

HOUSE BILL No. 5880

June 18, 1990, Introduced by Rep. Varga and referred to the Committee on Urban Affairs.

A bill to amend section 4 of Act No. 230 of the Public Acts of 1972, entitled as amended

"State construction code act of 1972,"

as amended by Act No. 371 of the Public Acts of 1980, being section 125.1504 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4 of Act No. 230 of the Public Acts of
2 1972, as amended by Act No. 371 of the Public Acts of 1980, being
3 section 125.1504 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 4. (1) The commission shall prepare and promulgate
6 the state construction code consisting of rules governing the
7 construction, use, and occupation of buildings and structures,
8 including land area incidental to the buildings and structures,
9 the manufacture and installation of building components and

1 equipment, the construction and installation of premanufactured
2 units, the standards and requirements for materials to be used in
3 connection with the units, and other requirements relating to the
4 safety, including safety from fire, and sanitation facilities of
5 the buildings and structures. HOWEVER, THE COMMISSION SHALL NOT
6 PROHIBIT A PERSON FROM REBUILDING A NONCONFORMING BUILDING OR
7 STRUCTURE ON A LOT ON WHICH A NONCONFORMING BUILDING OR STRUCTURE
8 WAS DESTROYED BY FIRE, STORM, OR OTHER SIMILAR ACT. UNLESS OTH-
9 ERWISE PROVIDED BY THE COMMISSION, THIS PROVISION DOES NOT PERMIT
10 A PERSON TO BUILD A BUILDING OR STRUCTURE THAT VIOLATES THE CODE
11 TO A GREATER DEGREE THAN, OR IN A MANNER DIFFERENT FROM, THE EAR-
12 LIER NONCONFORMING BUILDING OR STRUCTURE.

13 (2) The code shall consist of nationally recognized model
14 building codes, other nationally recognized model codes and stan-
15 dards, and amendments, additions, or deletions to the building
16 code or other codes and standards as the commission determines
17 appropriate.

18 (3) The code shall be designed to effectuate the general
19 purposes of this act and the following objectives and standards:

20 (a) To provide standards and requirements for construction
21 and construction materials consistent with nationally recognized
22 standards and requirements.

23 (b) To formulate standards and requirements, to the extent
24 practicable in terms of performance objectives, so as to make
25 adequate performance for the use intended the test of
26 acceptability.

1 (c) To permit to the fullest extent feasible the use of
2 modern technical methods, devices, and improvements, including
3 premanufactured units, consistent with reasonable requirements
4 for the health, safety, and welfare of the occupants and users of
5 buildings and structures.

6 (d) To eliminate restrictive, obsolete, conflicting, and
7 unnecessary construction regulations that tend to increase con-
8 struction costs unnecessarily; ~~or~~ restrict the use of new mate-
9 rials, products, or methods of construction; ~~or~~ or provide pref-
10 erential treatment to types or classes of materials or products
11 or methods of construction.

12 (e) To insure adequate maintenance of buildings and struc-
13 tures throughout this state and to adequately protect the health,
14 safety, and welfare of the people.

15 (4) The code shall be divided into sections as the commis-
16 sion considers appropriate including, without limitation, build-
17 ing, plumbing, electrical, and mechanical sections. The boards
18 shall participate in and work with the staff of the commission in
19 the preparation of parts relating to their functions. Before the
20 promulgation of an amendment to the code, the boards whose func-
21 tions relate to that code ~~shall be permitted to~~ MAY draft and
22 recommend to the commission proposed language. The commission
23 shall ~~give consideration to~~ CONSIDER any submissions by the
24 boards. However, the commission has final responsibility for the
25 promulgation of the code.

26 (5) The code may incorporate the provisions of any code,
27 standard, or other material by reference. The commission shall

1 add, amend, and rescind rules to update the code at least once
2 every 3 years to coincide with the national code change cycle.