

Code Officials Questions and Answers
Program #CP-23-00066
Class Category: Technical
2-hours (ALL)

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LARA
LICENSING AND REGULATORY AFFAIRS

PIAM Questions

Who is allowed to install building sewer, water service and on-site storm. Licensed plumbing contractor, homeowner, anyone that pulls a permit?



PIAM Questions

Licensed Plumbing contractors (master plumber, journeyman plumber, apprentice plumber) and owners (owner of the land in fee – MCL 125.1510(2)) are allowed to install sewers, water services and storm piping with the proper permitting under 1972 PA 230.

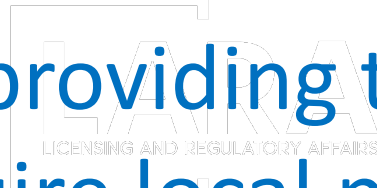
PIAM Questions

Who is allowed to inspect building sewer, water service and on-site storm. Licensed plumbing inspector, DPW?



PIAM Questions

Register Plumbing Inspectors (2016 PA 407) inspect all work that requires permitting under 1972 PA 230. In some cases, the local unit of government providing these services perform their own inspections and require local permitting for work performed outside of a building or structure.



PIAM Questions

Concerns on concrete interceptors?

Not sure what the question is? Possibly who can install?
(Licensed plumbing contractor?).



PIAM Questions

Lets' look at the definition of plumbing.

MCL 339.6103(c) "Plumbing" means the practice, materials, and fixtures, in or adjacent to a building, structure, or premises, used in the installation, maintenance, extension, or alteration of all piping, fixtures, plumbing appliances, or plumbing appurtenances, as defined in the state construction code, in connection with the sanitary drainage or storm drainage facilities, plumbing venting systems, medical gas systems, backflow preventers, and public or private water supply systems.

PIAM Questions

Lets' look at the definition of a building.

MCL 125.1502a(1)(g)"Building" means a combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by individuals, animals, or property. Building does not include a building, whether temporary or permanent, incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade. Building includes a part or parts of the building and all equipment in the building unless the context clearly requires a different meaning.

PIAM Questions

Lets' look at the definition of a structure.

MCL 125.1502a(1)(g) (bb) "Structure" means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. Structure does not include a structure incident to the use for agricultural purposes of the land on which the structure is located and does not include works of heavy civil construction including, but not limited to, a highway, bridge, dam, reservoir, lock, mine, harbor, dockside port facility, an airport landing facility and facilities for the generation, transmission, or distribution of electricity. Structure includes a part or parts of the structure and all equipment in the structure unless the context clearly requires a different meaning.

PIAM Questions

What requires a permit?

MCL 125.1510(1) Except as otherwise provided in the code, before construction of a building or structure, the owner, or the owner's builder, architect, engineer, or agent, shall submit an application in writing to the appropriate enforcing agency for a building permit.

PIAM Questions

Conclusion.

You must be licensed; however, a permit under 1972 PA 230 is not required.



Previously Answered Questions

BCC and BFS have jurisdiction over construction in schools K thru 12th grade unless the school and jurisdiction file an application for school delegation. The jurisdiction must have capability to perform the reviews and inspections for all four trade disciplines and it must be approved by BCC. My understanding is that this is only for buildings with classrooms. Should this include all construction on school property - business offices, bus garages, concession stands (all not used by students)?

Previously Answered Questions

This type of jurisdiction would cover all buildings and structures on school property including concession stands, press boxes, light poles, billboards, cell towers, and any accessory buildings or structures. This is based upon the understanding that these buildings and structures are used for school purposes according to 1937 PA 306. Please note the Bureau of Fire Services has the authority for the fire prevention code, 1941 PA 207, in all schools, and this authority cannot be delegated.

Previously Answered Questions

Where are we with the 2021 codes?



Previously Answered Questions

Mechanical Code Part 9a – public comment closed

Plumbing Part 7 – public comment closed

Electrical Code Part 8 – public comment closes 9/28/2023

Building Code Part 4 – public comment will close week of 10/23/23

Rehabilitation Code – public comment will close week of 11/10/23

Energy Code Part 10 (Residential) – public comment will close week of 11/20/23

Energy Code Part 10a (Commercial) – public comment will close week of 11/20/23

Residential Code Part 5 – public comment will close week of 12/4/23

Previously Answered Questions

Why can't BCC provide answers to our code questions?

It seems like the bureau has checked out and left us without any help or guidance, can you explain why?

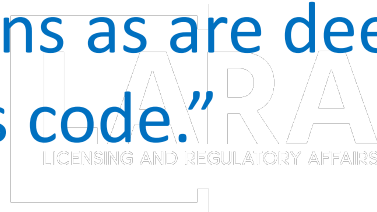
Previously Answered Questions

The Michigan Single State Construction Code Act—Allows for counties/cities/townships/villages to accept the administration/enforcement of the assorted building codes.

Appeals Process—The Act provides for an appeal process if the licensee doing the work disagrees with the local inspector's Code interpretation. Not only is there an appeal to the local Board of Appeals, the Act provides for an appeal to the State Construction Code Commission for review and decision. The Bureau of Construction Codes (BCC) is not an interested party in the interpretation of code or the code appeal process.

Previously Answered Questions

ICC Code Book—“**Inspections and Testing: General.** The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code.”



Network—Events like the one you are at here today are opportunities for you to converse with other experts with whom you can consult for “Best Practices”.

Previously Answered Questions

Risk and liability – issuing code interpretations increases risk and liability for decisions made by other enforcing agencies.

Legal guidance – BCC has been advised by legal counsel to not interject opinions or views where it does not have authority.

Personal liability – BCC staff providing assistance outside the scope of statutory authority risk losing their shield of governmental immunity. (potential need to hire personal lawyer)

Previously Answered Questions

What can BCC do to improve the consistency of how the codes are enforced throughout the state?



Previously Answered Questions

Any ideas????

There are no right or wrong answers.



Outreach?

Communicate?

Educate?

Previously Answered Questions

What about the design professionals and the skilled trades practitioners?



What if they had the same understanding as code officials?

What if they received similar training or networked with us?
How do we make this happen?

Previously Answered Questions

Unless or until the Single State Construction Code Act is amended to allow a single entity to administer and enforce the Codes across the State, there will always be minor differences in how a Code is enforced no matter how many code officials an entity employs. (not logical and does not guarantee consistency)

Because code officials have the authority under the Act to enforce Codes, and the Code itself gives the officials the authority to interpret Code, working with the Code Official of the enforcing authority is the best way to ensure your work meets the standards and requirements. (decisions are fact based with discretion)

Previously Answered Questions

Many in our plan review and building inspection workforce are retiring and there is not enough young talent to replace them. Does the State have an answer for this troubling situation? Has the State looked into creating a realistic career path to attract new talent?

Previously Answered Questions

BCC has experienced this shortfall of talent for decades in the boiler and elevator industries. BCC has been involved with a MI Trades Partnership which involves multiple state departments to develop apprenticeships for trades in state departments. MDOT and DTMB are departments that have implemented apprenticeship programs to help develop and address their talent needs.

Previously Answered Questions

What is the BCC's stance on conducting inspections from pictures or live streaming? This is something that contractors are asking for and some inspectors accept.

Previously Answered Questions

As a policy, BCC does not allow pictures in lieu of an on-site inspection.

This is also supported by Civil Service Commission requirements that code inspections are performed in the field at the construction site.

Please note that ICC has a guideline for virtual inspections. Enforcing agencies have the authority if/how that practice would work in the field. NFPA is working on such a guideline, as well.

1972 PA 230 does not prohibit remote inspection practices.

Previously Answered Questions

What specifically is the state doing to promote consistency in plan reviews and building inspections in Michigan jurisdictions?



Previously Answered Questions

This would be a duty for the State Construction Code Commission according to MCL 339.6007.



(1) The commission shall promote effective and uniform enforcement of construction codes in the state by improving the competence of building officials, plan reviewers, and inspectors.

(2) The advisory boards shall participate in and work with the commission to establish both of the following:

Previously Answered Questions

(a) Minimum training and experience standards, qualifications, and classifications of responsibility applicable to individuals who are engaged in the enforcement of codes and plan reviews.

(b) Minimum criteria for the approval of educational or training programs and tests.

Previously Answered Questions

(3) The commission may review and approve prepared educational and training programs, tests, and instructors. The examination and evaluation of training and educational programs, instructors, and tests shall include, but not be limited to:

- (a) Construction code administration.
- (b) Specialty aspects of code program parts, including all of the following:
 - (i) Prohibited appliances.
 - (ii) Premanufactured units.

Previously Answered Questions

(iii) Approval of materials, products, and methods.

(iv) Barrier free design.

(v) Energy conservation.



(c) Inspection techniques.

(d) Communication skills.

(e) Human and public relations.

(f) Report writing.

(g) Plans and specifications reading.

Previously Answered Questions

(h) Pertinent laws, ordinances, rules, and policies.

(i) Construction practices.



Previously Answered Questions

What specifically is the jurisdiction's responsibility and authority with mobile home installations and inspections?

What is the State's responsibility? What is HUD's responsibility?

Previously Answered Questions

The Bureau is responsible for reviewing and approving plans for the mobile home park community and the sites located within the community. The enforcing agency would be responsible for the inspection of the connections and setting of the homes on an approved site in a community. The U.S. Department of Housing and Urban Development (HUD) licenses the professional installers for the installations of new homes.

Previously Answered Questions

ICC provides written interpretations for specific code sections. Why does the state not provide similar interpretations for the sections of the code amended by the state?

Previously Answered Questions

BCC believes enhancing education and communication efforts with local code officials may lessen the need for these types of requests. Please note written interpretations are merely advisory and explanatory in nature and are not binding or enforceable. MCL 24.203(7), MCL 24.207(h), and MCL 24.232(5) of the Administrative Procedures Act (APA) address the limitations of interpretations. If a requestor wishes an interpretation would be binding, they would need to follow the Administrative Procedures Act, 1969 PA 306, which must be followed for promulgating administrative rules (code). Depending upon circumstances, rendering written interpretations could subject BCC to increased liability.

Previously Answered Questions

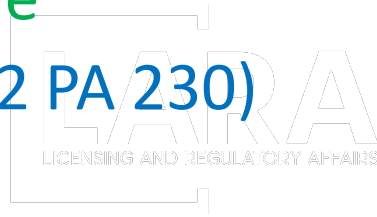
Are buildings and properties owned and operated by utility companies governed by the Michigan Building Code and subject to plan reviews, applying and receiving a building permit, and building inspections?

Previously Answered Questions

This is circumstantial.

Exemptions from the code

- Public universities (1972 PA 230)
- Federal buildings
- Sovereign nations



Exemptions from permit and inspections

- Agricultural buildings (1972 PA 230)
- Heavy civil construction (bridges, dams, harbors, mines) (1972 PA 230)
- Facilities generating, transmitting, or distributing electricity (1972 PA 230)

Previously Answered Questions

Does the energy code give exceptions to seasonal buildings such as vacation homes and hunting cabins?



Previously Answered Questions

The Building codes do not reference seasonal buildings so no exception exists. Any code proposal regarding this matter would be considered and reviewed. Adopting such an exception could resolve specific code requirements which effect seasonal buildings.

Previously Answered Questions

May an owner of rental property apply for and receive building and trade permits to do work on the rental property himself?



Previously Answered Questions

MCL 125.1510 of 1972 PA 230 outlines who may apply for a permit. We do not find any statutory language prohibiting a rental property owner from applying for a permit; however, they cannot circumvent licensing requirements for performance of the work to be undertaken.

Previously Answered Questions

MCL 125.1523a states in part the following: In addition to any other penalties or remedies provided by law, a person who is required to be licensed as a residential builder or residential maintenance and alteration contractor, or as a master or journeyman plumber, an electrical contractor or master or journeyman electrician, or a mechanical contractor shall not perform work on a residential building or a residential structure without first obtaining a license. We must then review the applicable licensing statutes for further information on licensing exemptions.

Previously Answered Questions

Building: Yes. Applicable section MCL 339.2403 of 1980 PA 299. Notwithstanding article 6, a person may engage in the business of or act in the capacity of a residential builder or a residential maintenance and alteration contractor or salesperson in this state without a license under this article, if the person is 1 of the following: (c) An owner of rental property, with reference to the maintenance and alteration of that rental property.

Previously Answered Questions

Electrical: No. Applicable section MCL 339.5737 of 2016 PA 407. (2) Except as otherwise provided in this article or in subsection (3), an individual, other than an individual who is licensed under this article and employed by and working under the direction of a holder of an electrical contractor's license, shall not in any manner undertake to execute any electrical wiring.

Previously Answered Questions

(3) A licensee is not required to perform any of the following classes of work:

(a) Minor repair work.



(b) The installation, alteration, repairing, rebuilding, or remodeling of elevators, dumbwaiters, escalators, or man lifts performed under a permit issued by an elevator inspection agency of this state or a municipality of this state.

Previously Answered Questions

(c) The installation, alteration, or repair of electrical equipment and its associated wiring installed on the premises of consumers or subscribers by or for an electrical energy supply or communication agency for use by that agency in the generation, transmission, distribution, or metering of electrical energy or for the operation of signals or transmission of intelligence.

Previously Answered Questions

(d) The installation, alteration, or repair of electrical wiring for the generation and primary distribution of electric current, or the secondary distribution system up to and including the meters, if that work is an integral part of the system owned and operated by an electric light and power utility in rendering its duly authorized service.

Previously Answered Questions

(e) Any work involved in the manufacture of electric equipment, including the testing and repairing of that manufactured equipment.

(f) The installation, alteration, or repair of equipment and its associated wiring for the generation or distribution of electric energy for the operation of signals or transmission of intelligence if that work is performed in connection with a communication system owned or operated by a telephone or telegraph company in rendering its authorized service as a telephone or telegraph company.

Previously Answered Questions

(g) Any installation, alteration, or repair of electrical equipment by a homeowner in a single family home and accompanying outbuildings owned and occupied or to be occupied by the individual who is performing the installation, alteration, or repair of electrical equipment.

Previously Answered Questions

(h) Any work involved in the use, maintenance, operation, dismantling, or reassembling of motion picture and theatrical equipment used in any building with approved facilities for entertainment or educational use and that has the necessary permanent wiring and floor and wall receptacle outlets designed for the proper and safe use of that theatrical equipment, but not including any permanent wiring.

Previously Answered Questions

(i) Work performed by a person that is licensed as a mechanical contractor in a classification described in section 807(2)(a), (b), (d), (e), and (f), a person that is licensed as a plumbing contractor under article 11, and employees of those persons, while performing maintenance, service, repair, replacement, alteration, modification, reconstruction, or upgrading of control wiring circuits and electrical component parts in existing mechanical systems defined in the Michigan mechanical code and the Michigan plumbing code, including, but not limited to, energy management systems, relays and controls on boilers, water heaters, furnaces, air conditioning compressors and condensers, fan controls, thermostats and sensors, and all interconnecting wiring associated with the mechanical systems in buildings that are on the load side of the unit disconnect, that is located on or immediately adjacent to the equipment, except for life safety systems wiring.

Previously Answered Questions

(j) Electrical wiring associated with the installation, removal, alteration, or repair of a water well pump on a single family dwelling to the first point of attachment in the house from the well, by a pump installer registered under part 127 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771.

(k) The installation, maintenance, or servicing of security alarm systems in a building or structure. As used in this subdivision, "security alarm system" means that term as defined in section 733(2)(c).

Previously Answered Questions

(l) The installation, maintenance, or servicing of listed residential and commercial lawn irrigation equipment, except any permanent wired connections exceeding 30 volts.

(m) The installation, maintenance, or servicing of listed landscape lighting systems and equipment, except any permanent wired connections exceeding 30 volts.

Previously Answered Questions

(n) The installation, alteration, maintenance, or repair of electric signs and related wiring by an unlicensed individual under the direct supervision of a licensed sign specialist except that the ratio of unlicensed individuals engaged in this activity shall not exceed 2 unlicensed individuals to 1 licensed sign specialist. An enforcing agency shall enforce this ratio on a jobsite basis.

Previously Answered Questions

(o) The construction, installation, maintenance, repair, and renovation of telecommunications equipment and related systems by a person that is primarily engaged in the telecommunications and related information systems industry. This exemption does not include the construction, installation, maintenance, repair, or renovation of a fire alarm system.

Previously Answered Questions

Plumbing: No. Applicable section MCL 339.6107 of 2016 PA 407. (1) A person shall not engage in or work at the business of a plumbing contractor, master plumber, journey plumber, or apprentice plumber unless that person is licensed or registered under this article. Except as provided in subsections (2) and (3), only a licensed master or journey plumber shall perform plumbing. A licensed master plumber shall be in charge and responsible for proper installation and conformance with the state construction code. Plumbing shall not be performed unless the plumbing contractor who is responsible has obtained a permit from the state or a governmental subdivision authorized to issue permits.

Previously Answered Questions

(2) A license under this article is not required to perform any of the following work:

(a) Minor repair work.

(b) The installation of a building sewer or water service pipe, if a permit is secured from the responsible enforcing agency and inspections are performed. The installations shall comply with the applicable parts of the state construction code.

Previously Answered Questions

(c) The installation of domestic water treatment and filtering equipment that requires modification to an existing cold water distribution supply and associated waste piping in buildings if a permit is secured, required inspections performed, and the installation complies with the applicable parts of the state construction code. If the enforcing agency determines a violation exists, the responsible installer must correct it.

Previously Answered Questions

(d) The installation by a homeowner of his or her own plumbing, building sewer, or private sewer in his or her single-family dwelling if a permit is secured.

(e) The installation of medical gas piping, if the installation is performed under the supervision of a licensed plumbing contractor.

Previously Answered Questions

Do violations need to be put in writing and provided to the contractor/permit holder?



Previously Answered Questions

Yes, MCL 125.1512(3) of 1972 PA 230 requires written notice be provided to the permit holder or person doing the construction. If construction is being undertaken contrary to a building permit, this act, or other applicable laws or ordinances, the enforcing agency shall give written notice to the holder of the building permit, or if a permit has not been issued then to the person doing the construction, notifying him 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. If the person doing the construction is not known, or cannot be located with reasonable effort, the notice may be delivered to the person in charge of, or apparently in charge of, the construction.

Previously Answered Questions

Is a residential builder responsible to correct plumbing code violations for an water supply system installed by a plumbing contractor who was subcontracted by the builder under their contract with the landowner to construct a new home?

Previously Answered Questions

No. The permit holder (plumbing contractor) would be responsible for correcting these violations. There may be contractual issues that may need to be resolved between the builder and contractor; however, these violations would not necessitate a complaint against the builder.

Previously Answered Questions

If a certificate of occupancy has been issued for a home, and the homeowner complains to the enforcing agency which leads to the enforcing agency conducting an investigation that finds code violations, what happens when the homeowner files a complaint against the residential builder which includes the investigation findings?

Previously Answered Questions

The Bureau would conduct an investigation and take appropriate action if necessary. Depending upon the nature of the documentation and findings, licensing action may be taken against the builder or possibly the inspector.

Previously Answered Questions

What oversight of other departments (county, township, village, city, third party inspection entities) has the State retained to maintain consistency across inspection departments within the State? How is the State addressing these issues or not. Are all government entities completely on their own to enforce what they want as they see fit and to possibly ignore areas of the code?

Previously Answered Questions

The authority over enforcing agencies rests with the State Construction Code Commission and the BCC under 1972 PA 230. 1972 PA 230 requires uniformity and establishes a single state code. The code must be applied as adopted.

Previously Answered Questions

The Bureau website used to be easy to navigate. Items are now much more difficult to find.



Previously Answered Questions

State websites are governed by the Department of Technology, Management & Budget. The BCC only can control the content on our website pages and not the layout.

Previously Answered Questions

What information can be found on the Bureau's website?



Previously Answered Questions

Licensing including applications and online searches.

Codes including current open rule sets and proposed revisions.

Statutory authority including laws, rules, and codes.

Jurisdictional authority including statewide and schools.

Reports including legislative and bureau quarterly reports.

Previously Answered Questions

Bureau quarterly reports include legislative report requirements including licensing applications received, exams administered, new licenses issued, licenses renewed, total licenses, complaints received, investigations initiated, investigations closed, enforcement actions, administrative hearings, board and commission meetings conducted, member attendance, plan reviews approved, permits issued, and inspections finalized.

Previously Answered Questions

Where the Single State Construction Code Act refers to the enforcing agency in Section 125.1511 shall approve and issue a building permit, does that mean a person registered as a building inspector working for that agency can issue the building permit? Can a person registered as a building plan reviewer issue the building permit? Can a clerk not registered with the State working for the enforcing agency issue the building permit?

Previously Answered Questions

The enforcing agency is responsible for this duty. The act is silent on which individual is required to perform this duty.



Previously Answered Questions

When the bureau announces that it is opening up the building, electrical, energy, mechanical, plumbing, rehabilitation, or residential code, can anyone to submit a proposal?

Previously Answered Questions

The rule/code promulgation process does not prohibit any association, society, organization, or public body from creating a review committee to provide code proposals. The BCC notifies board/commission members, licensees, and stakeholders when a ruleset is opened which generates more voices being heard and promotes transparency, communication, inclusion, and fairness in the process.

Previously Answered Questions

Can an association of code officials or inspectors set up their own code committee, vet issues based upon their expertise, and then submit suggestions to BCC?

Previously Answered Questions

Absolutely. The BCC encourages all boards, commissions, industries, licensed trade practitioners, and governmental officials to create committees and provide input when rules and codes are opened.

Previously Answered Questions

What is the State Construction Code Commission and the Bureau doing to increase oversight of local enforcing agencies?



Previously Answered Questions

The statutory responsibilities of the Commission and BCC are limited within the State Construction Code Act. The BCC believes enhancing education and communication efforts with local code officials will decrease requests for enforcement action. Relationships with code officials are improved and sustained by educating first instead of taking immediate enforcement action.

Previously Answered Questions

Can the Bureau eliminate the use of International Code Commission code interpretations in Michigan?



Previously Answered Questions

The BCC does not have the authority to forbid anyone, particularly a local government who has code enforcement authority, from contacting ICC to obtain an interpretation of language ICC crafted and was adopted unchanged in Michigan.

Previously Answered Questions

Can local enforcing agencies use local zoning ordinances to enforce construction regulations?



Previously Answered Questions

MCL 125.1502a(1)(o) of 1972 PA 230 clearly states that construction regulation does not include a zoning ordinance or rule related to zoning.



Previously Answered Questions

Can local enforcing agencies or local fire departments change or exceed construction codes through a local fire code?



Previously Answered Questions

No. Construction and fire codes must co-exist. Each authority having jurisdiction over their respective code must work together to ensure public safety while applying the codes collectively. The Bureau of Construction Codes works with the Bureau of Fire Services to resolve discrepancies between the construction codes that we adopt and the fire code they adopt.

Previously Answered Questions

Can local enforcing agencies use local zoning ordinances to enforce property maintenance regulations?



Previously Answered Questions

Yes. Property maintenance regulations are not required per 1972 PA 230; therefore, these requirements can be adopted through a zoning ordinance or municipal ordinance.

Property Maintenance Appeals

Can the State Construction Code Commission hear appeals regarding the International Property Maintenance Code?

Property Maintenance Appeals

At the April 12, 2023 meeting, the State Construction Code Commission decided that it lacks jurisdiction over matters involving the International Property Maintenance Code. The rationale behind the decision was dependent upon their understanding of MCL 125.1504 and the seven codes that the department must adopt and update on a reoccurring basis. The property maintenance code is not one of these mandated codes.

Code Interpretations

Can BCC answer code questions outside of its enforcing agency authority?



Can BCC provide guidance on the code to governmental subdivisions which have a local enforcing agency?

Code Interpretations

BCC is responsible only for the authority granted under 1972 PA 230. BCC is tasked with developing the code, code administration and enforcement, not it's interpretation.

Risk and liability – issuing code interpretations increases risk and liability for decisions made by others.

Legal guidance – BCC has been advised to not interject opinions or views where it does not have authority.

Personal liability – BCC staff providing assistance outside the scope of statutory authority risk losing their shield of governmental immunity. (potential need to hire personal lawyer)



Code Interpretations

Appeals Process—The Act provides for an appeal process if the licensee doing the work disagrees with a code determination. An appeal initiates at the local Board of Appeals and provides for an appeal to the State Construction Code Commission for review and decision. BCC is not an interested party in the interpretation of code or the code appeal process.

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