
19 director pursuant to section 9, after December 30, 1980, may  
20 reverse that election and exempt itself pursuant to subsection  
21 (1) by the passage of an ordinance adopting by reference or oth-  
22 erwise without amendment a nationally recognized model building  
23 code or other nationally recognized model codes. However, that  
24 action shall not take effect until 90 days after passage of an  
25 ordinance to that effect. Before the effective date of this  
26 action and the effective date of the ordinance, ~~the~~ A  
27 governmental subdivision ~~which~~ THAT proposes to adopt an

1 ordinance to this effect shall file the proposed ordinance for  
2 approval pursuant to subsection (1) with the commission. The  
3 commission shall review the proposed ordinance. If the commis-  
4 sion does not approve or disapprove the proposed ordinance within  
5 90 days after it is filed with the commission, the proposed ordi-  
6 nance shall be considered approved unless the governmental subdi-  
7 vision grants the commission additional time to consider the pro-  
8 posed ordinance. A structure commenced under an effective code  
9 shall be completed under that code. A governmental subdivision  
10 ~~which~~ THAT elects to exempt itself in accordance with this sub-  
11 section may exercise the option to make itself subject to this  
12 act and the code pursuant to section 9(1). However, the exercise  
13 of this election to be subject to this act and the code shall not  
14 take effect until 6 months after passage of an ordinance to that  
15 effect.

16 (5) A governmental subdivision ~~which~~ THAT has elected to  
17 exempt itself pursuant to subsection (1) may reverse that elec-  
18 tion, making itself subject to the act and the code. However,  
19 that action shall not take effect until 60 days after passage of  
20 an ordinance to that effect. A structure commenced under an  
21 effective code shall be completed under that code. A governmen-  
22 tal subdivision ~~which~~ THAT elects to make itself subject to the  
23 code in accordance with this subsection may exercise the option  
24 to exempt itself pursuant to subsection (1) not later than 3  
25 years ~~subsequent to~~ AFTER its administration and enforcement of  
26 the code. However, that exemption shall not take effect until 1  
27 year after passage of an ordinance to that effect.

1       (6) A governmental subdivision ~~which,~~ THAT before  
2 December 30, 1980 ~~—~~ has not administered and enforced either  
3 this act and the code or another nationally recognized model code  
4 may elect to exempt itself from certain parts of this act and the  
5 code pursuant to subsection (1) ~~—~~ by the passage of an ordi-  
6 nance to that effect. A governmental subdivision ~~which~~ THAT  
7 makes this election after December 30, 1980 shall submit, in  
8 addition to the ordinance, an application to the commission for  
9 approval to administer and enforce that code within its  
10 jurisdiction. This application shall be made on the proper form  
11 to be provided by the commission. The standards for approval  
12 shall include, but not be limited to, the certification by the  
13 governmental subdivision that the enforcing agency is qualified  
14 by experience or training to administer and enforce that nation-  
15 ally recognized model code and all related acts and rules, that  
16 agency personnel are provided as necessary, administrative serv-  
17 ices are provided, plan review services are provided, and timely  
18 field inspection services shall be provided. The executive  
19 director shall seek additional information if the executive  
20 director considers it necessary. The commission shall render a  
21 decision on the application for approval to administer and  
22 enforce that code ~~which~~ THAT has been adopted and transmit its  
23 findings to that governmental subdivision within 90 days of  
24 receipt of the application. The commission shall document its  
25 reasons if the commission disapproves an application. A govern-  
26 mental subdivision ~~which~~ THAT receives a disapproval may  
27 resubmit its application for approval. Upon receipt of approval

1 from the commission for the administration and enforcement of  
2 that adopted code, the governmental subdivision shall administer  
3 and enforce that code within its jurisdiction pursuant to the  
4 provisions of its approved application.

5 (7) The state construction code or any of its sections shall  
6 ~~go into~~ TAKE effect 6 months after the code's initial  
7 promulgation. The 6-month delay does not apply to rules promul-  
8 gated to implement sections 13a, 13b, 19, and 21 and the require-  
9 ments of barrier free design and energy conservation of this act  
10 and code. A governmental subdivision may not exempt itself from  
11 the requirements of this section, section 9(8) ~~and~~ OR (10),  
12 ~~and sections~~ OR SECTION 9a, 10, 13a, 13b, 14, 15, 20, 21A,  
13 22(1), 23, ~~and~~ OR 23a. The 6-month delay does not apply to  
14 amendments to the code or any of the code's sections after the  
15 initial promulgation. A governmental subdivision ~~which~~ THAT  
16 elects to exempt itself from this act and the code may do so  
17 within 6 months after the promulgation of the code in the manner  
18 provided in subsection (1) except that any amendments the govern-  
19 mental subdivision adopts at that time are subject to review by  
20 the commission as set forth in subsection (1) within 120 days  
21 after a copy of the adopted amendments is delivered to the com-  
22 mission by certified mail with return receipt requested.

23 (8) A governmental subdivision ~~which~~ THAT elects to exempt  
24 itself from certain parts of this act and the code pursuant to  
25 subsection (1) and is enforcing its code within its jurisdiction  
26 pursuant to subsection (1) may rescind that ordinance by which it  
27 elected to exempt itself from certain parts of this act and the



1 code, and transfer the responsibility for the administration and  
2 enforcement of this act and the code within the governmental sub-  
3 division to the executive director. The executive director shall  
4 assume the responsibility for administering and enforcing this  
5 act and the code in that governmental subdivision, unless the  
6 county within which that governmental subdivision is located has  
7 submitted a notice of intent to continue to administer and  
8 enforce the code. However, that action shall not take effect  
9 until 12 months after the passage of an ordinance to that  
10 effect. A structure commenced under an effective code shall be  
11 completed under that code.

12 (9) Locally adopted codes ~~shall~~ DO not apply to public or  
13 nonpublic schools within the governmental subdivision without  
14 concurrence by the school authorities having jurisdiction.

15 (10) Sections 10, 13a, 13b, 19, 21, 21A, and 23a, other pro-  
16 visions of this act and code directly relating to the provisions  
17 of sections 10, 13a, 13b, 19, 21, 21A, and 23a, and provisions of  
18 the code relating to the requirements of barrier free design and  
19 energy conservation ~~shall be~~ ARE effective throughout the state  
20 without local modifications notwithstanding the exception of sub-  
21 sections (1) to (9). The standards for premanufactured housing  
22 shall not be less than the standards required for nonpremanufac-  
23 tured housing except that mobile homes shall be considered to  
24 have complied with this requirement by compliance with the state  
25 code provisions adopting a nationally recognized mobile home  
26 code.

1 (11) The commission may limit the application of a part of  
2 the code to include or exclude the following:

3 (a) Specified classes or types of buildings or structures,  
4 according to use, or other distinctions as may make differentia-  
5 tion or separate classification or regulation necessary, proper,  
6 or desirable. The commission shall consider the specific prob-  
7 lems of the construction or alteration of a single family,  
8 owner-occupied recreational dwelling ~~—, which~~ THAT is located in  
9 a sparsely populated area and ~~—which~~ THAT is to be occupied on a  
10 part-time basis.

11 (b) Specified areas of the state based on size, population  
12 density, special conditions prevailing in the area, or other fac-  
13 tors as may make differentiation or separate classification or  
14 regulation necessary, proper, or desirable.

15 SEC. 21A. (1) HEATING CABLE SHALL NOT BE USED IN A BUILDING  
16 OR STRUCTURE IN THIS STATE UNTIL APPROVED BY THE COMMISSION PUR-  
17 SUANT TO SECTION 21. AS PROVIDED IN SECTION 8, THIS SECTION IS  
18 EFFECTIVE THROUGHOUT THE STATE WITHOUT LOCAL MODIFICATION.

19 (2) FOR PURPOSES OF THIS SECTION, "HEATING CABLE" MEANS  
20 HEATING CABLE AS DEFINED IN SECTION 2 OF THE HEATING CABLE SAFETY  
21 ACT, THAT IS, CABLE DESIGNED TO BE SECURED TO PIPES AND VESSELS  
22 TO REDUCE THEIR LIKELIHOOD OF FREEZING OR TO FACILITATE THE FLOW  
23 OF VISCOUS LIQUIDS. HEATING CABLE INTENDED FOR INDUSTRIAL AND  
24 COMMERCIAL USE IS CONNECTED TO THE SUPPLY SYSTEM BY A PERMANENT  
25 WIRING METHOD. HEATING CABLE INTENDED FOR RESIDENTIAL AND MOBILE  
26 HOME USE HAS AN ATTACHMENT PLUG FOR CONNECTION TO A RECEPTACLE  
27 OUTLET. HEATING CABLE IS COMMONLY KNOWN AS HEAT TAPE.