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Senate Bill 601 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Michael Switalski
Committee: Local, Urban and State Affairs

Date Completed: 7-10-03

RATIONALE

Under the Home Rule City Act, a city may adopt a law, code, or rule by reference 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 Court of Appeals found 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.

CONTENT

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

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

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.

Legislative Analyst: George Towne

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.