

# **Code Questions and Answers - 2024**

## **Program #CP-24-00016**

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**Bureau of Construction Codes**

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**LARA**  
LICENSING AND REGULATORY AFFAIRS

# Questions & Answers

My jurisdiction has several modular buildings whose plans were approved by the State of Michigan however, who can I contact if I have questions?



# Questions & Answers

Questions should be directed to the Bureau's construction code plan review program at [BCCPlanReviewCodeMail@Michigan.gov](mailto:BCCPlanReviewCodeMail@Michigan.gov) or 517-241-9317.



If you have difficulty obtaining a response within 48 hours, please reach out to Tracie Pack at [packt@michigan.gov](mailto:packt@michigan.gov).

# Questions & Answers

What are my options if the units appear to not be built per the approved plans?



# Questions & Answers

MCL 125.1519(10) allows an enforcing agency to object to the use of a premanufactured unit on the basis that the premanufactured unit does not comply with the code. The agency shall set forth its objections in writing to the Plan Review Program Area.

# Questions & Answers

What does 2016 PA 407 allow fire protection inspectors as far as inspecting hood systems and such?



# Questions & Answers

Great question.

MCL 339.6001(h) "Fire protection system inspector" means an individual who meets the qualifications established under this article and is responsible for the inspection of fire protection systems in accordance with the design and installation standards referenced by the **Michigan building code**. These devices are under the purview of the Mechanical Code which is conducted by registered mechanical inspectors.

# Questions & Answers

Is there formal documentation available that could be shared with our city?



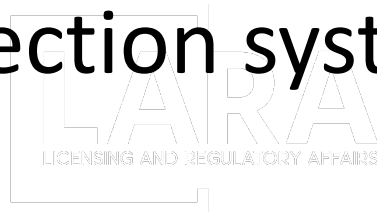


# Questions & Answers

Unfortunately, when the Skilled Trades Regulation Rules were opened for rule making promulgation, we did not receive any proposals to clarify the authority and duties of fire protection inspectors.

# Questions & Answers

When there is a non-state regulated facility project and the inspection falls to local agencies, who has the authority to inspect the fire protection systems?



# Questions & Answers

Fire protection systems are regulated by the Mechanical Code; therefore, registered mechanical code inspectors must conduct the inspection for the construction and installation of these systems.



1972 PA 230 mandates permits and inspections.

The authority for enforcing the Mechanical Code comes from 1972 PA 230.

# Questions & Answers

The permit is through the county electrical/mechanical division but as a registered, licensed fire code official (Public Act) in my district who has the final authority?

# Questions & Answers

The registered mechanical code inspector has final and all authority regarding the construction and installation of fire protection systems. The mechanical code inspector must enforce the provisions of the mechanical code which regulate the construction and installation of these systems.

1972 PA 230 and 2016 PA 407 provide this authority.

# Questions & Answers

The permitting agency(county) or the licensed fire marshal?



# Questions & Answers

This was previously answered.

Where does the local fire marshal get their authority?

How does that authority interact with 1972 PA 230 and 2016 PA 407?

# Questions & Answers

Are there any requirements to coordinate inspections with local fire departments when conducting inspections for new construction?





# Questions & Answers

There are no statutes under the purview of BCC including 1972 PA 230 and 2016 PA 407 that require coordinating construction inspections with local fire departments.

# Questions & Answers

If local fire departments want coordination of these inspections, who should coordinate these activities?



# Questions & Answers

The permit holder is responsible for requesting inspections and paying for any additional inspections.



Why do local fire departments want to coordinate these inspections?

# Questions & Answers

Can an electrical contractor install a fire alarm system and certify the system per NFPA 72 if they are not registered as a fire alarm contractor with the State of Michigan?

# Questions & Answers

MCL 339.5725 allows an electrical contractor to install fire alarm systems. 2016 PA 407 and 1972 PA 230 do not require these licensed individuals to certify the system to NFPA 72 nor do they require them to be registered as a fire alarm contractor with the state.

Where do these requirements come from?

# Questions & Answers

Is there a time limit on when someone can submit a complaint against a residential builder or a maintenance & alteration contractor?



Can an extension be granted?

# Questions & Answers

MCL 339.2411 states in part, a complaint shall be made within 18 months after the latest of the following regarding a residential structure as follows:

(a) In the case of a maintenance and alteration contract:

- (i) Completion.
- (ii) Occupancy.
- (iii) Purchase.



(b) In the case of a project requiring an occupancy permit:

- (i) Issuance of the certificate of occupancy or temporary certificate of occupancy.
- (ii) Closing.

No timeframe extensions can be granted.

# Questions & Answers

Who has the final determination regarding what permit forms are substantially similar?





# Questions & Answers

The State Construction Code Commission prescribed plan review application forms and permit application forms that are substantially similar to the current BCC forms.

This authority rests with the State Construction Code Commission.

# Questions & Answers

What is the enforcement process if someone outside of the enforcing agency does not agree with the determination of a permit form being substantially similar? Could they file a complaint with the Bureau that would initiate the performance evaluation process?

# Questions & Answers

Anyone can file a complaint with BCC. BCC would follow the procedures outlined in MCL 125.1509b which includes reviewing the complaint, contacting the local enforcing agency for a response concerning the allegations, and consulting with the State Construction Code Commission to conduct a performance evaluation if the local agency fails to respond or if the response is considered inadequate.

# Questions & Answers

Can an enforcing agency request the State Construction Code Commission to review and approve their permit application forms?



# Questions & Answers

On April 10, 2024, the State Construction Code Commission acted on a request to review and approve a permit application form. The commission denied the request because it did not constitute an actionable appeal and exceeded their appellate jurisdiction under MCL 126.1516(1).

Hence, there is no reason to make such a request.

# Questions & Answers

Can an individual request an enforcing agency to submit their permit application forms to the State Construction Code Commission for their review and approval?

# Questions & Answers

On April 10, 2024, the State Construction Code Commission acted on a request from an individual requesting a township to submit a permit application form to the commission for their review. The commission denied the request because it did not constitute an actionable appeal, and the request is inconsistent with MCL 125.1510(1) and their decisions made on January 24, 2024.

# Questions & Answers

BCC and BFS have jurisdiction over construction in schools K thru 12<sup>th</sup> 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)?



# Questions & Answers

This type of jurisdiction would cover all buildings and structures on school property including teacher housing, 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.

# Questions & Answers

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?

# Questions & Answers

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.

# Questions & Answers

**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”.

# Questions & Answers

**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)

# Questions & Answers

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.

# Questions & Answers

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.

# Questions & Answers

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?



# Questions & Answers

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.

# Questions & Answers

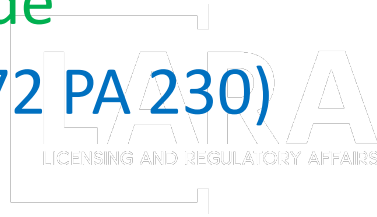
Are buildings and properties owned and operated by utility companies governed by the Michigan Building Code and subject to plan reviews, applying and receiving a building permit, and building inspections?

# Questions & Answers

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)

# Questions & Answers

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



# Questions & Answers

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.



# Questions & Answers

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



# Questions & Answers

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 codes they adopt.

# Questions & Answers

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





# Questions & Answers

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.

# Questions & Answers

Is there any standard way to address “change of use” that happens every six months or so in a shopping center where suites change from B to M uses and back again? Do we really want to require a complete upgrade?

# Questions & Answers

If there is a better way to address this than how the code does, please provide a code proposal to improve the code from the current standard. This code be done at the international or state level.

# Questions & Answers

What needs to be provided to the State Construction Code Commission regarding an appeal for the local construction board of appeals?



# Questions & Answers

The State Construction Code Commission must only review the entire record subject to the appeal. This would include all records considered during the appeal at the local level. The local construction board of appeals needs to make records of the meeting minutes and the decision made regarding of the appeal. All documentation needs to be provided when a decision is appealed to the State Construction Code Commission.

# Questions & Answers

Does the current code promulgation process allow anyone to submit a proposal?



# Questions & Answers

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

# Questions & Answers

The adult foster care facility licensing act and the childcare organization act require automatic fire sprinkler systems to be installed in facilities. How do these stipulations correlate to Michigan building codes?



# Questions & Answers

Fire suppression requirements are in the Michigan Building Code. Specifically, Chapter 9 of the Michigan Building code are where the requirements for fire suppression are located (Sections 903.2.8.2 and 903.2.8.3 cover day care and adult foster care facilities). The Michigan Mechanical Code regulates proper installation of the fire suppression systems.

The Bureau of Fire Services has their own specific set of codes and rules pertaining to adult foster care and childcare.

# Contact Information:



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