

Acts, Codes, Policies, & Rules Update - 2024

Program #CP-24-00015

Class Category: Acts and Rules

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2023 Michigan Electrical Code

Effective March 12, 2024. The 2023 Michigan Electrical Code, Part 8 rules adopt by reference the 2023 second printing edition of the [National Electrical Code \(NEC\)](#) with amendments, deletions, and additions deemed appropriate for use in Michigan.

Important changes that were made to the code are as follows:

2023 Michigan Electrical Code

- The State of Michigan has amended section 230.85 in the 2023 Michigan Electrical Code. This section of the code is regarding emergency disconnects for 1- and 2-family dwelling units. The disconnecting means shall be installed in a readily accessible outdoor location on or within sight of the dwelling unit. Each disconnect shall be a service disconnect. The service disconnecting means shall be marked as follows: “EMERGENCY DISCONNECT, SERVICE DISCONNECT.”

2023 Michigan Electrical Code

- Surge protection will be required for feeders and services per 215.18, 225.42 and 230.67 of the 2023 Michigan Electrical Code for dwelling units, dormitory units, guest rooms, and guest suites of hotels and motels, areas of nursing homes, and limited-care facilities used exclusively as patient sleeping rooms.

Electrical systems, equipment, or components **not specifically covered in chapters 34 through 43 of the 2015 Michigan Residential Code** shall comply with the applicable provisions of the Michigan Electrical Code, R 408.30801 to R 408.30880.

2021 Michigan Mechanical Code

Effective on March 12, 2024. The Part 9A Mechanical Code rules will adopt by reference the 2021 third printing edition of the International Mechanical Code with amendments, deletions, and additions deemed appropriate for use in Michigan. Until the electronic and hard copies are available from the International Code Council (ICC), one can use the 2021 International Mechanical Code with the Part 9A Michigan Amendments for the 2021 Michigan Mechanical Code.

An important change made to the code is as follows:

2021 Michigan Mechanical Code

- R 408.30947b provides for the implementation of ASHRAE 15-2022 within the 2021 Michigan Mechanical Code. ASHRAE 15-2022 defines a clear path for and establishes safety standards associated with the utilization of A2L refrigerants, resulting from an Environmental Protection Agency (EPA) rule issued in late 2021. This EPA rule issued under the American Innovation and Manufacturing Act of 2020 (AIM), mandates an 85% reduction in the production and consumption of hydrofluorocarbon refrigerants by 2036. Although this drawdown is 12 years away, manufacturers have begun significant production and distribution of equipment utilizing A2L refrigerants. This rule supersedes the ASHRAE 15-2019 standard listed in the *Referenced Standards* section of the 2021 Michigan Mechanical Code.

2021 Michigan Plumbing Code

Effective on March 12, 2024. The Part 7 Plumbing Code rules adopt by reference the 2021 second printing edition of the International Plumbing Code with amendments, deletions, and additions deemed appropriate for use in Michigan. Until the electronic and hard copies are available from the International Code Council (ICC), one can use the 2021 International Plumbing Code (IPC) with the Part 7 Plumbing Michigan Amendments for the 2021 Michigan Plumbing Code.

Important changes that were made to the code are as follows:

2021 Michigan Plumbing Code

- The bureau has amended Section 312.10.1 of the IPC regarding inspections of backflow prevention assemblies as follows:

R 408.30725g Inspections.



Rule 725g. Section 312.10.1 is added to the code to read as follows:

312.10.1. Inspections. Inspections shall be made of all backflow prevention assemblies and air gaps **after installation or relocation** to determine whether the assemblies are operable and air gaps exist.

2021 Michigan Plumbing Code

R 408.30725h Testing.

Rule 725h. Section 312.10.2 is added to the code to read as follows:

312.10.2. Testing. Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies and hose connection backflow preventers **shall be tested at the time of installation, immediately after repairs or at the time of relocation.** Test gauges shall comply with ASSE 1064. The testing procedure shall be performed in accordance with 1 of the following standards:

2021 Michigan Plumbing Code

- (a) ASSE 5013.
- (b) ASSE 5015.
- (c) ASSE 5020.
- (d) ASSE 5047.
- (e) ASSE 5048.
- (f) ASSE 5052.
- (g) ASSE 5056.
- (h) CSA B64.10.
- (i) CSA B64.10.1



2021 Michigan Plumbing Code

- The bureau has amended Sections 403.1 through 403.3.1 of the IPC regarding the minimum number of fixtures as follows:

R 408.30758 Minimum number of fixtures.

Rule 758. Section 403.1.1(2) is added to the code to read as follows:

403.1.1(2) Where multiple-user facilities are designed to serve all genders, the minimum fixtures count shall be calculated at 100%, based on total occupant load. The minimum number of required plumbing fixtures shall be in accordance with table 403.1. In multiple-user facilities, each fixture type shall be in accordance with ICC A117.1 and each urinal that is provided shall be located in a stall.

2021 Michigan Codes Books

The International Code Council is now accepting pre orders for the 2021 Michigan Plumbing Code and 2021 Michigan Mechanical Code books through the appropriate links at [Code Books \(michigan.gov\)](https://www.michigan.gov/code-books).

Licensing & Enforcement Sections

Effective February 5, 2024, the Bureau of Construction Codes is realigning the Licensing and Residential Builders Sections. The two areas will now be the Licensing Section and the Enforcement Section.

Licensing & Enforcement Sections

The Licensing Section will be responsible for licensing all trades under the purview of the Bureau of Construction Codes. This includes application and renewals of licenses under the Skilled Trades Regulation Act: electrical, mechanical contractor, boiler, building officials and inspectors, and plumbing; the Occupational Code, Article 24: residential builders, maintenance and alteration contractors, builder & M&A companies and salespersons; the Mobile Home Commission Act: mobile home parks, installers/repairers and dealers; the Elevator Licensing Act: elevator journeyman; and the Elevator Safety Board: elevator contractors. If you have any questions regarding licensure or renewal, please call 517-241-9316 or send an email to LARA-BCC-Licensing@Michigan.gov.

Licensing & Enforcement Sections

The Enforcement Section will be responsible for accepting and processing complaints filed under the Mobile Home Commission Act, the Occupational Code: Article 24, and the Skilled Trades Regulation Act. This section is responsible for taking any administrative action against licensees. If you have any questions or would like to file a complaint, please call 517-241-9309 or send an email to LARA-BCC-Compliance@Michigan.gov.

Prescribed Forms

The Bureau of Construction Codes (BCC) has updated its seven (7) updated construction application forms (building permit, electrical permit, mechanical permit, plumbing permit, plan examination, school project plan examination, and premanufactured unit) which the State Construction Code Commission (SCCC) prescribed. The updated versions of these forms are available at: [permits](#) and [plan reviews](#). Please note that BCC will not accept previous versions of these forms.

Prescribed Forms

As a reminder for other units of government, the SCCC also prescribed plan review application forms and permit application forms that are substantially similar to the updated BCC forms. This may allow county and local (city, township, village) units of government to continue utilizing their forms **if they are substantially similar to the updated BCC forms**. BCC encourages local units of government to ensure their forms contain language and seek information required under state law, in substantial conformity with the updated BCC forms prescribed by the SCCC. Any units of government that use electronic versions of their forms through an on-line plan review and permitting system should maintain consistency for all their application form formats.

Fee Schedule

MCL 125.1522 provides for the authority to establish fees.

- (1) The legislative body of a governmental subdivision shall establish reasonable fees to be charged by the governmental subdivision for acts and services performed by the enforcing agency or construction board of appeals under this act, which fees shall be intended to bear a reasonable relation to the cost.
- (2) The director, after approval by the commission and following a public hearing held by the commission, shall establish reasonable fees to be charged by the commission for acts and services performed by the commission. Fees established by the department shall be intended to bear a reasonable relation to the cost.

Staffing

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1972 PA 230 Exemptions

What buildings and structures are exempt from construction code requirements?

How can 1972 PA 230 apply to property owned by the federal government or sovereign nations?

1972 PA 230 Exemptions

Exemptions from the code (entire act)

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



Exemptions from permit and inspections (code applies without enforcement)

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

Code Violation Notification Process

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



If so, where is the authority for this requirement?

What happens if violations are found, but they are not issued in writing?

Code Violation Notification Process

While there are many instances in 1972 PA 230 supporting that violations need to be in writing and provided to those responsible for construction, MCL 125.1509b and MCL 125.1512 provide the clearest direction for this requirement. Inspection records include correction notices that must be provided to the permit holder or person doing the construction.

Existing violations found but are not documented become risk liabilities for the code official and permit holder if they are not corrected and result in harm to an individual. Situations of this nature can lead to litigation and determination of the party at fault.

Documenting Code Violations

Must be in writing

Must cite standard/regulation

Violations expressed verbally or lack regulatory reference can be deemed arbitrary and capricious (can impose high risk and liability to code official and code enforcement agency)

Closing Out Code Violations

Follow up inspection

Develop procedure to address outstanding violations

May not be able to access building/structure

May not be able to obtain inspection request from permitholder

Appealing Code Violations

Code appeals are a code enforcement issue. Appeals must be filed with the enforcing agency. ([MCL 125.1514](#))

Code appeals do not automatically become a licensing matter. A licensing complaint is not the first step in this process. The code appeal process must be exhausted before the issue may become a licensing matter.

Appealing Code Violations

Differing application or different interpretations of the code do not automatically warrant a licensing action.

Variations typically arise as circumstances differ.

Practitioners and regulators strive for predictability and consistency.

Solutions – embrace code flexibility, network, training.

Code Interpretations

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



Can BCC provide guidance on the code for governmental subdivisions under the authority of a local enforcing agency?

Code Interpretations

BCC is responsible only for the authority granted under 1972 PA 230. BCC is charged with developing the code not interpreting the code.

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.

Governmental Taking

Be aware of MCL 125.1512(3) and (4) and follow appropriately.

(3) 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 holder of the permit or the person doing the construction fails to appear and show good cause within 1 full working day after notice is delivered, the enforcing agency shall cause a written order to stop construction to be posted on the premises. A person shall not continue, or cause or allow to be continued, construction in violation of a stop construction order, except with permission of the enforcing agency to abate the dangerous condition or remove the violation, or except by court order. If an order to stop construction is not obeyed, the enforcing agency may apply to the circuit court for the county in which the premises are located for an order enjoining the violation of the stop construction order.

Governmental Taking

Be aware of MCL 125.1512(3) and (4) and follow appropriately.

(4) Without limitation on other available remedies, an interested person may apply for an order, enjoining the continuation of construction undertaken in violation of a building permit, this act, the code or other applicable laws or ordinances, to the circuit court for the county in which the premises are located.

Licensing Enforcement

Licensing enforcement is the responsibility of every enforcing agency.

MCL 339.5201(3) At the request of a building official, inspector, or employee of an enforcing agency, acting in his or her official capacity, an individual who is licensed under this act must present to that building official, inspector, or employee proof of licensure and a government-issued photo identification.

Electrical Licensing Enforcement

Licensing enforcement is the responsibility of every enforcing agency.

MCL 339.5701(a) "Apprentice electrician" means an individual other than an electrical contractor, master electrician, or electrical journeyman, who is engaged in learning about and assisting in the installation or alteration of electrical wiring and equipment under the direct personal supervision of an electrical journeyman or master electrician.

MCL 339.5717(3) The ratio of electrical journeymen or master electricians to registered apprentice electricians shall be on the basis of 1 electrical journeyman or master electrician to no more than 3 registered apprentice electricians. The department or an enforcing agency shall enforce the ratio on a jobsite basis.

Plumbing Licensing Enforcement

Licensing enforcement is the responsibility of every enforcing agency.

MCL 339.6107(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.

MCL 339.6117(4) An apprentice plumber shall, as his or her principal occupation, be engaged in learning and assisting in the installation of plumbing under the direct on-site jobsite supervision of a journey or master plumber.

Plumbing Licensing Enforcement

Licensing enforcement is the responsibility of every enforcing agency.

MCL 339.6125(5) Master plumbers, journey plumbers, and apprentice plumbers shall carry their licenses and a form of identification that includes his or her photograph. If requested by an enforcing agency, a licensee or apprentice registrant shall present his or her license or registration and a form of identification that includes his or her photograph.

Licensing Enforcement

License matters must be filed with the licensing authority for investigation and appropriate action.

BCC has licensing authority for building, electrical, mechanical, and plumbing except City of Detroit which has licensing authority for electrical within its city limits.

These matters can be reported to the Enforcement Section at BCC.

Email: LARA-BCC-Compliance@Michigan.Gov

A statement of complaint form is not necessary but can be utilized.

Licensing Enforcement

Action to be taken:

Request individual to leave job site until license can be provided

Report facts to licensing authority including:

Name, email address and phone number of code official making report

Job Location (address) and date of observation

Township, city, village and county of job location

Name and address of company/person not properly licensed

Work observed being performed (electrical, plumbing)

Permit worked formed under

Licensing Action

Action to be taken:

Reach out to individual to assist them with obtaining proper licensure

If licensure is not applied for, BCC to initiate one of the following options:

- File a formal complaint

- Issue a cease-and-desist order

- Issue a citation

Contact Information:



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