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September 16, 2020

LARA

Bureau of Construction Codes

Via Email: LARA-BCC-Rules@michigan.gov

Re: Part 5. Residential Code (ORR# 2019-118 LR)

To Whom it May Concern;

The Michigan Air Conditioning Contractors Association (MIACCA), would like to submit the following public comments in regards to Part 5. Residential Code (ORR# 2019-118 LR) :

MIACCA requests that the Bureau to remove, in its entirety, the Section R105.2(c)(xi) exemption which states (xi) When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet (3 005 mm) in length and not more than 6 fittings.

MIACCA requests that as an alternative to removing Section R105.2(c)(xi) entirely, that the Bureau considers replacing Section R105.2(c)(xi) with the proposed following language:

(xi) When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping OUTDOORS which shall be limited to 10 feet (3.005 mm) in length and not more than 6 fittings.

Therefore, MIACCA respectfully requests that Section R105.2(c)(xi) be either removed in its entirety and alternatively replaced with the proposed language, suggested in the above paragraph,

and requiring mechanical permits, gas leak testing and mechanical inspections by the third party authority having jurisdiction when gas meters are relocated in residences that includes gas piping after the meter being redone and or installed. If mechanical permits are required for other gas piping done in a residence, then so should the gas piping done when relocating a gas meter.

We appreciate the opportunity to comment on this and hope that you will strongly consider our suggestions, as we believe it is to the benefit of the profession and our members. Please contact me with any questions you might have.

Best Regards,

A handwritten signature in black ink, appearing to read 'M.J. D'Smith', written in a cursive style.

M.J. D'Smith
Executive Director



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BUILDING DEPARTMENT

September 16, 2020

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Lansing, MI

Part 5 Proposed Rules Michigan Residential Code Chapters 1 & 2

As the first of the attached pages you'll see a copy of page iii of the 2015 Michigan Residential Code. That page expresses that the Code is a "comprehensive, **stand alone** residential code establishing the minimum regulations for one- and two-family dwellings and townhouses." Therefore, striking language that is repetitive to that in the Act only reinforces those provisions. Redundancy doesn't create or define a conflict or inconsistency. It is just that a redundant provision or regulation. Any inconsistencies should be corrected to correlate not be removed. Most importantly it places ALL the provisions and regulations in a user's hands in a single document.

My first question is which set of proposed rules are being used at the hearing? The proposed rules obtained from the bureau website following the link from the hearing announcement are not the same as the rules posted on the ARS page of the State of Michigan website. Which is correct?

The remainder of this communication is using the rules posted on the BCC web page. In the proposed Strike out and Bold document there are numerous places where there is an inconsistency of section citations. For example, as cited "**Rule 501b. Sections 101.3 and 101.4**" don't exist in the Residential Code. Sections R101.3 and R101.4 do; the example sections above without a prefix "R" do represent sections of the Building Code. Those proposed rule changes are an entirely different set of rules proposed – confusion should be eliminated.

Following is an outline or description of content of the following attached pages. Which are being presented mostly in opposition to the proposed rule changes for Chapters 1 and 2 of the 2015 MI Residential Code. Because they appear to violate or go beyond what was authorized with a defined scope in **ORR 2018-054 LR**. That defined scope allowed rules "**to correct conflicts and inconsistencies between the two chapters of the Residential Code and the Stille-DeRossett-Hales Single State Construction Code Act 230 PA 1972**". What has been presented in my opinion goes beyond that scope in several instances; which I'll provide a justification as to why. It is requested that a reason be presented as to why these changes are within the limits of the scope of ORR 2018-054 LR.

Materials provided on the BCC web page regarding these proposed changes by the BCC were converted into a Word format. The first document is the comparison of existing verses proposed

language. I've presented my reason for recommending denial at the beginning of the document, so it is not lost or missed at the end.

In the Strike out and bold document – Comments are made after each proposal or section. Many proposed rule changes bring inconsistency between the rules and the Act. Deleting provisions that are redundant doesn't improve the quality or usability of the code. Instead it will create conflicts and controversy because things like site plan requirements are not clear, no means to actually modify the code provisions to meet a unique situation. Yet allow procedures to be developed that could conflict with the Act.

I had participated in the “non-official hearing” last August for proposed rules to the building code. Many of these same issues were raised and written suggestions were submitted for improvement to proposed language and met what was expressed as the intent of the rule changes. Those suggestions seemed to have been totally ignored and what is before us is rules proposed or deletion of existing language that will create conflict and controversy regarding the enforcement and administration of the Act and code.

Act 1972 PA 230 refers in several places that enforcement is required of both the Act and the code as created via the rules. These rules have served our state well over the past 47 years, are they perfect no – but they are very good. Why mess that up, when a few changes could improve an already good code that has consistency with the Act?

Sincerely,



Wayne R. Jewell
Building Official

Enclosures:

Page iii of 2015 Michigan Residential Code
RFR
Rule Comparison w/ comments
Strike out and Bold Rule proposal w/ comments

PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date residential code addressing the design and construction of one- and two-family dwellings and townhouses. The *International Residential Code*®, in this 2015 edition, is designed to meet these needs through model code regulations that safeguard the public health and safety in all communities, large and small.

This comprehensive, stand-alone residential code establishes minimum regulations for one- and two-family dwellings and townhouses using prescriptive provisions. It is founded on broad-based principles that make possible the use of new materials and new building designs. This 2015 edition is fully compatible with all of the *International Codes*® (I-Codes®) published by the International Code Council® (ICC)®, including the *International Building Code*®, *International Energy Conservation Code*®, *International Existing Building Code*®, *International Fire Code*®, *International Fuel Gas Code*®, *International Green Construction Code*®, *International Mechanical Code*®, *ICC Performance Code*®, *International Plumbing Code*®, *International Private Sewage Disposal Code*®, *International Property Maintenance Code*®, *International Swimming Pool and Spa Code*™, *International Wildland-Urban Interface Code*® and *International Zoning Code*®.

The *International Residential Code* provisions provide many benefits, among which is the model code development process that offers an international forum for residential construction professionals to discuss prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first edition of the *International Residential Code* (2000) was the culmination of an effort initiated in 1996 by a development committee appointed by ICC and consisting of representatives from the three statutory members of the International Code Council at the time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI), and representatives from the National Association of Home Builders (NAHB). The intent was to draft a stand-alone residential code consistent with and inclusive of the scope of the existing model codes. Technical content of the 1998 *International One- and Two-Family Dwelling Code* and the latest model codes promulgated by BOCA, ICBO, SBCCI and ICC was used as the basis for the development, followed by public hearings in 1998 and 1999 to consider proposed changes. This 2015 edition represents the code as originally issued, with changes reflected in the 2009 through 2012 editions, and further changes developed through the ICC Code Development Process through 2013. Residential electrical provisions are based on the 2014 *National Electrical Code*® (NFPA 70). A new edition such as this is promulgated every three years.

Energy provisions in Chapter 11 are duplicated from the *International Energy Conservation Code*®—*Residential Provisions* applicable to residential buildings which fall under the scope of this code.

Fuel gas provisions have been included through an agreement with the American Gas Association (AGA). Electrical provisions have been included through an agreement with the National Fire Protection Association (NFPA).

This code is founded on principles intended to establish provisions consistent with the scope of a residential code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

State Budget Office
Office of Regulatory Reinvention
111 S. Capitol Avenue; 8th Floor, Romney Building,
Lansing, MI 48933
Phone: (517) 335-8658 FAX: (517) 335-9512

REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at orr@michigan.gov.

1. Agency Information

Agency name:	Department of Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Construction Codes/Building Division
Agency contact person name, e-mail, and phone:	Shannon Matsumoto, Rules Specialist, matsumotos@michigan.gov , (517) 241-6312

2. Rule Set Information

Title of proposed rule set:	Part 5. Residential Code
Rule number(s) or range of numbers:	R 408.30500, R 408.30501, R 408.30501a, R 408.30503, R 408.30504, R 408.30505, R 408.30506, R 408.30508, R 408.30509, R 408.30509a, R 408.30510, R 408.30511, R 408.30512, R 408.30513, and R 408.30514
Included in agency's annual regulatory plan as rule to be processed in current year?	No

3. Estimated timetable for completion, or statutory deadline, if applicable:

The proposed revisions to the rules are anticipated to be promulgated by early 2020.
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4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

The rules currently adopt by reference Chapters 1 and 2 of the International Residential Code. The bureau is revising the above rules that are in Part 5. Residential Code, to correct conflicts and inconsistencies between the two chapters of the Residential Code and the Stille-DeRossett-Hale Single State Construction Code Act 230 PA 1972 and the Skilled Trades Regulation Act, 407 PA 2016.
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5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

The authority to promulgate the proposed rules is found in section 4 of 1972 PA 230, MCL 125.1504 and Executive Reorganization Order Nos. 2003-1, 2008-4, and 2011-4, MCL 445.2011, MCL 445.2025, and MCL 445.2030. In addition, MCL 125.1504(6) of 230 PA 1972 requires that beginning with the 2015 national code change cycle, the director shall add, amend, and rescind rules to simultaneously update all chapters of the residential code at least once every 6 years or more frequently than once every 3 years as the director determines is appropriate.
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6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

There are no similar rules or regulations adopted by the state or federal government.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

There is no subject matter in these rules currently contained in any guideline, handbook, manual, instructional bulletin, form with the instructions, or operational memoranda.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

These rules will be promulgated under the full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

These rules are not being reviewed by an Advisory Rules Committee formed pursuant to Executive Order 2011-5 at this time.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

There is no applicable decision record.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ To be completed by the ORR ↓

Date RFR received: 8-1-2018

Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.

ORR assigned rule set number:	2018-054 LR
Date of approval:	8/10/18

Based on the information in this RFR, the ORR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	

W. Jewell Comment:

Changing the title of this subsection is a misrepresentation of the section's context; besides being repetition of the Section Title. One would expect that this subsection would be discussing general information regarding types of permits. Not what type of construction is exempt from permits. Existing language has been in the nationally published document and the State of MI rules for several prior code adoption cycles. Since there is no language in the Act that speaks of exemption from permits where is the conflict? Which since that is one of the described purposes of these rules under the RFR authorized on 8/10/18 – shouldn't that justification be provided to demonstrate compliance? The fact is the current title adds clarification and usability of the rules and the act. **THIS PROPOSED CHANGE AND ALL OTHERS SHOULD BE DENIED.**

Next, this single comparison of existing vs. proposed language clearly expresses the fact that proper formatting of construction codes is not understood.

Current Language

R 408.30505 Work exempt from permit.

Rule 505. Section R105.2 of the code is amended to read as follows:

R105.2. Work exempt from permit. Exemption from the permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of this jurisdiction.

Permits are not required for any of the following:

- (a) Building permits shall not be required for any of the following:
 - (i) One-story detached accessory structures, if the floor area does not exceed 200 square feet (18.58 m²).
 - (ii) A fence that is not more than 7 feet (2 134 mm) high.
 - (iii) A retaining wall that is not more than 4 feet (1 219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
 - (iv) A water tank supported directly upon grade if the capacity is not more than 5,000 gallons (18 927 L) and the ratio of height to diameter or width is not greater than 2 to 1.
 - (v) A sidewalk and driveway not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below and are not part of an accessible route.
 - (vi) Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
 - (vii) A prefabricated swimming pool that is less than 24 inches (610 mm) deep, and not greater than 5,000 gallons (18 925 L), and is installed entirely above ground.

(viii) Swings and other playground equipment accessory to detached 1- or 2-family dwellings.

(ix) Window awnings in group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1 372 mm) from the exterior wall and do not require additional support, as applicable in Section 101.2 and group U occupancies.

(x) Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point as prescribed by Section R312.1.1, are not attached to a dwelling or its accessory structures, are not within 36 inches (914 mm) of a dwelling or its accessory structures, and do not serve any ingress or egress door of the dwelling or its accessory structures.

(b) Electrical permits shall not be required, as in accordance with the Michigan electrical code, R 408.30801 to R 408.30880, for any of the following:

(i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(ii) Radio and television transmitting stations: The provisions of the code do not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply and to the installation of towers and antennas.

(iii) Temporary testing systems: A permit is not required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) Mechanical permits shall not be required for any of the following:

- (i) A portable heating or gas appliance that has inputs of less than 30,000 BTU's per hour.
- (ii) Portable ventilation appliances and equipment.
- (iii) A portable cooling unit.
- (iv) Steam, hot water, or chilled water piping within any heating or cooling equipment or appliances regulated by this code.
- (v) Replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe.
- (vi) A portable evaporative cooler.
- (vii) Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75kW) or less.
- (viii) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- (ix) An oil burner that does not require connection to a flue, such as an oil stove and a heater equipped with a wick.
- (x) A portable gas burner that has inputs of less than 30,000 BTU's per hour.
- (xi) When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet (3 005 mm) in length and not more than 6 fittings.
- (xii) When installing geothermal vertical closed loops under the supervision of a mechanical contractor licensed in HVAC as long as the company meets both the following:
 - (A) Has obtained a certificate of registration as a well drilling contractor pursuant to part 127 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771.
 - (B) Has installed the geothermal vertical closed loops in accordance with the department of environmental quality's best practices regarding geothermal heat pump closed loops. Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.
- (d) Plumbing permits shall not be required for either of the following:
 - (i) The stopping of leaks in drains, water, soil, waste or vent pipe. If any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, then the work is considered as new work and a permit shall be obtained and inspection made as provided in the code.
 - (ii) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, if the repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

Proposed Language

R 408.30505 ~~Work exempt from permit~~**Permits.**

Rule 505. Section R105.2 of the code is amended to read as follows:

R105.2. Work exempt from permit. Exemption from the permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of this jurisdiction. Permits are not required for any of the following:

(a) Building permits shall not be required for any of the following:

(i) One-story detached accessory structures, if the floor area does not exceed 200 square feet (18.58 m²).

(ii) A fence that is not more than 7 feet (2 134 mm) high.

(iii) A retaining wall that is not more than 4 feet (1 219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

(iv) A water tank supported directly upon grade if the capacity is not more than 5,000 gallons (18 927 L) and the ratio of height to diameter or width is not greater than 2 to 1.

(v) A sidewalk and driveway not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below and are not part of an accessible route.

(vi) Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.

(vii) A prefabricated swimming pool that is less than 24 inches (610 mm) deep, and not greater than 5,000 gallons (18 925 L), and is installed entirely above ground.

(viii) Swings and other playground equipment accessory to detached 1- or 2-family dwellings.

(ix) Window awnings in group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1 372 mm) from the exterior wall and do not require additional support, as applicable in Section 101.2 and group U occupancies.

(x) **Decks, porches, patios, landings, or similar structures** not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point as prescribed by Section R312.1.1, are not attached to a dwelling or its accessory structures, are not within 36 inches (914 mm) of a dwelling or its accessory structures, and do not serve any ingress or egress door of the dwelling or its accessory structures.

(b) Electrical permits shall not be required, as in accordance with the Michigan electrical code, R 408.30801 to R 408.30880, for any of the following:

(i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(ii) Radio and television transmitting stations: The provisions of the code do not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply and to the installation of towers and antennas.

(iii) Temporary testing systems: A permit is not required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) Mechanical permits shall not be required for any of the following:

(i) A portable heating or gas appliance that has inputs of less than 30,000 BTU's per

hour.

- (ii) Portable ventilation appliances and equipment.
- (iii) A portable cooling unit.
- (iv) Steam, hot water, or chilled water piping within any heating or cooling equipment or appliances regulated by this code.
- (v) Replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe.
- (vi) A portable evaporative cooler.
- (vii) Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75kW) or less.
- (viii) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- (ix) An oil burner that does not require connection to a flue, such as an oil stove and a heater equipped with a wick.
- (x) A portable gas burner that has inputs of less than 30,000 BTU's per hour.
- (xi) When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet (3 005 mm) in length and not more than 6 fittings.
- (xii) When installing geothermal vertical closed loops under the supervision of a mechanical contractor licensed in HVAC as long as the company meets both the following:
 - (A) Has obtained a certificate of registration as a well drilling contractor pursuant to part 127 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771.
 - (B) Has installed the geothermal vertical closed loops in accordance with the department of environmental quality's best practices regarding geothermal heat pump closed loops. Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.
- (d) Plumbing permits shall not be required for either of the following:
 - (i) The stopping of leaks in drains, water, soil, waste or vent pipe. If any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, then the work is considered as new work and a permit shall be obtained and inspection made as provided in the code.
 - (ii) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, if the repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on
 These rules take effect 120 days after filing with the Secretary of State

(By authority conferred on the director of the department of licensing and regulatory affairs by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4, 2011-4, MCL 445.201, 1 445.2025, and 445.2030)

R of the Michigan Administrative Code are amended and R are rescinded as follows:

PART 5. RESIDENTIAL CODE

R 408.30500 Applicable code.

Rule 500. The provisions of the international residential code, 2015 edition, including appendices A, B, C, D, E, F, G, J, K, N, O, P, R, and S except for Sections **R 103.1** R103.2, R103.3, **R104.2**, **R104.3**, **R104.5**, **R104.6**, **R104.7**, R104.8, R104.8.1, **R 104.10**, **R 105.3**, **R 105.3.1**, **R 105.3.2**, **R 105.6**, **R 105.9**, **R106.2**, **R108.1**, to R108.2, R108.3, R108.4, R108.5, R108.6, **R109.1**, **R109.1.5**, **R110.1**, **R110.2**, **R112.2**, **R112.3**, **R112.4**, **R113.1** to **R113.3**, **R113.4**, **R114.1** and **R114.2** R313.1.1 to R313.2.1, R602.11, R602.12, N1102.3.2, tables R507.2.3, N1101.12.3(3) and figure R507.2.1(2), R507.2.3(1), R507.2.3(2), and 507.2.4, sections M1411.8, G2411.1.1.1 to G2411.1.1.5, G2439.7.2, P2503.9, P2709.2.3, P2904.1.1 to P2904.8.2, P2905.1, P2905.2, figure P2904.2.4.2, table P2904.2.2, tables P2904.6.2(1) to P2904.6.2(9), P3009.1 to P3009.11.1, E3902.15, E3902.16, E3902.17, and AJ102.4, the IBC-2015, IECC-2015, IMC-2015, IPC-2015, NFPA 70-2014 listed in chapter 44 govern the construction, alteration, relocation, demolition, use, and occupancy of buildings and structures, and, with exceptions noted, the international residential code is adopted by reference in these rules. All references to the International Building Code, International Residential Code, International Energy Conservation Code, National Electrical Code, International Existing Building Code, International Mechanical Code, and International Plumbing Code mean the Michigan Building Code, Michigan Residential Code, Michigan Energy Code, Michigan Electrical Code, Michigan Rehabilitation Code for Existing Buildings, Michigan Mechanical Code, and Michigan Plumbing Code respectively. The codes are available for inspection at the Okemos office of the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes. The codes may be purchased from the International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, D.C. 20001, or from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these amendatory rules of \$118.00.

W Jewell comment – All of the above section deletions should not be approved as they either aren't in conflict or inconsistent with the Act. As an example- Section R106.2 is proposed to be deleted or not adopted. However, section R106.2 requires a site plan with certain information necessary for issuance of a building permit. Yes, the Act does speak to the need of a site plan. However, there is a lack of information when a building is proposed for demolition, not

construction. It provides no ability to waive a site plan from when a site plan really isn't necessary. Such as a alteration or renovation on the interior of a building. That Act doesn't allow for that it requires a site plan for all applications. Just additional information that is included in Section R-106.2 and doesn't conflict with the Act. Is adding detail/clarity and reducing paper a conflict or inconsistency. In fact, it is why the rules exist to add detail and clarification for what's required.

R 408.30501b Intent.

Rule 501b. Sections 101.3 and 101.4 of the code are amended to read as follows:

R101.3. Intent. The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations. Stille-DeRossett-Hale single state construction code act, 1972 PA 230, takes precedence over all provisions of this code.

R101.4. Severability. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

W Jewell comment – Proposed change to Section R101.3 Above really should be modified to reflect consistency with the Act. In several sections of the Act it states that the rules developed under Part 4 of the Act and the Act itself are to be enforced. The last sentence above seems to negate the rules. As in some instances the rules help to clearly define in more detail what is required.

R 408.30501c Existing structures.

Rule 501c. Section 102.7 is amended to read as follows:

R102.7. Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the international property maintenance code or the international fire code.

W Jewell comment – proposed deletion of the last sentence of existing language is not inconsistent with the Act and it strips away the ability to deal with what is defined as dangerous or unsafe conditions as defined in the international property maintenance code it references and provisions of Part 4 of the Act itself.

R 408.30503 Approved materials and equipment.

Rule 503. Sections R104.9 of the code is amended to read as follows:

R104.9. Approved materials and equipment. Materials, equipment, and devices shall be constructed or installed in accordance with approvals granted under the act or by the building official. The building official shall review reports prepared by recognized evaluation services and determine if the intent of the code is met.

W Jewell comment- Section R014.10 is proposed at the beginning to be eliminated without change. Doing so eliminates the ability of a code official to allow a modification to the provisions of the code where strict compliance cannot be achieved; but all provisions related to health, life and fire safety or structural requirements can be met. Isn't the Act and Code to provide affordable and innovative construction? Next what happens to Section R104.10.1? Again, a lack of proper code formatting.

R 408.30504 Duties and powers of building official.

Rule 504. Sections **R104.1**, ~~R104.6~~ and R104.11 of the code are amended to read as follows:

R104.1. General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to adopt procedures in order to clarify the application of this code.

~~R104.6. Right of entry. In the discharge of duties, the code official may enter any building, structure, or premises in the jurisdiction to enforce the provisions of the act and the code~~

R104.11. Alternative materials, design, and methods of construction and equipment. The provisions of the code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the code, if the alternative has been approved. An alternative material, design, or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of the code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the code. Compliance with the specific performance-based provisions of the Michigan building, R 408.30401 to R 408.30547, electrical, R 408.30801 to R 408.30880, mechanical, R 408.30901 to R 408.30998, and plumbing, R 408.30701 to R 408.30796, codes instead of specific requirements of the code shall also be permitted as an alternate.

W Jewell comment – First this proposed language of R104.1 fails to add that the building official is also required to enforce the act. Thus, creating an inconsistency with the act. Next, it fails to address that any such procedures shall not have the effect of waiving requirements of the code or act. Next, removal of Section R104.6 eliminates the language which currently is consistent with the act regarding the access to a building or structure under construction.

R 408.30505 ~~Work exempt from permit~~Permits.

Rule 505. Section R105.2 of the code is amended to read as follows:

R105.2. Work exempt from permit. Exemption from the permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of this jurisdiction. Permits are not required for any of the following:

(a) Building permits shall not be required for any of the following:

- (i) One-story detached accessory structures, if the floor area does not exceed 200 square feet (18.58 m²).
 - (ii) A fence that is not more than 7 feet (2 134 mm) high.
 - (iii) A retaining wall that is not more than 4 feet (1 219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
 - (iv) A water tank supported directly upon grade if the capacity is not more than 5,000 gallons (18 927 L) and the ratio of height to diameter or width is not greater than 2 to 1.
 - (v) A sidewalk and driveway not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below and are not part of an accessible route.
 - (vi) Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
 - (vii) A prefabricated swimming pool that is less than 24 inches (610 mm) deep, and not greater than 5,000 gallons (18 925 L), and is installed entirely above ground.
 - (viii) Swings and other playground equipment accessory to detached 1- or 2-family dwellings.
 - (ix) Window awnings in group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1 372 mm) from the exterior wall and do not require additional support, as applicable in Section 101.2 and group U occupancies.
 - (x) Decks, porches, patios, landings, or similar structures not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point as prescribed by Section R312.1.1, are not attached to a dwelling or its accessory structures, are not within 36 inches (914 mm) of a dwelling or its accessory structures, and do not serve any ingress or egress door of the dwelling or its accessory structures.
- (b) Electrical permits shall not be required, as in accordance with the Michigan electrical code, R 408.30801 to R 408.30880, for any of the following:
- (i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - (ii) Radio and television transmitting stations: The provisions of the code do not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply and to the installation of towers and antennas.
 - (iii) Temporary testing systems: A permit is not required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
- (c) Mechanical permits shall not be required for any of the following:
- (i) A portable heating or gas appliance that has inputs of less than 30,000 BTU's per hour.
 - (ii) Portable ventilation appliances and equipment.
 - (iii) A portable cooling unit.
 - (iv) Steam, hot water, or chilled water piping within any heating or cooling equipment or appliances regulated by this code.
 - (v) Replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe.
 - (vi) A portable evaporative cooler.
 - (vii) Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75kW) or less.
 - (viii) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
 - (ix) An oil burner that does not require connection to a flue, such as an oil stove and

a heater equipped with a wick.

(x) A portable gas burner that has inputs of less than 30,000 BTU's per hour.

(xi) When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet (3 005 mm) in length and not more than 6 fittings.

(xii) When installing geothermal vertical closed loops under the supervision of a mechanical contractor licensed in HVAC as long as the company meets both the following:

(A) Has obtained a certificate of registration as a well drilling contractor pursuant to part 127 of the public health code, 1978 PA 368, MCL 333.12701 to 333.12771.

(B) Has installed the geothermal vertical closed loops in accordance with the department of environmental quality's best practices regarding geothermal heat pump closed loops. Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

(d) Plumbing permits shall not be required for either of the following:

(i) The stopping of leaks in drains, water, soil, waste or vent pipe. If any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, then the work is considered as new work and a permit shall be obtained and inspection made as provided in the code.

(ii) The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, if the repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

W Jewell comment expressed on the comparison document.

R 408.30506 Submittal documents.

Rule 506. Sections R106.1, R106.1.1, **R106.5**, and R802.10.1 of the code are amended and Section R106.1.4 and figure 802.10.1 are added to the code to read as follows:

R106.1. Submittal documents. Construction documents, special inspection and structural program and other data shall be submitted in 1 or more sets with each application for a permit. The construction documents shall be prepared by or under the direct supervision of a registered design professional when required by 1980 PA 299, MCL 339.101 to 339.2919, and known as the Michigan occupational code. Where special conditions exist, the building official may require additional construction documents to be prepared by a registered design professional.

R106.1.1. Information on construction documents. Construction documents shall be drawn upon suitable material. Electronic media documents may be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, and rules and regulations, as determined by the building official.

R106.1.4. Truss design data. As an alternative to the submission of truss design drawings, figure R802.10.1, the truss design data sheet, may be provided to the building official as part of the construction documents at the time of application. Truss design drawings shall be submitted to the building official prior to truss installation as required by Section R802.10.1.

R106.5. Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period as required by state or local laws.

R802.10.1 Truss design drawings. Truss design drawings, prepared in conformance

with Section R802.10.1, shall be provided to the building official and approved prior to installation. The truss design data sheet, figure R802.10.1, may be provided to the building official at the time of permit application, as an alternative to design drawings as permitted in Section R106.1.4. Truss design drawings shall include, at a minimum, the information specified below. Truss design drawings shall be provided with the shipment of trusses delivered to the jobsite.

- (1) Slope or depth, span, and spacing.
- (2) Location of all joints.
- (3) Required bearing widths.
- (4) Design loads as applicable.
 - (a) Top chord live load (including snow loads).
 - (b) Top chord dead load.
 - (c) Bottom chord live load.
 - (d) Bottom chord dead load.
 - (e) Concentrated loads and their points of application.
 - (f) Controlling wind and earthquake loads.
- (5) Adjustments to lumber and joint connector design values for conditions of use.
- (6) Each reaction force and direction.
- (7) Joint connector type and description (e.g., size, thickness, or gauge) and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface.
- (8) Lumber size, species, and grade for each member.
- (9) Connection requirements for the following:
 - (a) Truss to truss girder.
 - (b) Truss ply to ply.
 - (c) Field splices.
- (10) Calculated deflection ratio and/or maximum description for live and total load.
- (11) Maximum axial compression forces in the truss members to enable the building designer to design the size, connections, and anchorage of the permanent continuous lateral bracing. Forces shall be shown on the truss design drawing or on supplemental documents.
- (12) Required permanent truss member bracing location.

R 408.30508 Payment of fees Rescind.

Rule 508. Section R108.1 of the code is amended to read as follows:

~~R108.1. Fees. The fees prescribed in the act shall be paid to the enforcing agency of the jurisdiction before a permit to begin work for new construction, alteration, removal, demolition, or other building operation may be issued. In addition, an amendment to a permit necessitating an additional fee shall not be approved until the additional fee is paid.~~

W Jewell comment – This language of R108.1 was not in conflict or inconsistent with the Act. If fees are allowed to be charged; as a stand-alone document shouldn't that be expressed and maintain consistency? By removing this section - A literal reading of the Act, one could argue that a local enforcing agency can only collect a fee at the time of application. Nothing more when a permit is issued. In consistencies of dealing with fees is in the Act itself this Section helped correct that.

R 408.30509 Frame and masonry inspection.

Rule 509. Section R109.1.4 of the code is amended to read as follows:

R109.1.4. Frame and masonry inspection. Inspection of framing construction shall be made after the roof, all framing, firestopping, draftstopping, and bracing are in place and after the plumbing, mechanical, and electrical rough inspections are approved. Masonry inspections shall be made after the completed installation of base course flashing as specified in section R703.7.5 of the code and water-resistive barrier as specified in section R703.2 of the code and after the masonry construction is completed.

R 408.30509a Approval required.

Rule 509a. Section R109.4 of the code is amended to read as follows:

R109.4. Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or agent of the permit holder wherein portion of the construction fails to comply with this code. The notification shall include specific reference to the code chapter and section numbers in violation in writing. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

R 408.30510 Use and occupancy.

Rule 510. Sections ~~R110.1, R110.2,~~ and Section R110.3 of the code are amended to read as follows:

~~R110.1. Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing occupancy classification of a building or structure or portion thereof shall not be made, until a certificate of occupancy has been issued in accordance with the act.~~

~~R110.2. Change in use. A change in the character or use of an existing structure shall not be made, except as specified in the Michigan building code, R 408.30401 to R 408.30499.~~

R110.3 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which shall contain the following:

- (a) The building permit number.
- (b) The address of the structure.
- (c) A description of that portion of the structure for which the certificate is issued.
- (d) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code.
- (e) The name of the building official.
- (f) The edition of the code under which the permit was issued.
- (g) Any special stipulations and conditions of the building permit.

W Jewell comment – This language of R110.1 and 110.2 was not in conflict or inconsistent with the Act. In fact, Section 13 of the Act is not very clear regarding the change of occupancy that can occur with a residential building. Section 4 of the Act expresses that the rules are to govern the use and occupation of buildings and

structures. Exactly what these deletions are providing.

R 408.30511 ~~Violation penalties~~**Rescind.**

Rule 511. Section R113.4 of the code is amended to read as follows:

~~R113.4. Violation penalties. It is unlawful for any person, firm, or corporation to violate a provision of the code or fail to conform with any of the requirements thereof, or erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by the code, or cause work to be performed or done in conflict with or in violation of the approved construction documents or directive of the enforcing agency, or a permit or certificate issued under the code. A violator shall be assessed a fine in accordance with the act.~~

R 408.30512 ~~Notice to owner~~**Rescind.**

Rule 512. Section R114.1 of the code is amended to read as follows:

~~R114.1. Notice to owner. The notice shall be in accordance with the act. Any person who is served with a stop work order, except for work that the person is directed to perform to remove a violation or unsafe condition, is subject to the penalty provisions in the act.~~

W Jewell comment – Language of Sections R113.4 and R114.1 were not in conflict or inconsistent with the Act. In fact, like many other proposed deletions it provided the language of the Act, so it didn't have to be looked for or thought to just not exist. This action along with deleting Sections R113-1 – R113.3 and R114.1 & R114.2; would appear that there are no provisions for dealing with violations of the code.

R 408.30513 Definitions.

Rule 513. The definitions of ~~agricultural or agricultural purposes and building inspector~~ are added to the code and the definitions of ~~building, building official, registered design professional, and attic and sunroom addition~~ in Section R202 of the code are amended, the definition of **agricultural or agricultural purposes, building inspector, building, building official, and registered design professional** ~~residential building type~~ isare deleted, and the definition of ~~structure~~ is added to Section R202 to read as follows:
R202. Definitions.

~~“Agricultural or agricultural purposes” means of, or pertaining to, or connected with, or engaged in agriculture or tillage which is characterized by the act or business of cultivating or using land and soil for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.~~

~~“Attic, uninhabitable with limited storage” means uninhabitable attics with limited storage where the minimum clear height between joists and rafters is 42 inches (1 063 mm) or greater or where there are not 2 or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches (1 063 mm) high by 24 inches (610 mm) in width, or greater, within the plane of the trusses.~~

~~“Attic, uninhabitable without storage” means uninhabitable attics without storage where the maximum clear height between joists and rafters is less than 42 inches (1 063 mm), or where there are not 2 or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches (1 063 mm) high by 24 inches (610~~

mm) in width, or greater, within the plane of the trusses.

~~"Building" means a combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by persons, animals, or property. The term does not include a building 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. The term shall be construed as though followed by the words "or part or parts of the building and all equipment in the building" unless the context clearly requires a different meaning.~~

~~"Building inspector" means the person who is appointed and employed by a governmental subdivision, who is charged with the administration and enforcement of the state codes specified in R 408.30499, and who is registered in compliance with 1986 PA 54, MCL 338.2301 to 338.2313.~~

~~"Building official" means the person who is appointed and employed by a governmental subdivision, who is charged with the administration and enforcement of the state codes specified in R 408.30499, and who is registered in compliance with 1986 PA 54, MCL 338.2301 to 338.2313.~~

~~"Registered design professional" means an individual who is licensed under the occupational code, 1980 PA 299, MCL 339.101 to 339.2919.~~

~~"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 incidental 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, without limitation, any of the following:~~

- ~~-(a) A highway.~~
- ~~-(b) A bridge.~~
- ~~-(c) A dam.~~
- ~~-(d) A reservoir.~~
- ~~-(e) A lock.~~
- ~~-(f) A mine.~~
- ~~-(g) A harbor.~~
- ~~-(h) A dockside port facility.~~
- ~~-(i) An airport landing facility.~~
- ~~-(j) A facility for the generation, or transmission, or distribution of electricity.~~

~~Structure shall be construed as though followed by the word "or part or parts of the structure and all equipment in the structure," unless the context clearly indicates otherwise.~~

~~"Sunroom addition" means a new structure with glazing in excess of 40% of the gross area of the structure's exterior walls and roof added to an existing dwelling.~~

W Jewell comment – The addition of definitions for “Attic, uninhabitable with limited storage and Attic, uninhabitable without storage” is foolish at best. The terms are used only in the foot notes of a table regarding uniformly distributed live loads. Next, the language of the two footnotes is identical to this language – so in this case redundancy is GOOD?

Further, the deletion of the other definitions – Agricultural or agricultural purposes, Building, Building Inspector, Building Official and Structure detracts from this being a stand-alone document as

intended and expressed in the Preface of the published document's introduction and removes consistency. If the idea of striking is proposed because they are already in the Act. That is not factual – Building Inspector and Registered Design Professional are not in the Act.

Next as a stand alone document a term not defined in the code is considered to have the ordinary accepted meaning as the context implies. Seems to create opportunity for conflict when using the code as published by the State of Michigan.

R 408.30514 Means of appeal Rescinded.

Rule 514. Sections R112.1 and R112.3 of the code are amended to read as follows:

~~R112.1 Means of appeal. An interested person has the right to appeal a decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the construction code commission in accordance with the act and time frames.~~

~~Exception: Requests for barrier free design exception shall be in accordance with 1966 PA 1, MCL 125.1351 to 125.1356.~~

~~112.3 Qualifications. The board of appeals shall consist of members who are qualified in accordance with the act and are not employees of the governmental subdivision or the agency enforcing the code.~~

W Jewell comment – So in the stand-alone document the decision of the code official is the – no appeal. The existing language was consistent with the Act. This is creating a conflict with the Act.

In conclusion, it seems that at some points where redundancy of language from the Act is used – that is a conflict or inconsistency. If language is identical where could either of those criteria that are the boundaries or filters to which the proposed rules are limited to be successfully argued? Yet in some instances the language of the act is being added to the rules. Humm seems it is the opposite of why language is removed. Existing language of the code or rules adds clarity, such as is done for site plans. One could probably argue that the addition clarity of what to do with some types of permits makes it inconsistent. But when such clarity adds in the administration and enforcement; providing a path of practical application. Isn't that good and what the language of Section 4 of the Act is expecting from the rules?

Dear Director,

Please accept the following public comment and request being submitted pursuant to the public notice for Part 5. Residential Code (ORR# 2019-118 LR).

The gas utility known as Consumers Energy Company was ordered by the Michigan Public Service Commission in U-20569 to show cause why Consumers Energy Company should not be found in violation of Public Act 174 of 2013, the MISS DIG Underground Facility Damage Prevention and Safety Act, MCL 460.721 *et seq* . Therein Consumers Energy Company basically admitted its failure to mark gas lines as required; as indicated in January 23, 2020 Order issued in Case No. U-20569 (located at: <https://mi-psc.force.com/sfc/servlet.shepherd/version/download/068t000009SsYcAAK>).

Given such a violation by one of the largest gas utilities in the State of Michigan, it would be inappropriate for the Director to continue in 2019-118-LR, the promulgating of Administrative Rule R 408.30505(c)(xi) of the Michigan Residential Code; which states in relevant part:

R105.2. Work exempt from permit. Exemption from the permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of this jurisdiction. Permits are not required for any of the following:

...

(c) Mechanical permits shall not be required for any of the following:

...

(xi) When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet (3 005 mm) in length and not more than 6 fittings.

Therefore, given U-20569, it is respectfully requested that the Director, for public safety reasons, not adopt Administrative Rule R 408.30505(c)(xi) as proposed and strike this exemption for utility meter relocations from obtaining a mechanical permit and subsequent approval. The Director should require a mechanical permit, gas leak test and a mechanical inspection by the inspection authority having jurisdiction when a gas meter is relocated in a residence that includes gas piping after the meter. If mechanical permits are required for other gas piping that consists of less than 10 feet of piping and less than 6 fittings that is done in a residence, then so should a mechanical permit be required for the gas piping done when relocating a gas meter.

Thank you for your consideration and look forward to your positive response to this request to further protect Michiganders from gas piping that is not inspected.

Thanks,

Phil Forner

AHC

Allendale Heating Company Inc.

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My name is William Hordyk. I am a registered Building inspector and plans examiner in the State of Michigan. I also hold 10 national certifications with the International Code Council including Residential and Commercial Inspector, Residential and Commercial Plans Examiner and Building Code Specialist. I come to you duly elected by the Metro Building Inspectors Association of Greater of Grand Rapids to speak on their behalf regarding this mater. The Metro association is a group of over 130 registered building officials and inspectors performing their duties for over 70 delegated authorities in the state of Michigan.

In review of the proposed rule changes, I would like to raise an objection to the deletion of substantial portions of the administrative section (chapter 1) of the Residential Code. These sections identified for deletion have existing in the model code and MI versions of that code since the promulgation of the 2000 codes. Similar language has also been a part of the MI adopted codes from the formation of PA 230 of 1972 without being modified by administrative rules. Why is it now that the director has determined to throw out 50 years of precedence and claim that these sections of code are in contradiction to the Act? I ask the director to respond with reasoning for the deletions, and specific reasoning for each of the following sections identified for deletion from the 2018 International Residential Code indicating what specific language of PA 230 is purported to be contradicted.

R 103.1

R 103.2

R 103.3

R 104.2

R 104.3

R 104.5

R 104.6

R 104.7

R 104.8

R 104.8.1

R 104.10

R 105.3

R 105.3.1

R 105.3.2

R 105.6

R 105.9

R 106.2

R 108.1 to R 108.2

R 108.3

R 108.4

R 108.5

R 108.6

R 109.1

R 109.1.5

R 110.1

R 110.2

R 112.2

R 112.3

R 112.4

R113.1 to R 113.3

R 113.4

R 114.1

R 114.2

I also request substantiation for the proposed amending of

R101.3

R102.7

R104.1

R106.5

And to the Deletion of the definition of

“Attic”

“Building Inspector”

“Building”

“Building Official”

and **“Registered Design Professional”**

Apart from the objection to the proposed rule changes I would raise objection to the stated reasoning for these administrative changes. In the Bureau’s Rules Impact Statement, they claim twice that the proposed changes are intended to bring the rules “...in line with actual practices.” I present to you that, as a representative of over 130 registered building officials, the proposed changes at best indifferent to actual practices at more likely in direct contradiction to actual practices.

Thank you for your time today.

TO: Department of Licensing and Regulatory Affairs/Bureau of Construction Codes
FM: Roger Papineau, P O Box 574, Beulah, MI, 49617-0574
RE: Proposed Part 5 rules changes
Date: September 17, 2020

Please consider the following modifications to the proposed rule changes.

Modify proposed change to Rule 501c by deleting the reference to **the international property maintenance code**.

Reason: Section **R102.4 Referenced codes and standards** states:

The codes and standards referenced in this code shall be considered part of the requirements of this code **to the prescribed extent** of each such reference and as further regulated in Sections R102.4.1 and R102.4.2.

Act 230 of 1972 does not adopt the IMPC. Section R102.7 is the only reference to the international property maintenance code and contains no specific section reference in this code. This amounts to a quasi-adoption of the IMPC which is beyond the purview of the Department.

R 408.30501c Existing structures.

Rule 501c. Section 102.7 is amended to read as follows:

R102.7. Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, ~~the international property maintenance code or the international fire code~~.

Modify proposed change to Rule 505 by deleting the reference to porches.

Rule 505. Section R105.2 of the code is amended to read as follows:

R105.2. Work exempt from permit. Exemption from the permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of this jurisdiction.

Permits are not required for any of the following:

(a) Building permits shall not be required for any of the following:

(x) Decks, ~~porches~~, patios, landings, or similar structures not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point as prescribed by Section R312.1.1, are not attached to a dwelling or its accessory structures, are not within 36 inches (914 mm) of a dwelling or its accessory structures, and do not serve any ingress or egress door of the dwelling or its accessory structures.

Reason: RB6-07/08 was specific to “decks” and clearly implied that “porches” were not intended to be included.

Proponent reason statement at ICC

Reason: The proposed amendment will exclude decks from permits only when:

- no part of the deck floor is more than 30 inches above grade
- **the deck has no roof** (a deck by definition is a floor system)
- the deck is not structurally attached to the dwelling
- the deck does not serve the main exit door

This was thoroughly debated at ICC, being approved by AMPC-3 at the Final Action Hearings. PC 3 reason:

Proposals to exempt decks from permits have been under consideration for inclusion into the IRC for two code edition cycles and we believe that all the limitations previously requested by the IRC committees that have heard those proposals have been met by RB6. Further we believe that if a detached accessory structure of up to 200 square feet can be exempt from permit, that this size limit should be considered for detached decks. Please remember that the whole premise of this section as stated in its second sentence is only to exempt issuance of a permit. This section specifically does NOT grant authorization for a deck to be in violation of any requirement (e.g., structural) of this code or other laws (e.g., zoning ordinances) of the jurisdiction. We ask the membership to support the longstanding and practical desire of many jurisdictions to exempt small decks from permitting, and allow this code change to finally become a part of the IRC.

An unattached “Porch” located more than 36” from the dwelling would be more properly be defined as a “Gazebo”. To include porches in the exemption will only create confusion as porches are generally attached to the dwelling and often serve as part of the MOE.

R 408.30513 Definitions.
Rule 513.

Modify and retain the definition of REGISTERED DESIGN PROFESSIONAL as follows:

“Registered design professional” means an individual or firm who is licensed as an architect or professional engineer under 1980 PA 299, MCL 339.101 to 339.2919.

R 408.30513

Reason:

This term is used multiple times (29 in the MRC) throughout the I-Codes including 12 times in the **ISPSC** which is referenced in **R326.1** as the requirement for pools not exempted by R 408.30505.

This term occurs at least 168 other times in I-Codes adopted by the State of Michigan, not including “registered design professional in responsible charge” (6 or more times).

Pulling on this thread could easily result in a big pile of string.

Note: I did not include licensed professional surveyors because I don’t think they qualify to design buildings. If there is by chance a reference to the siting of buildings or some other task which would fall within their purview which I’m not aware of, I would gladly modify my proposed language to include them.



TO: Department of Licensing and Regulatory Affairs/Bureau of Construction Codes
FM: Lee Schwartz
Executive Vice President for Government Relations
RE: Proposed Part 5 rules changes
Date: September 15, 2020

On February 5, 2018, in a letter to the Department of Licensing and Regulatory Affairs, the Home Builders Association of Michigan (HBAM), “*respectfully requests the department to amend Chapters 1 (Scope and Administration) and 2 (Definitions) of the 2015 Michigan residential code to **align** both chapters with the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, and the Skilled Trades Regulation Act, 2016 PA 407, to resolve the conflicts and inconsistencies between the code and statutory authority.*” This request was made in accordance with MCL 125.1504(7) as well as at the request of the department.

In its Request For Rulemaking (RFR) the Department of Licensing and Regulatory Affairs described the general purpose of these rules, including any problem(s) the changes are intended to address as follows: “*The rules currently adopt by reference Chapters 1 & 2 of the International Residential Code. The bureau (of construction codes) is revising the above rules that are in Part 5, Residential Code, to **correct** (emphasis added) conflicts and inconsistencies between the two chapters of the Residential Code and the Stille-DeRossett-Hale Single State Construction Code Act 230 PA 1972 and the Skilled Trades Registration Act, 407 PA 2016.*”

The current draft of the proposed changes fails to comply with the authorization granted in the RFR. These proposed changes have the effect of making the Michigan Residential Code more complex, less useful, and create unnecessary confusion and uncertainty over its requirements and how they are administered.

Unlike Michigan’s other construction codes (Building, Electrical, Mechanical, Plumbing, Energy and Rehabilitation of Existing Buildings) which each cover specific areas of construction and must be used in conjunction with each other, **the Michigan Residential Code has always been intended to be a “stand-alone” document; one containing everything needed to build one- and two-family homes and townhouses including not only construction requirements but also how the code is to be administered and the duties and powers of the building official and limitations to those powers and duties.**

Residential construction is “*code book-centric.*” Residential builders and maintenance contractors are required to have a copy of the latest edition of the Michigan Residential Code as a condition of their license. They are not required to have a copy of the Single State Construction Code Act or the Skilled Trades Act.

In the field, the Michigan Residential Code is used as the governing document for settling most disputes between building officials/inspectors. Its utility comes not only from the construction requirements it contains but also the outlining of specific authority for building officials/inspectors to take certain actions as allowed or required by the Skilled Trades Act and the Single State Construction Code. It’s easy and convenient for everyone involved to have this information and these requirements in one place rather than scattered between the code book and two separate laws.

This is exactly what was in our February 2018 request: Chapters 1 & 2 of the Michigan Residential Code should be “***align(ed)***” with the Single State Construction Code Act to resolve any conflicts of inconsistencies. This draft fails

to accomplish that goal and, instead of aligning the code with the law, simply makes wholesale elimination of valuable portions of the code.

While the Regulatory Impact Statement for these proposed changes states they will “*correct conflicts and inconsistencies between the two chapters and the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, and the Skilled Trades Regulation Act, 2016 PA 407, as per a request* (from HBAM) the proposed changes fall far short of that goal.

The RIS states the desired outcome of these amendments is “*eliminate unnecessary requirements in the code and to have an easier interpretation and classification of the rules*” as well as “*greater clarity to the code and an increase in health and safety to the citizens of the state of Michigan and its visitors.*” These proposed changes accomplish none of these goals.

The RIS for these proposed changes is also gravely inaccurate when it states, “*There are no reasonable alternatives to the proposed rules that would achieve the same or similar goals.*”

Adherence to the initial request from HBAM to harmonize the code with Michigan law rather than eliminate convenient and beneficial portions of the code is “a reasonable alternative to the proposed rules that would achieve the same or similar goals” as was *repeatedly* pointed out by builders and code officials during the advisory meeting.

CHAPTER 1 SCOPE AND ADMINISTRATION PROPOSED CHANGES

In the proposed revisions to **Section R104 Duties and Powers of the Building Official**, the draft eradicates, rather than modifies to be consistent with either the Skilled Trades Act or the Single State Construction Code Act, many references to the duties and powers of the building official. Among those sections eliminated are:

- R104.2 Applications and permits
Requires the building official to receive review, issues permits and perform inspections.
- R104.3 Notices and orders
Requires the building official to issues necessary notices and orders to ensure code compliance.
- R104.5 Identification
Requires the building official to carry proper identification.
- R104.6 Right of Entry
Allows the building official to enter premises to enforce the code and the act.
- R 104.7 Department Records
Require the retention of official records including applications, permits, certificates, fees, inspections, notices and orders.
- R104.8 Legal Defense
Not found in the MRC.
- R104.10 Modifications
Provides authority to grant modifications due to practical difficulties for individual cases. Requires any modifications to meet the intent and purpose of the code and not lessen safety. Details of granting modification must be recorded and entered into file.

In **Section R105 Permits**, the draft eradicates, rather than modifies to be consistent with either the Skilled Trades Act or the Single State Construction Code Act:

- R105.3 Application for permit
Specifies content needed on application for permit.
- R105.3.1 Action on Application
Requires building official to take action on application and to document same in file.

- **R105.3.3 Time Limitation of application**
Allows building official to extend application time limits if the application has been pursued in good faith or a permit has been issued.
- **R105.6 Suspension of revocation (of permit)**
Allows suspension or revocation of permit if issued in error, on the basis of incomplete or inaccurate information or in violation of any ordinance or regulation or the code.
- **R105.9 Preliminary inspection.**
Authorizes the building official to examine or cause to be examined building, structures or sites for which an application has been filed.

In **Section R106 Construction Documents**, the draft eradicates, rather than modifies to be consistent with either the Skilled Trades Act or the Single State Construction Code Act:

R106.2 Site Plan or plot plan

Requires permit application to be accompanied by site or plot plan showing size and location of new and existing structures on the site and distances from the lot line.

In **Section R108 Fees**, the draft eradicates, rather than modifies to be consistent with either the Skilled Trades Act or the Single State Construction Code Act:

- **R108.1 Fees**
Requires fees to be paid before a permit is issued.

In **Section R109 Inspections**, the draft eradicates, rather than modifies to be consistent with either the Skilled Trades Act or the Single State Construction Code Act:

- **R109.1 Types of Inspections**
Requires building official to make inspection and approve ongoing construction.
- **R109.1.5 Other Inspections**
Allows building official to require other inspections to make sure of compliance with the code.

In **R110 Certificate of Occupancy**, the draft eradicates, rather than modifies to be consistent with either the Skilled Trades Act or the Single State Construction Code Act:

- **R110.1 Use and Occupancy**
Removes requirement a building cannot be used or occupied or its occupancy classification changed until a certificate of occupancy (C of O) has been issued.
- **R110.2 Change in Use**
Requires change in the use of an existing structure be done under the Michigan Building Code.

In **Section R111 Service Utilities**, the draft eradicates, rather than modifies to be consistent with either the Skilled Trades Act or the Single State Construction Code Act:

- **R111.2 Temporary Connections**
Removes building official's authority to allow temporary connection of the building or system to utilities, source of energy, fuel or power. to take action on application and to document same in file.

In **Section R112 Board of Appeals**, the draft eradicates, rather than modifies to be consistent with either the Skilled Trades Act or the Single State Construction Code Act:

- **R112.2 Limitation of authority**
States the Board of Appeals may allow for an equally good or better form of construction but cannot waive requirements of the code.
- **R112.4 Administration**
Requires the building official to take immediate action in accordance with the decision of the board.

In **Section R113 Violations**, the draft eradicates, rather than modifies to be consistent with either the Skilled Trades Act or the Single State Construction Code Act:

- R113.1 Unlawful Acts
States it's unlawful to do construction work in conflict with or in violation of the code.
- R113.2 Notice of Violation
Authorizes the building official to serve notices of violation or orders to discontinue or abate violations of the code and act to the responsible person.
- R113.3 Prosecution of Violation
If the notice of violation is not complied with authorizes the building official to request the legal counsel of the jurisdiction to take action under the law.

In **Section R114 Stop Work Orders**, the draft eradicates, rather than modifies to be consistent with either the Skilled Trades Act or the Single State Construction Code Act:

- R114.1 Notice to Owner
Requires a stop work order to be served in accordance with the act and subject person who is served to the penalty provisions of the act if work continues.
- R114.2 Unlawful Continuance
Subjects any person continuing work after a stop work order has been served to the penalties of law.

Our analysis of the substance of these comprehensive eliminations in Chapter 1 Administration did not reveal any serious direct conflicts with either act. While they are intentionally repetitive of requirements in those acts, albeit in slightly different language, if the Bureau of Construction Codes believes there are conflicts, they can be remedied by rewriting these subsections of the code rather than remove them.

PROPOSED CHANGES

Chapter 2 Definitions

- Eliminates the definition of building
- Removes the definition of structure
- Discards the definition of agricultural or agricultural purposes.
- Removes the definition of building official
- Removes the definition of building inspector
- Eliminates the definition of registered design professional

While removing the definitions of building official, building inspectors and registered design professional is unnecessary, their elimination would not do great harm to the usefulness of the code. The same cannot be said for eliminating the definitions of building, structure or agricultural/agricultural purposes. (Oddly enough, the definitions of dwelling and dwelling units were untouched in this draft.)

These important terms are used extensively throughout the code, and are, in fact, the key to almost every other requirement in the code. That is the reason they are included in Chapter 2 definitions. While deciding what is a “building” or a “structure” in the field would seem simple, in practice these terms can become a point of contention. Is a temporary tent or canopy a building, a structure or something else?

Additionally, the definitions of building and structure each contain an exemption from compliance with the code for “*a building (or structure) incidental to the use for agricultural purposes of the land on which the building is located.*” This agricultural exemption has been in the law since the passage of the Single State Construction Code in 1999 and has been echoed in every residential code book since.

Disagreements over what is or is not agricultural, and therefore exempt from the code, can be a common source of contention. Removing, rather than harmonizing, the definition of agricultural or agricultural purposes will create greater and more frequent disagreements about if a building or structure is exempt from the requirements of the code; just the opposite of what was intended in our request.

In the end it comes down to this. From the first edition of the Michigan Residential Code through the latest edition, the residential code book was intended to be (and has been) a complete “*one-stop*” document for one- and two-family dwellings and townhouses; one which included everything needed to build without reference to any other document.

By eliminating key sections of the code the code loses, not gains, clarity.

The Regulatory Impact Statement (RIS) for these rules contains several inaccuracies.

These proposed technical changes in administration and definitions will **not** “*increase public health and safety.*”

These proposals will **not** clarify code requirements nor will it make code compliance less burdensome. They **will** have the opposite effect.

These rules do **not** “*bring the administrative application of the Residential Part 5 rules set in line with actual practices.*”

These rules will **not** “*provide an increase in health and safety to the citizens of Michigan and its visitors.*”

There **were** “*significant alternatives presented for the bureau and rules review committee to consider.*”

These proposed changes will not “*provide the latest standards to promote the safety and welfare of the people*” because they make **no** changes in standards or construction practices in:

- Chapter 3 Building Planning,
- Chapter 4 Foundations,
- Chapter 5 Floors,
- Chapter 6 Wall Construction,
- Chapter 7 Wall Covering,
- Chapter 8 Roof-Ceiling Construction
- Chapter 9 Roof Assemblies
- Chapter 10 Chimneys and Fireplaces
- Chapter 11 Energy Efficiency
- Chapter 12 Mechanical Administration
- Chapter 13 General Mechanical System Requirements
- Chapter 14 Heating and Cooling Equipment and Appliances
- Chapter 15 Exhaust Systems
- Chapter 16 Duct Systems
- Chapter 17 Combustion Air
- Chapter 19 Special Appliances, Equipment and Systems
- Chapter 20 Boilers and Water Heaters
- Chapter 21 Hydronic Piping
- Chapter 22 Special Piping and Storage Systems
- Chapter 23 Solar Thermal Energy Systems
- Chapter 24 Fuel Gas
- Chapter 25 Plumbing Administration
- Chapter 26 General Plumbing Requirements
- Chapter 27 Plumbing Fixtures

- Chapter 28 Water Heaters
- Chapter 29 Water Supply and Distribution
- Chapter 30 Sanitary Drainage
- Chapter 31 Vents
- Chapter 32 Traps
- Chapter 33 Storm Drainage
- Chapter 35 Electrical General Requirements
- Chapter 36 Services
- Chapter 37 Branch Circuit and Feeder Requirements
- Chapter 38 Wiring Methods
- Chapter 39 Power and Lighting Distribution
- Chapter 40 Devices and Luminaires
- Chapter 41 Appliance Installation
- Chapter 42 Swimming Pools
- Chapter 43 Class 2 Remote-Control; Signaling and Power-Limited Circuits
- Chapter 44 Referenced Standards

Or in any of the Appendices including:

Appendix F Passive Radon Gas Controls

Appendix J Existing Buildings and Structures

These proposed rules will inhibit business growth and job creation in Michigan by making residential construction more complex due to the need of a builder or maintenance and alteration contractor to not only have and use a residential code book but now also have copies of both the Stille-DeRossett-Hale Single State Construction Code Act and the Skilled Trades act to cross-reference with the code book.

These proposed rule changes should be withdrawn and a new set of proposed changes concentrating on aligning both chapters with the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, and the Skilled Trades Regulation Act, 2016 PA 407 should be created.