

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

CONSTRUCTION CODE

(By authority conferred on the director of the department of energy, labor, and economic growth by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1 and 2008-20, MCL 445.2011 and MCL 445.2025)

REHABILITATION CODE

R 408.30551 Applicable code.

Rule 551. The international existing building code, 2009 edition, including appendix A and resource A, hereinafter referred to as "the code," is adopted by reference, as provided in MCL 24.232, as the "Michigan rehabilitation code for existing buildings" with the exception of sections 104.8, 108.2 to 108.6, 114.3, 605.1.1 to 605.2, 706.2, 706.3 and 1105.15 and Appendix B, and as otherwise noted in these rules. The international existing building code, 2009 edition is available for inspection at the Okemos office of the Michigan Department of Energy, Labor, and Economic Growth, Bureau of Construction Codes or from International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, D.C. 20001, at a cost as of the time of adoption of these rules of \$66.00.

History: 2002 AACS; 2003 AACS; 2008 AACS; 2010 MR 21, Eff. Mar. 9, 2011.

R 408.30552 References to international codes.

Rule 552. All references to the code, international electrical code, international energy code, international residential code, international mechanical code, and international plumbing code in the international existing building code shall mean the Michigan building code, Michigan electrical code, Michigan uniform energy code, Michigan residential code, Michigan mechanical code and Michigan plumbing code, respectively.

History: 2002 AACS.

R 408.30553 Title.

Rule 553. Section 101.1 of the code is amended as follows:

101.1 Title. These rules shall be known as the Michigan rehabilitation code for existing buildings, hereinafter referred to as "this code."

History: 2002 AACS.

R 408.30554 Scope.

Rule 554. Section 101.2 of the code is amended as follows:

101.2 Scope. The provisions of this code shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. A building or portion of a building which has not been previously occupied or used for its intended purpose shall comply with the provisions of the Michigan building code for new construction. Repairs, alterations, change of occupancy, existing buildings to which additions are made, historic buildings, and relocated buildings complying with the provisions of the Michigan building code, the Michigan electrical code, the Michigan residential code, the Michigan mechanical code, and the Michigan plumbing code shall be considered to be in compliance with this code.

History: 2002 AACS.

R 408.30555 Rescinded.

History: 2002 AACS; 2003 AACS.

R 408.30556 Elevators.

Rule 556. Section 802.1.2 of the code is amended as follows:

802.1.2. Elevators. Where there is an elevator or elevators for public use, at least 1 elevator serving the work area shall comply with this section. Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire fighting or rescue purposes shall be provided with emergency operation in accordance with the Michigan elevator code. New elevators shall be provided with phase I emergency recall operation and phase II emergency in-car operation in accordance with the Michigan elevator code.

History: 2002 AACS; 2008 MR 6, Aug. 1, 2008.

R 408.30557 Definitions.

Rule 557. The definitions of act, building official, and registered design professional are added to section 202 of the code to read as follows:

202. Definitions.

"Act" means 1972 PA 230, MCL 125.1501 to 125.1531 and known as the Stille-DeRossett-Hale single state construction code act.

"Building official" means the person who is appointed and employed by a governmental subdivision charged with the administration and enforcement of the state code or codes and who is registered in accordance with the requirements of 1986 PA 54, MCL 338.2301 to 338.2313. Where used in this code, the term code official means "building official."

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

History: 2002 AACS; 2008 AACS; 2010 MR 21, Eff. Mar. 9, 2011.

R 408.30558 Preliminary meeting.

Rule 558. Section 104.2.1 of the code is amended as follows:

104.2.1 Preliminary meeting. When requested by the owner or owner's agent, the building official shall meet with the owner or the owner's agent to discuss plans for the proposed work or change of occupancy before the application for a construction permit in order to establish the specific applicability of the provisions of this code. The building official shall notify the appropriate fire official of the meeting.

Exception: Repairs, and alterations level 1.

History: 2002 AACS; 2003 AACS.

R 408.30559 Preliminary review.

Rule 559. Section 104.2.2 is added to the code to read as follows:

104.2.2 Preliminary review. When a building permit is required by the code, the owner or owner's agent may request a review of preliminary construction documents to determine compliance with this code.

History: 2002 AACS; 2003 AACS.

R 408.30560 Annual permit.

Rule 560. Sections 105.1.1, 105.1.2, and 105.2 of the code are amended as follows:

105.1.1 Annual permit. In place of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the enforcing agency is authorized to issue an annual permit upon application to any person, firm, or corporation. The applicant shall be licensed in accordance with the requirements of 1956 PA 217, MCL 338.881 to 338.892, 1984 PA 192, MCL 338.971 to 338.988, or 2002 PA 733, MCL 338.3511 to 338.3569.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under an annual permit. Access to the records shall be provided at all times and the records shall be filed with the enforcing agency.

105.2. Work exempt from permit. Exemptions from 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 code or any other laws or ordinances of this jurisdiction. Permits shall not be required for any of the following:

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

(i) One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15m²).

(ii) A fence that is not more than 6 feet (1 829 mm) high.

(iii) Oil derricks.

(iv) 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 or impounding class I, II, or III-A liquids.

(v) 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.

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

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

(viii) Temporary motion picture, television, and theater stage sets and scenery.

(ix) Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 927 L) and are installed entirely above ground.

(x) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

(xi) Swings and other playground equipment accessory to 1- and 2-family dwellings.

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

(xiii) Movable cases, counters, and partitions.

(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 gas heating appliance that has inputs of less than 30,000 Btu's per hour.

(ii) Portable ventilation appliances and equipment.

(iii) Portable cooling unit.

(iv) Steam, hot water, or chilled water piping within any heating or cooling equipment or appliances regulated by this code.

(v) The 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 (0.75 kW) 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) A boiler or pressure vessel for which a permit is required by sections 17 and 18 of 1965 PA 290, MCL 408.767 and 408.768.

(x) An oil burner that does not require connection to a flue, such as an oil stove and a heater equipped with a wick.

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

(xii) 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 (3005 mm) in length and not more than 6 fittings.

(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. However, if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the drain or pipe with new material, then the work is considered 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.

History: 2002 AACS; 2003 AACS; 2010 MR 21, Eff. Mar. 9, 2011.

R 408.30561 Accessibility.

Rule 561. Sections 310.1, 310.6, 310.7, 310.8.2 and 310.8.3 of the code are amended as follows:

310.1 Scope. A building, facility, or element that has a change in use group or occupancy load or alteration shall comply in accordance with the requirements of 1966 PA 1, MCL 125.1351 to 125.1356 and the Michigan building code, R 408.30401 to R 408.30547.

310.6 Alterations. A building, facility, or element that is altered shall comply with the applicable provisions in chapter 11 of the code and ICC/A117.1 listed in chapter 15, unless technically infeasible. When compliance with this section is technically infeasible, then the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an accessible route, unless required by section 310.7 of the code.

2. Accessible means of egress required by chapter 10 of the code are not required to be provided in existing buildings and facilities.

3. Buildings, structures, or improved areas which exist on or before the effective date of these rules and which are in compliance with the code at the time of the issuance of the certificate of occupancy unless the alteration specifically modifies an area covered by sections 310.6 to 310.8 of the code.

4. The alteration to type A individually owned dwelling units within a group R-2 occupancy shall meet the provision for a type B dwelling unit and shall comply with the applicable provisions in chapter 11 and ICC/A 117.1 listed in chapter 15.

310.7 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to a, or contains an area of, primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.

Exceptions:

1. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets, and signs.

2. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems, and abatement of hazardous materials.

3. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility, or element.

310.8.2 Elevators. Altered elements of existing elevators shall comply with the Michigan elevator code, R 408.7001 to R 408.8695. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

310.8.3. Platform lifts. Platform (wheelchair) lifts complying with ICC/A 117.1 listed in chapter 15, and installed in accordance with the Michigan elevator code, R 408.7001 to R 408.8695 shall be permitted as a component of an accessible route.

History: 2002 AACS; 2008 AACS; 2010 MR 21, Eff. Mar. 9, 2011.

R 408.30562 Submittal of documents.

Rule 562. Section 106.1 of the code is amended as follows:

106.1 Submittal of documents. Construction documents, special inspection and structural observation programs, investigation and evaluation reports, 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 P.A. 299, MCL 339.101 to 339.2721. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

History: 2002 AACS; 2008 AACS.

R 408.30563 Fire flow requirements.

Rule 563. Section 106.1.1.2 is added to the code to read as follows:

106.1.1.2 Fire flow requirements. The application for permit shall be accompanied by an evaluation of the available fire flow at the building utilizing the existing fire hydrants on the site, public streets, and adjacent sites in accordance with the provisions of section B105 of appendix b of the international fire code.

History: 2002 AACS; 2003 AACS.

R 408.30564 Elevator control.

Rule 564. Section 1301.6.14 of the code is amended as follows:

1301.6.14 Elevator control. Evaluate the passenger elevator equipment and controls that are available to the fire department to reach all occupied floors. Elevator recall controls shall be provided in accordance with the Michigan elevator code, R 408.7001 to R 408.8695. Under the categories and occupancies in table 1301.6.14, determine the appropriate value and enter that value into table 1301.7 under safety parameter 1301.6.14, elevator control, for fire safety, means of egress, and general safety. The values shall be zero for a single-story building.

History: 2002 AACS; 2008 AACS.

R 408.30565 Payment of fees.

Rule 565. Section 108.1 of the code is amended as follows:

108.1 Payment of fees. The fees prescribed by the act shall be paid to the enforcing agency of the jurisdiction before a permit to begin work may be issued. In addition, an amendment to a permit necessitating an additional fee shall not be approved until the additional fee has been paid.

History: 2002 AACS; 2008 AACS.

R 408.30566 Smoke alarm locations.

Rule 566. Sections 401.4 and 401.5 are added to the code as follows:

401.4. Smoke alarm locations in existing buildings constructed before November 6, 1974. Within each dwelling unit or sleeping unit, a single-station smoke alarm shall be installed in the following locations: 1. In each sleeping room or each area directly outside the sleeping room.

2. On each floor level including the basement level. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than 1 full story below the upper level.

401.5. Equipment Requirements. The required equipment for smoke alarms consist of the following:

1. Installation. Smoke alarm devices shall be listed and installed in accordance with the provisions of this code, the manufacturers installation requirements, and the provisions of NFPA 72 as listed in chapter 15.

2. Power Source. The equipment shall be operable by power from 1 of the following primary sources.

a. The building wiring provided that such wiring is served from a commercial source and is equipped with a battery backup. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

b. A non-rechargeable battery that is capable of operating the smoke alarm in the normal condition for a life of 5 years.

c. A rechargeable battery, with proper charging, able to power the alarm for a life of 5 years and shall be automatically recharged by an AC circuit of the commercial light and power source.

d. A household or commercial use alarm system with battery backup listed and approved in accordance with the household and commercial fire warning equipment provisions of NFPA 72, as adopted by reference in this rule.

3. Audible Alarm Notification. The activation of the alarm signal shall produce a sound that is audible in all occupiable dwelling areas.

4. Testing and Maintenance. The owner of a dwelling unit, in which required or optional fire detection or fire protection systems equipment is installed, shall be responsible for the proper operation, testing, and maintenance of the equipment in accordance with the manufacturer's instructions included with the equipment. The occupant of rental dwelling units shall be responsible for the periodic operational testing and periodic cleaning of the installed equipment within the rental unit in accordance with the testing instructions provided in the manufacturer's instructions for the equipment. If the system fails, breaks, or is out of service, it shall be repaired and functional within 30 days.

Exception: Smoke alarms and devices installed in buildings constructed before November 6, 1974 where an installation was approved by the appropriate enforcing agency under regulations in effect at the time of the installation shall be considered to comply with the provisions of the code.

History: 2002 AACS; 2003 AACS; 2005 AACS; 2008 AACS.

R 408.30567 Rescinded.

History: 2002 AACS; 2003 AACS.

R 408.30568 Altered area use and occupancy classification change.

Rule 568. Section 110.1 of the code is amended as follows:

110.1 Altered area use and occupancy classification change. An altered area of a building shall not be used or occupied, and a change in the existing occupancy classification of a building or portion thereof shall not be made until the building official has issued a certificate of occupancy in accordance with the act. The issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of the other ordinances of the jurisdiction.

History: 2002 AACS; 2008 AACS.

R 408.30569 Minimum requirements.

Rule 569. Section 1005.1 of the code is amended as follows:

1005.1. Minimum requirements. Accessibility provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, primary function shall comply with the requirements of section 310.

History: 2002 AACS; 2008 AACS; 2010 MR 21, Eff. Mar. 9, 2011.

R 408.30570 Board of appeals.

Rule 570. Sections 112.1 and 112.3 of the code are amended as follows:

112.1 Means of appeal. An interested person may 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 Qualification. The board of appeals shall consist of members who are qualified in accordance with the act.

History: 2002 AACS; 2008 AACS.

R 408.30571 Violation penalties.

Rule 571. Section 113.4 of the code is amended as follows:

113.4 Violation penalties. (1) It is unlawful for any person, firm, or corporation to violate a provision of this 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 this 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 this code.

(2) A violator shall be assessed a fine in accordance with the act.

History: 2002 AACS; 2008 AACS.

R 408.30572 Stop work order.

Rule 572. Section 114.2 of the code is amended as follows:

114.2 Issuance. Upon notice from the enforcing agency, work on any building or structure that has been done contrary to this code or in a dangerous and unsafe manner shall immediately cease. Notice shall be in accordance with the act. A 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 prescribed in the act.

History: 2002 AACS; 2008 AACS.

R 408.30573 Change of occupancy.

Rule 573. Section 310.4 of the code is amended as follows:

310.4. Change of occupancy. Unless technically infeasible, sections 310.5, 310.6, 310.7, and 310.8 of the code shall be applied in accordance with 1966 PA 1, MCL 125.1351 to 125.1356.

History: 2002 AACS; 2008 AACS; 2010 MR 21, Eff. Mar. 9, 2011.

R 408.30574 Accessibility.

Rule 574. Section 605.1 of the code is amended as follows:

605.1 General. A building, facility, or element that is accessible shall remain accessible in accordance with the requirements of 1966 PA 1, MCL 125.1351 to 125.1356 and the Michigan building code, R 408.30401 to R 408.30547.

History: 2002 AACCS; 2008 AACCS.

R 408.30575 High-rise buildings.

Rule 575. Section 802.1 of the code is amended as follows:

802.1 High-rise buildings. Any building having 1 or more occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall comply with the requirements of sections 802.1.1 and 802.1.2.

Exception: The provisions of sections 802.1.1 and 802.1.2 shall apply to buildings having occupied floor levels more than 75 feet above the lowest level of fire department vehicle access where the local unit of government has complied with the provisions of section 403.1 of the Michigan building code, exception 6.

History: 2002 AACCS; 2008 AACCS.

R 408.30576 Accessibility requirements.

Rule 576. Sections 906.1, 912.8, and 1104.1 of the code are amended as follows:

906.1 General. Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with the provisions of section 310.4.

912.8 Accessibility. A building, facility, or element that has a change in use group or occupancy load or alteration shall comply with the requirements of 1966 PA 1, MCL 125.1351 to 125.1356 and the Michigan building code, R 408.30401 to R 408.30547.

1104.1 Accessibility requirements. The provisions of section 310 shall apply to buildings and facilities designated as historic structures that undergo alterations, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the code official, the alternative requirements of sections 1104.1.1 to 1104.1.4 for that element shall be permitted.

History: 2002 AACCS; 2003 AACCS; 2008 AACCS; 2010 MR 21, Eff. Mar. 9, 2011.

R 408.30577 Applicability.

Rule 577. Sections 706.1 and 806.1 are added to the code and 1301.2 and 1301.2.5 of the code are amended as follows:

706.1 General. A building, facility, or element that is altered shall comply with section 310.

806.1 General. A building, facility, or element that is altered shall comply with section 310.

1301.2 Applicability. Structures existing before November 6, 1974, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of chapters 4 to 12 of the code. The provisions in sections 1301.2.1 to 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, M, R, and S. This rule shall not apply to buildings with occupancies in group H or I.

1301.2.5 Accessibility requirements. All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of section 310.

History: 2002 AACCS; 2008 AACCS; 2010 MR 21, Eff. Mar. 9, 2011.