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HOME RULE CITIES: ADOPT MAINTENANCE CODE BY REFERENCE

**Senate Bill 601 (Substitute H-1)
First Analysis (12-9-03)**

**Sponsor: Sen. Michael Switalski
House Committee: Local Government
and Urban Policy
Senate Committee: Local, Urban and
State Affairs**

THE APPARENT PROBLEM:

Under the Home Rule City Act, a city may adopt a law, code, or rule by referring to it in an adopting ordinance, without publishing the law, code, or rule in full. The law, code, or rule must be clearly identified in the ordinance, and its purpose must be published with the ordinance. This applies to a law, code, or rule pertaining to fire, fire prevention, or fire waste, or a code listed in the act, that has been promulgated or adopted by the state or a state department, board, or agency, or by an organization or association that is organized and conducted for the purpose of developing a code. The following are the codes that may be adopted by reference: a fire prevention code, plumbing code, heating code, electrical code, building code, refrigeration machinery code, piping code, boiler code, boiler operation code, elevator machinery code, or a code pertaining to flammable liquids and gases or hazardous chemicals.

In 1999, the Michigan Court of Appeals said that the City of Detroit could not legally adopt an international property maintenance code by reference because the Home Rule City Act does not include such a code among those that may be adopted by reference (*Ewing v City of Detroit* (237 Mich. App 696)). It has been suggested that this should be allowed under the act.

THE CONTENT OF THE BILL:

The bill would amend the Home Rule City Act to allow a home rule city to adopt in an ordinance an international property maintenance code by reference to the code, without publishing it in full.

MCL 117.3

HOUSE COMMITTEE ACTION:

The members of the House Committee on Local Government adopted an H-1 substitute for the Senate-passed version of the bill, in order to add one amendment. That amendment clarifies that a city may adopt an international property maintenance code by reference, "except as otherwise provided under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125-1501-125.1531."

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would have no fiscal impact on state or local government. (7-10-03)

ARGUMENTS:

For:

Generally, building, fire, electrical, and other types of codes are highly technical and lengthy. While useful for those whose work demands that they know and follow the codes, publication of codes in their entirety is of little value to the general public. For people who need to know what is in the codes, or for those who are curious, copies of the complete codes must be available for inspection at the city clerk's office. Allowing a city to adopt a code by reference, and not publish the full document, is practical and saves printing costs. The bill simply would identify another code that could be adopted by reference.

POSITIONS:

The Department of Labor and Economic Growth indicated support for the bill. (12-9-03)

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The Michigan Municipal League indicated support for the bill. (12-9-03)

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.