

IN AN EFFORT TO PUT ALL OF THE STATE OF MICHIGAN LAWS, AND CITY OF BATTLE CREEK ORDINANCES IN ONE PLACE FOR REFERENCE, YOU WILL FIND BELOW THE PERTINENT SECTION OF THE LAW THAT GOVERN THE POWERS AND DUTIES OF THE BUILDING AND INSPECTIONS DEPARTMENT FOR THE CITY OF BATTLE CREEK.

A. STATUTORY AUTHORITY:

[THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT, 1972 PA 230](#)

AN ACT to create a construction code commission and prescribe its functions; to authorize the director to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of pre-manufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish penalties, remedies, and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation.

B. APPLICABLE REGULATION:

[Michigan Building Code, Part 4 Rules](#)

[Skilled Trades Regulation Act. Act. 407 Of 2016](#)

AN ACT to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations in the skilled trades and to regulate persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain state and local governmental officers and entities, including the boards created under this act; to provide for the promulgation of rules; to provide for fees; to provide for penalties and civil fines; and to repeal acts and parts of acts.

[Occupational Code Act 299 of 1980 Article 24](#)

AN ACT to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.

C. CITY OF BATTLE CREEK ORDINANCES:

[1420.01 Designation of Agency for Enforcement.](#)

Pursuant to Section 8b of Act 230 of the Public Acts of 1972, as amended, being M.C.L.A. 125.1508b, the office of the Superintendent of Building Inspection of the City is hereby designated as the agency to enforce the State Construction Code within the City and to discharge the responsibilities of the City

under such Act, including Appendix G of the Michigan Building Code. The City hereby assumes the responsibility for the administration and enforcement of such Act throughout its corporate limits. (Ord. 17-78. Passed 12-19-78; Ord. 02-2011. Passed 3-15-11.)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability (activities that require the permit)

The purpose of the building code is to insure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate egress facilities, sanitary equipment, light and ventilation, and fire safety; and, in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises.

What is a building code? The building code controls all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures and their service equipment. The 2015 Michigan Building Code went into effect statewide on April 20, 2017. Provisions for one- and two-family dwellings, townhouses and their accessory structures as identified in R101.2 are included in the 2015 Michigan Residential Code.

Section 105 of the MBC and MRC

Are building, plumbing, electrical, or mechanical permits necessary? Before construction of a building or structure, an owner, or the owner's builder, architect, engineer, or agent, shall submit an application in writing to the appropriate enforcing agency for a building or trade permit. A permit is also required when the use or occupancy of a structure or portion thereof is changed.

A permit is not required for ordinary repairs. Ordinary repairs to structures may be made without permit, but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirements; nor shall ordinary repairs including addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

2. Application Submission Requirements

A person engaged in the construction of a residential structure or a combination residential and commercial structure must be licensed as a Residential Builder with the Department of Licensing and Regulatory Affairs. There are certain exceptions in the licensing law (1980 PA 299, as amended) to this requirement.

Section 107 of the MBC and Section 106 of the MRC

A set of construction documents is required with each application for a permit. The submission of construction documents may be waived by the building official when code compliance can be determined based on the description in the application. Construction documents must be sealed and signed by an architect or professional engineer in accordance with 1980 PA 299, as amended. The seal and signature is not required for one and two family dwellings less than 3500 square feet of calculated floor area and public works less than \$15,000 in total construction cost. For other exceptions refer to 1980 PA 299, as amended.

3. Operational Requirements

Work shall not be started until the application for permit has been filed and approved by City of Battle Creek Inspections Department. All installations shall be in conformance with the Michigan Building Code or the Michigan Residential Code. No work shall be concealed until it has been inspected. The telephone number for inspections will be provided on the permit form. When ready for an inspection, call the inspections number providing as much advance notice as possible.

Section 105.5

A permit remains valid as long as work is progressing and inspections are requested and conducted. A permit shall become invalid if the authorized work is not commenced within six months after issuance of the permit or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work. A PERMIT WILL BE CLOSED WHEN NO INSPECTIONS ARE REQUESTED AND CONDUCTED WITHIN SIX MONTHS OF THE DATE OF ISSUANCE OR THE DATE OF A PREVIOUS INSPECTION. CLOSED PERMITS CANNOT BE REFUNDED OR REINSTATED.

1420.02 Building Permit Fees.

Before receiving a building permit, the owner or his agent shall pay such fees as are established from time to time by the City Commission for the issuance of such permits. Such fees may be varied in relation to the character and value of the work, the amount of inspection required and other factors deemed pertinent by the City Commission.

E. 1450.01 ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE.

A certain document, three copies of which are on file in the office of the City Clerk, being marked and designated as the International Property Maintenance Code, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Sections 1450.02 and 1450.03.

Occupational Code Act 299 of 1980 Article 20

ARTICLE 20

339.2001 Definitions. Sec. 2001. As used in this article: (a) "Architect" means a person who, by reason of knowledge of mathematics, the physical sciences, and the principles of architectural design, acquired by professional education and practical experience, is qualified to engage in the practice of architecture. (b) "Firm" means a sole proprietorship, partnership, corporation, or limited liability Company through which a person licensed under this article offers or provides a service to the public. (c) "Person" means a natural person notwithstanding section 105(5). (d) "Person in responsible charge" means a person

licensed under this article who determines technical questions of design and policy; advises the client; supervises and is in responsible charge of the work of subordinates; is the person whose professional skill and judgment are embodied in the plans, designs, plats, surveys, and advice involved in the services; and who supervises the review of material and completed phases of construction. (e) "Practice of architecture" means professional services, such as consultation, investigation, evaluation, planning, design, or review of material and completed phases of work in construction, alteration, or repair in connection with a public or private structure, building, equipment, works, or project if the professional service requires the application of a principle of architecture or architectural design. (f) "Practice of professional surveying" means providing professional services such as consultation, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, and the utilization and development of these facts and interpretations into an orderly survey map, plan, report, description, or project. The practice of professional surveying includes all of the following: (i) Land surveying that is the surveying of an area for its correct determination or description for its conveyance, or for the establishment or reestablishment of a land boundary and the designing or design coordination of the plotting of land and the subdivision of land. (ii) Geodetic surveying that includes surveying for determination of the size and shape of the earth both horizontally and vertically and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry. (iii) Utilizing and managing land information systems through establishment of datum's and local coordinate systems and points of reference. (iv) Engineering and architectural surveying for design and construction layout of infrastructure. (v) Cartographic surveying for making maps, including topographic and hydrographic mapping. (g) "Practice of professional engineering" means professional services, such as consultation, investigation, evaluation, planning, design, or review of material and completed phases of work in construction, alteration, or repair in connection with a public or private utility, structure, building, machine, equipment, process, work, or project, if the professional service requires the application of engineering principles or data. (h) "Principal" means a sole proprietor, partner, the president, vice-president, secretary, treasurer, or director of a corporation, or a member or manager of a limited liability company. (i) "Professional engineer" means a person who, by reason of knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in the practice of professional engineering. (j) "Professional surveyor" means a person who, by reason of knowledge of law, mathematics, physical sciences, and techniques of measuring acquired by professional education and practical experience, is qualified to engage in the practice of professional surveying. (k) "Services" means professional service offered or provided by an architect in the practice of architecture, a professional engineer in the practice of professional engineering, or a professional surveyor in the practice of professional surveying.

339.2012 Persons exempted. Sec. 2012. (1) The following persons are exempt from the requirements of this article: (a) A professional engineer employed by a railroad or other interstate corporation, whose employment and practice is confined to the property of the corporation. (b) A designer of a manufactured product, if the manufacturer of the product assumes responsibility for the quality of the product. (c) An owner doing architectural, engineering, or surveying work upon or in connection with the construction of a building on the owner's property for the owner's own use to which employees and the public are not generally to have access. (d) A person not licensed under this article who is planning, designing, or directing the construction of a detached 1- and 2-family residence building not exceeding 3,500 square feet in calculated floor area. For purposes of this subdivision, detached 1- and 2-family residence building does not include an adult foster care home licensed under the adult foster care

facility licensing act, 1979 PA 218, MCL 400.701 to 400.737. (e) A person who is licensed to engage in the practice of architecture, professional engineering, or professional surveying in another state while temporarily in this state to present a proposal for services. (2) As used in this section: (a) "Calculated floor area" means that portion of the total gross area measured to the outside surfaces of exterior walls intended to be habitable space. (b) "Habitable space" means space in a building used for living, sleeping, eating, or cooking. Habitable space does not include a heater or utility room, a crawl space, a basement, an attic, a garage, an open porch, a balcony, a terrace, a court, a deck, a bathroom, a toilet room, a closet, a hallway, a storage space, and other similar spaces not used for living, sleeping, eating, or cooking.