DEPARTMENT OF LABOR & ECONOMIC GROWTH

DIRECTOR'S OFFICE

CONSTRUCTION CODE

(By authority conferred on the director of the department of labor and economic growth by section 4 of 1972 PA 230, MCL 125.1504, section 1 of 1937 PA 306, MCL 388.851, and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 445.2001 and 445.2011)

PART 11. PREMANUFACTURED UNITS

R 408.31101 Title.

Rule 1101. This part shall be known as the Michigan rules for the certification of premanufactured units.

History: 1979 AC.

R 408.31103 Definitions; A, B.

Rule 1103. (1) "Act" means Act No. 230 of the Public Acts of 1972, as amended, being SS125.1501 to 125.1531 of the Michigan Compiled Laws. Terms defined in the act have the same meaning when used in these rules.

(2) "Approved" means approved by the commission or the bureau.

(3) "Building component" means any subsystem, subassembly, or other system designed for use in or as part of a structure, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.

(4) "Building system" means plans, specifications, and documentation for a system of premanufactured units or for a type or a system of building components, which may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety, including variations which are submitted as part of the building system.

(5) "Bureau" means the executive director of the bureau of construction codes and the executive director's staff as defined in section 7 of the act.

History: 1979 AC; 1984 AACS.

R 408.31104 Definitions; C to G.

Rule 1104. (1) "Closed construction" means any unit, building, building components, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the site without disassembly, damage, or destruction.

(2) "Compliance assurance program" means the system, documentation, and methods of assuring that premanufactured units and building components, including their manufacture, storage, transportation, assembly, handling, and installation, conform to the act and these rules.

(3) "Enforcing agency" means the agency in a governmental unit principally responsible for the administration and enforcement of applicable construction regulations.

(4) "Evaluation agency" means an approved person or organization, private or public, including a governmental subdivision, determined by the commission to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and independence of judgment, to investigate, evaluate, and recommend approval of premanufactured units, building components, building systems, or compliance assurance programs and to recommend issuance of labels.

(5) "Governmental subdivision" means a county, city, village, or township which, in accordance with section 8 or 9 of the act, has assumed responsibility for the administration and enforcement of a nationally recognized model code or the act and the code within its jurisdiction.

History: 1979 AC; 1984 AACS.

R 408.31105 Definitions; I to L.

Rule 1105. (1) "Independence of judgement" means not being affiliated with or influenced or controlled by building manufacturers or by producers, suppliers, or vendors of products or equipment used in premanufactured units and building components, in any manner which is likely to affect capacity to render reports and findings objectively and without bias.

(2) "Inspection agency" means an approved person or organization, private or public, including a governmental subdivision, determined by the commission to be qualified by reason of facilities, personnel, experience, and demonstrated reliability and independence of judgement, to conduct or supervise compliance assurance programs, to recommend certification of premanufactured units and building components, and to recommend issuance and attachments of labels.

(3) "Installation" means the process of affixing, or assembling and affixing, premanufactured units or building components on the building site, or to an existing building.

(4) "Label" means an approved device or seal evidencing certification in accordance with the act and these rules.

History: 1979 AC; 1984 AACS.

R 408.31106 Definitions; M to P.

Rule 1106. (1) "Mobile home" means a vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days.

(2) "Model" means a type of building system, an assembly of materials or products intended to comprise a building or structure of a definite pattern or design and so designated by name or number, or both, by the manufacturer. A model may be increased in size up to 1 foot, 11 inches in length or depth before a new model designation is required.

(3) "Open construction" means unit, building, building component, assembly, or system manufactured in such a manner that all portions can be readily inspected at the building site without disassembly, damage, or destruction.

(4) "Premanufactured unit" means an assembly of materials or products intended to comprise all or part of a building or structure, and that is assembled, at other than the final location of the unit of the building or structure, by a repetitive process under circumstances intended to insure uniformity of quality and material content. The term includes a mobile home.

History: 1979 AC; 1984 AACS.

R 408.31107 Definitions; U.

Rule 1107. "Used modular classroom" means a premanufactured unit manufactured before November 30, 1998, approved as a group E occupancy and used for school purposes.

History: 2006 AACS.

R 408.31111 Applicability.

Rule 1111. (1) These rules govern the design, manufacture, handling, storage, transportation, and installation of premanufactured units and building components intended for installation in this state or in any other state or local governmental jurisdiction in which the building components and the labels thereon are accepted.

(2) A premanufactured unit or building components may be sold for, delivered to, or installed on, building sites located in any governmental subdivision if:

(a) The unit or building components have been approved and certified pursuant to the act and these rules.

(b) The installation complies with the governmental subdivision's zoning laws and other applicable ordinances.

History: 1979 AC; 1984 AACS.

R 408.31112 Preemption.

Rule 1112. Premanufactured units and building components certified pursuant to these rules are deemed to comply with the requirements of all laws, ordinances, rules, and regulations which govern the matters within the scope of the approval and certification, regardless of the provisions of any other law, ordinance, rule, or regulation.

History: 1979 AC.

R 408.31113 Applicability of local laws.

Rule 1113. (1) Except as provided by or pursuant to the act and these rules, land use zone requirements, performance-based fire zone requirements, building set-back requirements, side and rear yard requirements, property line requirements, and on-site development, construction, and inspection are specifically and entirely reserved to the governmental subdivision.

(2) In areas of the state where special environmental conditions exist which require special or different building standards, pursuant to R 408.31121, governmental subdivisions shall prescribe such standards for those parts of the site development, foundation, and other work, for which responsibility is vested in the governmental subdivision pursuant to subrule (1).

History: 1979 AC; 1984 AACS.

R 408.31121 Standards, specifications, and requirements adopted.

Rule 1121. Building systems shall comply with the state construction code.

History: 1979 AC.

R 408.31122 Amendments.

Rule 1122. Consistent with subrule (8) of R 408.31133, the bureau shall notify all manufacturers with approved building systems, governmental subdivisions, and other concerned persons of all amendments. For purposes of this rule, a premanufactured unit or building component is deemed to be manufactured at such time as the label is attached to it in accordance with an approved compliance assurance program.

History: 1979 AC; 1984 AACS.

R 408.31131 Enforcement responsibility.

Rule 1131. The commission shall administer and enforce these rules. The commission has the responsibility for evaluating and approving building systems, and inspecting and certifying premanufactured units and building components for compliance with these rules. The commission may receive recommendations for acceptance of premanufactured units, building systems, and compliance assurance programs submitted for approval by approved evaluation and inspection agencies.

History: 1979 AC.

R 408.31132 Approvals of building systems and compliance assurance programs.

Rule 1132. (1) The commission shall approve and issue certificates of acceptability for compliance assurance programs which comply with the requirements of the act and these rules.

(2) The commission, or if the commission so designates, the bureau, shall approve building systems and building components which comply with the codes, standards, specifications, and requirements adopted in R 408.31121, and with other requirements of the act and these rules.

History: 1979 AC; 1984 AACS.

R 408.31133 Building systems.

Rule 1133. (1) To obtain approval for premanufactured units or building components, a manufacturer shall submit a building system for evaluation by the bureau in accordance with the requirements of R 408.31151. Building systems shall be identified by model number or component number.

(2) Before a full evaluation, the bureau shall determine that building systems submitted to it are suitable for processing. If the application is found to be unsuitable for processing, the applicant shall be notified in writing of the unsuitability and the basis thereof within 30 days of the date the application is received by the bureau and a portion of the fee may be returned. The finding of unsuitability is without prejudice. A subsequent submission shall be treated as a new application.

(3) The bureau may require tests to determine whether a building system meets the codes, standards, and requirements of the act and these rules, if that determination cannot be made from evaluation of plans, specifications, and documentation alone. The procedures used shall be reviewed and evaluated by the bureau.

(4) If a building system is disapproved, the bureau shall notify the applicant with a written explanation of the reasons for disapproval attached thereto.

(5) Approval of a building system shall be evidenced by the stamp of approval of the bureau on each sheet, or by other effective means of identification. Each sheet shall be numbered serially and shall indicate effective dates of revision. One copy of all plans, specifications, and documentation shall be returned to the applicant.

(6) The bureau shall prepare and issue to the applicant a building system approval report signed by the drafter and by the person in charge of the evaluation. The report shall be numbered and shall contain a summary description of the building system and all of the conditions of its use including installation instructions.

(7) A building system, or an amendment thereto which has been approved, shall not be altered without prior authorization by the bureau. All approved changes shall be made a part of the written record of the approval. The authorization shall be in writing or be confirmed in writing within 10 days of any oral authorization.

(8) A change in the codes, standards, specifications, and requirements shall not apply retroactively. The bureau shall notify all manufacturers with approved building systems and evaluation agencies of all changes.

Each manufacturer shall submit to the bureau the necessary amendments to its already approved building systems.

(9) Amendments to building systems may be proposed by submitting to the bureau for approval, appropriate plans, specifications, or documentation showing the effect of the proposed amendment on each building system.

(10) The bureau may suspend or revoke the approval of a building system when the approval was issued in error or was issued on the basis of incorrect information or was

issued in violation of these rules or is later found to be in violation of these rules. Notice of suspension or revocation of the approval shall be in writing with the reasons set forth therein. Appeals from suspensions or revocations shall receive timely review.

History: 1979 AC; 1984 AACS.

R 408.31134 Compliance assurance programs.

Rule 1134. (1) A manufacturer shall obtain approval for a compliance assurance program for his building system. Units or building components shall be manufactured in accordance with an approved program in order to be certified. Compliance assurance programs shall be submitted to the commission in accordance with the requirements of R 408.31161.

(2) Before full evaluation, the commission shall have the bureau determine that the application for approval submitted to it is suitable for processing. If the application is found to be unsuitable for processing, the applicant shall be notified in writing of the unsuitability and the basis thereof within 30 days of the date the application is received by the commission and a portion of the fee may be returned. The findings of unsuitability shall be without prejudice. A subsequent submission shall be treated as a new application.

(3) Compliance assurance programs submitted for approval shall be evaluated for compliance with the act and these rules.

(4) If a compliance assurance program is disapproved, the commission shall notify the applicant with a written explanation of the reasons for disapproval attached thereto.

(5) Approval of compliance assurance programs shall be evidenced by the stamp of approval of the commission on each sheet, or by other effective means of identification. One copy of the approved application and documentation shall be returned to the applicant.

(6) A compliance assurance program or an amendment thereto which has been approved shall not be altered without prior authorization by the commission. All approved amendments shall be made a part of the written record of the approval.

(7) The commission may suspend or revoke its approval of any compliance assurance program whenever the approval was issued in error, was issued on the basis of incorrect information, or was issued in violation of these rules. If the commission determines that premanufactured units or building components manufactured pursuant to an approved building system do not comply with the act or these rules and the manufacturer fails to comply with a corrective order, the commission may suspend or revoke the approval of the manufacturer's compliance assurance program. Notice to the manufacturer and the inspection agency of suspension or revocation of approval shall be in writing with the reasons for suspension or revocation set forth therein. Appeals from suspensions or revocations shall receive timely review.

History: 1979 AC; 1984 AACS.

R 408.31135 Certification.

Rule 1135. Premanufactured units and building components, accepted by the bureau and the commission as having been manufactured according to an approved building system and an approved compliance assurance program, shall be certified by the commission as complying with the requirements of the act and these rules. Certification shall be evidenced

by the attachment of a label to each certified premanufactured unit, building component or group of components. The commission may authorize approved inspection agencies to make all or part of the inspection of premanufactured units or building components.

History: 1979 AC; 1984 AACS.

R 408.31136 Manufacturer's data plate.

Rule 1136. (1) The following information shall be placed directly on 1 or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel or in some other designated location acceptable to the commission, on the premanufactured unit or building component where it will be readily accessible for inspection: (a) Manufacturer's name and address.

(b) Serial number of the unit.

(c) Label serial number.

(d) Name and date of applicable nationally recognized codes complied with.

(e) Model designation and name of manufacturer of major factory installed appliances.

(f) Identification of permissible type of gas for appliances and directions for water and drain connection.

(g) Snow, wind, seismic and other live loads.

(h) Electrical ratings and instructions and warnings on voltage.

(i) Special conditions or limitations on use of the unit, including unsuitability for areas in which specified environmental conditions prevail.

(j) Date of manufacture.

(2) If, in the opinion of the bureau, the shape or size of a building component is such that the information required in subrule (1) cannot be attached to a component permanently, the information may be placed in a manual crated with the component or on a tag attached to the crate in which the component is shipped, if the information is not such that the future occupant of the building should know it. If the occupant will need to know the information, it shall be contained in a manual which shall be presented to the occupant upon transfer of possession. If life safety is involved, the item in question shall be plainly labeled.

History: 1979 AC; 1984 AACS.

R 408.31137 Labels.

Rule 1137. (1) Each premanufactured unit or building component or group of components, which is certified pursuant to the act and these rules, shall have permanently attached thereto an approved label which cannot be removed therefrom without destroying the label. The approved label or labels shall be placed in the following areas:

(a) Models, residential modular units - 2 or more labels - 1 placed in cabinet under kitchen sink, 1 placed in front closet, additional units placed - 1 in each section, readily accessible by the building officials, and so shown on the approved building system.

(b) Residential structural building components, panelized units - 1 label placed on electrical panel or in cabinet under kitchen sink or in a place readily accessible by the building official and so shown on the approved building system.

(c) All other - 1 or more labels placed readily accessible by the building official and so shown on the approved building system.

(2) An approved label shall bear the following information:

(a) "This label certifies that this unit (or building component) has been manufactured in accordance with a building system and compliance assurance program approved by the construction code commission and inspected by (name of inspection agency) under the auspices and approval of the state of Michigan."

(b) Label serial number.

(c) Building system approval number.

(d) Manufacturer's serial number.

(e) The words "See data plate located on _____."

(f) The name of the agency issuing the label.

(3) At the discretion of the bureau, labels and data plates may be limited in size and content for components whose shape or size does not permit the full information to be placed thereon.

(4) The approved label shall be issued by the commission or its agents in accordance with the following:

(a) The commission and the bureau shall specify the manner in which the labels are handled.

(b) Labels shall be numbered serially.

(c) A manufacturer's compliance assurance program, submitted in accordance with R 408.31161, shall include requirements for issuance, possession, attachment and accounting of all labels to assure that labels are attached only to units or building components manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program.

(5) Permanent records shall be kept of the handling of all labels, indicating at least how many labels have been applied to units, building components, or groups of components, which labels have been applied to which units or building components, and the disposition of any damaged or rejected labels, and the location and custody of all unused labels. All inspection agencies shall be required to submit twice a week to the bureau, on forms furnished by the bureau, reports showing the above required information. Each manufacturer shall be required to submit to the bureau, a monthly report showing the number of units, building components or groups of components shipped, the label numbers applied thereto, the manufacturer's serial number, the date of manufacture, and the location to which the unit, building component, or group of components was shipped.

(6) The commission or an inspection agency shall attach labels to units or building components manufactured in accordance with an approved compliance assurance program.

History: 1979 AC; 1984 AACS.

R 408.31138 Suspension and revocation.

Rule 1138. (1) The bureau may suspend or revoke the certification of a premanufactured unit or building component which the bureau finds not to comply with the act or these rules, or which has been manufactured pursuant to a building system or a compliance assurance program as to which approval has been suspended or revoked, or which has not been manufactured in accordance with the approved compliance assurance program.

The bureau shall remove or cause to be removed, labels from a premanufactured unit or building component until it is brought into compliance with the act and these rules. Notice of suspension or revocation of certification shall be in writing with the reasons for suspension or revocation clearly set forth therein. Appeals from suspensions or revocations shall receive timely review.

(2) Upon suspension or revocation by the bureau or the commission of the approval of a building system or compliance assurance program, further labels shall not be attached to a premanufactured unit or building component manufactured pursuant to the building system or compliance assurance program with respect to which the approval was suspended or revoked. Upon termination of the suspension or revocation, labels may again be attached to the premanufactured unit or building component, manufactured after the date approval is reinstated. If any unit or building component has been manufactured during the period of suspension or revocation, it shall not be labeled unless the bureau, evaluation agency, or inspection agency has inspected the unit or building component and the bureau or an authorized inspection agency is satisfied that all requirements for certification have been met.

(3) The manufacturer shall return all labels allocated for a premanufactured unit or building component to the bureau no later than 10 days from the effective date of the bureau's or the commission's suspension or revocation of the approval of the building system or compliance assurance program pursuant to which the premanufactured unit or building component is being manufactured. The manufacturer shall also return to the bureau all labels which it determines for any reason are no longer needed.

History: 1979 AC; 1984 AACS.

R 408.31139 Variations of certified units.

Rule 1139. Premanufactured units or building components certified and labeled pursuant to the act and these rules shall not be altered before the issuance of a certificate of occupancy without resubmission to the bureau for approval of the variation and of the unit which includes the variation. The bureau or an authorized inspection agency shall inspect the unit or building component wherever it is located, which inspection may include such tests or destructive or nondestructive disassembly as the bureau or an authorized inspection agency deems necessary to assure compliance with the act and these rules. Enforcing agencies may be designated as inspection agencies for these purposes.

History: 1979 AC; 1984 AACS.

R 408.31141 Inspections by commission or its agents.

Rule 1141. (1) The commission or the bureau shall make, or cause to be made, such inspections of the entire process of manufacturing, certifying, handling, storing, and transporting of premanufactured units and building components produced pursuant to approved building systems as it deems necessary. Each premanufactured unit or group of building components shall be inspected by the bureau or an approved inspection agency at least once during the manufacturing process. As part of the process of evaluating building systems and compliance assurance programs, the commission or the bureau shall inspect,

or cause to be inspected, the manufacturing facilities in which the units or building components are to be manufactured.

(2) The bureau or an authorized inspection agency shall make such inspections as may be required by an approved compliance assurance program or as may be deemed necessary by the commission.

(3) Before issuing a certificate of occupancy, the bureau shall inspect, or cause to be inspected, certified premanufactured units or building components which it determines to have been sufficiently damaged after certification to warrant the inspection and to take such action with regard to such units or building components as is authorized under R 408.31138, or as is otherwise necessary to eliminate dangerous conditions.

The bureau shall require premanufactured units or building components which are so damaged as no longer to comply with the act and these rules to be brought into compliance promptly. If such units or building components are not brought into compliance with the act and these rules within a reasonable time, or if they are so damaged that they cannot be brought into compliance, the bureau shall order that the labels be removed. Irreparably damaged units or building components shall be disposed of in accordance with applicable laws.

(4) The commission shall have the bureau examine each approved inspection agency at any reasonable time and without prior announcement, in order to monitor the reliability of the agency and of its monitoring of compliance assurance programs. Each examination shall investigate the adequacy of all procedures used by the agency in monitoring compliance assurance programs including inspection, tests, production methods, process controls, operator performance, materials receipt, storage and handling, workmanship standards, records, and all other activities which implement the compliance assurance program in the manufacturing facility during transport, on-site, and at critical subcontractors' facilities. The results of examinations shall be kept on file at the offices of the bureau. Copies of the reports shall be sent to the inspection agency.

Inspection agencies shall be notified specifically of any deficiencies and of the manner in and time by which the deficiencies shall be eliminated.

If deemed necessary by the commission, an agency's approval may be suspended or revoked as provided in R 408.31173. The examinations shall also be conducted before approving an inspection agency.

(5) The commission shall have the bureau examine each approved evaluation agency, at any reasonable time and without prior announcement, in order to monitor the reliability of the agency. Each examination shall investigate the adequacy of all evaluative procedures, including engineering evaluation of plans, specifications and test results, testing, and analysis of compliance assurance programs. The results of the examination shall be kept on file at the offices of the bureau. Copies of the reports shall be sent to the evaluation agency. Agencies shall be notified specifically of any deficiencies and of the manner in and time by which the deficiencies shall be eliminated. If deemed necessary by the commission, approval of an evaluation agency may be suspended or revoked as provided in R 408.31173. The examination shall also be conducted before approving an evaluation agency.

(6) An inspection entailing disassembly, damage to, or destruction of certified premanufactured units or building components shall not be conducted except to implement subrule (1).

History: 1979 AC; 1984 AACS.

R 408.31142 Enforcing agency procedures and inspections.

Rule 1142. (1) An enforcing agency shall issue building permits for certified premanufactured units prior to installation and shall not withhold issuance of building permits for buildings containing certified building components which in all other respects comply with all applicable construction codes. An application to an enforcing agency for a building permit shall, when requested in addition to any other regulations, contain:

(a) A statement that the work to be performed under the permit is to include the installation of a certified premanufactured unit or building component in accordance with the provisions of the act which statement shall be signed by the applicant or his agent, with an appropriate address.

(b) A copy of the approved building system with respect to which the premanufactured unit or building component was manufactured or is to be manufactured, if one has not been furnished to that local enforcement agency previously.

(c) A copy of the building system approval report, where it has not been furnished to that local enforcement agency previously.

(2) A local enforcement agency shall inspect site preparation work, including foundations, not within the scope of the approval and certification, and the structural, mechanical, plumbing, and electrical connections among units, for compliance with applicable law.

(3) An enforcing agency shall inspect all premanufactured units or building components upon, or promptly after, installation at the building site to determine whether all instructions in the building system approval report or conditions listed on the manufacturer's data plate have been followed. This may include tests for tightness of plumbing and mechanical systems, for malfunctions in the electrical system and a visual inspection for obvious nonconformity with the approved building system. Destructive disassembly of certified units and building components shall not be performed in order to conduct these tests or inspections. Standards or test criteria different from those adopted by the bureau or specified in the building system approval report shall not be imposed. Nondestructive disassembly may be performed only to the extent of opening access panels and cover plates.

(4) An enforcing agency shall cause the disposition of noncomplying premanufactured units and building components after consultation with the bureau and reasonable notice of the proposed disposition to the manufacturer or owner thereof.

(5) An enforcing agency shall issue certificates of occupancy for certified premanufactured units and for buildings containing certified building components which otherwise comply with all applicable building codes, after they have been installed and inspected pursuant to the act and these rules. A premanufactured unit or building component found not to comply with the building system approval report shall be brought into compliance before the certificate of occupancy is issued.

(6) When an enforcing agency is making an inspection and finds a violation, it shall report the details of the violation in writing to the bureau. Where a violation is hazardous to occupants, a certificate of occupancy shall not be issued and the building shall not be occupied before the hazard is corrected. If a violation is not hazardous, a provisional certificate of occupancy may be issued.

History: 1979 AC; 1984 AACS.

R 408.31143 Fees.

Rule 1143. Fees shall be charged in accordance with published rates of the commission.

History: 1979 AC.

R 408.31144 Notification of changes.

Rule 1144. (1) Manufacturers shall notify the bureau and the commission in writing within 10 days of any of the following occurrences:

(a) The corporate name is changed.

(b) The main address of the company is changed.

(c) There is a change in 25% or more of the ownership interest of the company within a 12-month period.

(d) The change in location of any manufacturing facility which may supply components or units for sale and use in the state of Michigan.

(e) The establishment of a new manufacturing facility which may supply components or units for sale and use in the state of Michigan.

(f) There are changes in principal officers of the firm.

(2) Evaluation agencies and inspection agencies shall notify the bureau and the commission in writing within 10 days of any of the following occurrences:

(a) The company name is changed.

(b) The main address of the company is changed.

(c) There is a change in 25% or more of the ownership interest or control of the company within a 12-month period.

(d) The change in location of any testing facility which may supply services to the bureau or commission.

(e) The establishment of a new testing facility which may supply services to the bureau or commission.

(f) There are changes in principal officers and key supervisory and responsible personnel of the firm.

History: 1979 AC; 1984 AACS.

R 408.31145 Proprietary information.

Rule 1145. All information relating to building systems and compliance assurance programs which the manufacturer or other party considers proprietary shall be so designated by them at the time of the submission, and shall be so held by the commission, the bureau, and by the inspection, evaluation and enforcing agencies, except as the commission or bureau determines in each case, that disclosure is necessary to carry out the purposes of the act and Act No. 442 of the Public Acts of 1976, as amended, being S15.231 et seq. of the Michigan Compiled Laws.

History: 1979 AC; 1984 AACS.

R 408.31151 Requirements for submission of building systems.

Rule 1151. Building systems shall meet the requirements set forth in R 408.31152 and R 408.31153 to be evaluated for compliance with the standards, specifications, and requirements adopted by the commission.

History: 1979 AC.

R 408.31152 General requirements; building systems.

Rule 1152. (1) Building systems, including all plans, specifications, and other documentation shall be submitted in 3 copies.

(2) Building systems shall be submitted in the form prescribed by the commission and shall be accompanied by all required fees.

(3) All documents submitted with the application shall be identified to indicate the manufacturer's name, office address, and the address of the manufacturing facility.

(4) Manufacturers shall submit plans showing all elements relating to specific systems on properly identifiable sheets.

(5) All work to be performed on-site, including connection of all systems, equipment, and appliances, shall be identified and distinguished from work to be performed in the manufacturing facility.

(6) A 1 1/2 inch x 2 1/2 inch blank rectangular space shall be provided after possible reduction in print size on all sheets of plans as near as possible to the title box for the commission's stamp of approval.

(7) Grade, quality, and identification of all materials shall be specified.

(8) Design calculations and test reports shall be submitted when required.

(9) Drawings shall be drawn to scale.

(10) Drawings shall indicate the location of the approved label and data plate.

(11) Drawings shall be dated and identified. The number of sheets in each set shall be indicated.

(12) All plans, computations, and specifications, shall be prepared by, or under the direct supervision of, a registered architect or engineer and bear that architect's or engineer's signature and seal as required by, and in accordance with, Act No. 299 of the Public Acts of 1980, as amended, being S339.101 et seq. of the Michigan Compiled Laws, and known as the occupational code, and as administered by the department of licensing and regulation.

History: 1979 AC; 1984 AACS.

R 408.31153 Construction details.

Rule 1153. (1) Building systems for premanufactured units shall provide or show, but not be limited to, the details listed below, including the method of their testing or evaluation, or both. These requirements shall apply to the building systems for building components only to the extent deemed necessary by the bureau or by an authorized evaluation agency

to permit a proper evaluation of the building component. Each submission shall be identified by a specific model or component number.

(2) General requirements:

(a) Details and methods of installation of premanufactured units or building components on foundations or to each other, or both.

(b) All exterior elevations.

(c) Cross sections as necessary to identify major building components.

(d) Details of flashing, such as at openings and at penetrations through roofs and subcomponent connections. Indicate flashing material and gauge to be used.

(e) Attic access and attic ventilation.

(f) Exterior wall, roof, and soffit material as well as finish.

(g) Interior wall and ceiling finish material.

(h) Fire separation walls.

(i) Sizes, locations, and types of doors and windows.

(j) Recommended foundation plans, vents, and underfloor access.

(k) Energy calculations.

(l) Details, as necessary, showing barrier free design requirements are met.

(3) Building classification detail requirements:

(a) Occupancy or use.

(b) Area, height, and number of stories.

(c) Type of construction.

(d) Fire resistance ratings.

(4) Space and fire safety detail requirements:

(a) Detail of fire resistance rated assemblies for all stairway enclosures, doors, walls, floors, ceilings, partitions, columns, roof, and shaft enclosures.

(b) Details as to width of all aisles, exits, corridors, passageways, and stairway enclosures.

(c) Toxicity and flame spread classification of finished materials.

(5) Structural detail requirements:

(a) Engineer's calculations of structural members, where appropriate.

(b) Design soil bearing value.

(c) Structural and framing details of all floors, roof, and walls.

(d) Details and stress diagrams of roof trusses.

(e) Details of reinforcing steel.

(f) Complete loading schedule.

(g) Column loads and column schedule.

(h) Lintel schedule.

(i) Size, spacing, and details of all structural elements.

(j) Grade or quality of all structural elements, such as lumber, steel, and so forth.

(k) Elevation of structural elements, walls or sections thereof, providing resistance to vertical loads or lateral forces.

(l) Complete details of all structural connections.

(6) Mechanical detail requirements:

(a) Location of all equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.

(b) Manufacturer's name, make, model, number, BTU, and input rating of all equipment and appliances, as appropriate, or the equivalent thereof.

(c) Duct and register locations, sizes, and materials.

(d) Clearances from combustible materials or surfaces for all ducts, flues, and chimneys.

(e) Method of providing required combustion air and return air.

(f) Location of flues, vents, and chimneys, and clearances from air intakes and other vents and flues.

(g) Details regarding dampers in ducts penetrating fire separations.

(h) Complete drawings of fire sprinkler systems, standpipe system, or fire alarm system.

(i) Detail of elevator or escalator system, including method of emergency operation.

(7) Plumbing detail requirements:

(a) Plan or schematic drawing of the plumbing layout, including, but not limited to, size of piping, fitting, traps and vents, cleanouts and valves, gas, water and drainage system.

(b) Plumbing materials, and location of all equipment and appliances to be used. Indicate fixture unit capacity of systems and the make, model, and rating/capacity of equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.

(c) Make and model of safety controls, such as for water heaters, their location, and whether listed or labeled by approved agencies.

(d) How piping is to be supported and intervals of support.

(e) Location of vents above roofs and required clearances, including, but not limited to, clearances from air intakes, other vents, and flues.

(f) Methods of testing.

(8) Electrical detail requirements:

(a) Plan of service equipment, including service entrance, conductors, service raceway, and clearances above ground and above structures.

(b) Method and detail for grounding service equipment.

(c) Single line diagram of the entire electrical installation.

(d) Load calculations for service and feeders.

(e) Sizes of all feeders and branch circuits.

(f) Size, rating, and location of main disconnect/overcurrent protective devices.

(g) Method of interconnection between manufactured units or building components and location of connections.

(h) Location of all outlets and junction boxes.

(i) Method of mounting fixtures and wiring installations.

History: 1979 AC; 1984 AACS.

R 408.31161 Requirements for submission of compliance assurance programs.

Rule 1161. Compliance assurance programs shall be approved if they meet the requirements set forth in R 408.31162 to R 408.31168. It is the manufacturer's responsibility to execute every aspect of this program. The manufacturer shall continue to be responsible for all corrective actions required, and if the commission authorizes an inspection agency to perform its inspection duties, the contractual relationship between the manufacturer and the inspection agency shall not diminish this responsibility. The manufacturer shall cooperate with the inspection agency by providing the inspection agency with all necessary reports, information, documents, records, facilities, equipment,

samples, and other assistance for assuring compliance. The manufacturer's compliance assurance program shall be submitted in the form of a compliance assurance manual which shall contain complete documentation of all the compliance assurance activities of both the manufacturer and the inspection agency. The manual shall be comprehensively indexed, and shall treat the material listed in R 408.31162 to R 408.31168 in detail.

History: 1979 AC.

R 408.31162 Organization requirements.

Rule 1162. (1) A procedure for periodic revision of the manual.

(2) An organizational structure for implementing and maintaining the compliance assurance program and its functional relationship to other elements of the organization structure of the manufacturer, which structure shall provide for independence from the production department.

Company officers and employees in charge of the compliance assurance program shall be identified and their training and qualifications specified.

(3) A uniform system of in-depth analysis of program effectiveness and means to identify deficiencies, referred to as audit, to monitor program performance periodically.

(4) Complete and reliable records of manufacturing, site operations, and suitable means of storage, preservation, and accessibility of copies of forms to be utilized shall be included.

(5) A system to control changes in production or inspection procedures.

(6) A system to assure that working drawings and specifications, working instructions and standards, procurement documents, and so forth, conform to the approved building system.

(7) A serial numbering system for buildings and building components.

History: 1979 AC; 1984 AACS.

R 408.31163 Materials control.

Rule 1163. (1) Procedures to assure effective control over procurement sources to ensure that materials, supplies and other items used in production and site operations, if any, conform to the approved plans, specifications and quality requirements.

(2) Procedures for inspection of materials, supplies, and other items at the point of receipt.

(3) Method of protection of materials, supplies, and other items against deterioration prior to their incorporation in the certified unit or building component.

(4) Provision for disposal of rejected materials, supplies, and other items.

History: 1979 AC.

R 408.31164 Production control.

Rule 1164. (1) Procedures for timely remedial and preventive measures to assure product quality.

(2) Provision, maintenance, and use of testing and inspection equipment to assure compliance with the approved building system.

(3) Provision for frequency of sampling inspections.

(4) Provision of necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs.

(5) A schematic of the manufacturing operation showing the location of inspection stations, and hold points for mandatory inspection characteristics.

(6) Inspection and test procedures, including accept/reject criteria and mandatory inspection characteristics.

(7) Standards of workmanship.

(8) Provision for disposal of rejects.

History: 1979 AC.

R 408.31165 Finished product control.

Rule 1165. (1) Procedure for final inspection of all premanufactured units or building components before shipment to the site or storage point, including identification and labeling.

(2) Procedures for handling and storing all finished premanufactured units or building components, both at the manufacturing plant or other storage point and after delivery to the building site.

(3) Procedures for packing, packaging, and shipping operations and related inspections.

(4) Procedures for transportation, including all measures to protect against damage while in transit, and setting forth the modes of transportation to be utilized and the carrying equipment and procedures.

History: 1979 AC.

R 408.31166 Installation control.

Rule 1166. (1) Installation procedures including component placement, equipment and procedures, field erection and finishing work, utility connection instructions and all appropriate on-site inspection criteria and test descriptions.

(2) Organizational provisions for field repair and disposal of rejects.

History: 1979 AC.

R 408.31167 Permission for inspection.

Rule 1167. A manufacturer shall provide the commission with written permission, signed and notarized, for the bureau or its authorized evaluation or inspection agencies to inspect its manufacturing facilities, its products, and building sites under its control any reasonable time without prior announcement.

History: 1979 AC; 1984 AACS.

R 408.31168 Inspections by the bureau.

Rule 1168. The compliance assurance manual shall contain detailed plans for inspections by the bureau or inspection agency.

History: 1979 AC; 1984 AACS.

R 408.31169 Relocation and reuse of used modular classrooms; standards and requirements.

Rule 1169. (1) The Michigan Department of Labor and Economic Growth, Bureau of Construction Codes and Fire Safety shall inspect a used modular classroom relocated within the state to determine compliance with applicable state codes. A local enforcing agency may perform the necessary inspections of a used modular classroom provided the enforcing agency has been delegated authority by the bureau under 1937 PA 306.

(2) A relocated used modular classroom shall meet either the requirements of the Michigan rehabilitation code for existing buildings, R 408.30551 to R 408.30577 or the Michigan building code, R 408.30401 to R 408.30547 and the requirements of the Michigan electrical code, R 408.30801 to R 408.30880, Michigan mechanical code, R 408.30901 to R 408.30998, Michigan plumbing code, R 408.30701 to R 408.30796 and the new and existing school, college, and university fire safety rules, R 29.1901 to R 29.1934.

(3) Before site construction, an applicant shall secure a permit in accordance with the rules and section 10 of 1972 PA 230, MCL 125.1510. The application shall be on a form prescribed by the commission and shall include all of the following:

(a) Applicant name.

(b) Applicant mailing address.

(c) Owner.

(d) Current location of the used modular classroom.

(e) Proposed location for the used classroom.

(f) Applicant or agent telephone number.

(g) Confirmation of the installation of mechanical, plumbing, and fire alarm systems in the used modular classroom.

(h) Copy of the building system approval report when attainable.

(i) Roof/ground snow load data when attainable.

(j) Construction documents for the used modular classroom when attainable.

(k) Manufacturing date of the used modular classroom when attainable.

(4) A used modular classroom without structural damage constructed and approved on or after November 30, 1998 may be inspected after relocation.

(5) A used modular classroom shall be inspected before relocation unless approval is granted by the enforcing agency to perform the inspection at another location.

(6) The enforcing agency shall provide the permit applicant a written notice of violations within 15 business days of the inspection.

(7) A used modular classroom shall not be occupied before the issuance of a certificate of occupancy which shall be issued in accordance with section 13 of 1972 PA 230, MCL 125.1513, when a final inspection determines compliance with the act and rules.

(8) A used modular classroom shall remain weather tight during transportation and storage. The structural components in the roof and walls shall be braced to resist highway shock and vibration forces.

History: 2006 AACS.

R 408.31170 Requirements for approval of third party plan review agencies; suspension or revocation; hearing; appeal.

Rule 1170. (1) A review agency seeking approval shall submit an application to the commission on a form provided by the bureau of construction codes and fire safety.

(2) The application shall include all of the following information:

(a) Name of applicant.

(b) Address of applicant.

(c) Qualifications of applicant.

(d) Name of each individual performing plan reviews.

(e) Number of years of experience and qualifications of each individual performing plan reviews.

(f) The registration number of each individual performing plan reviews.

(g) Professional registrations held by the individuals performing plan reviews.

(h) The name and location of the manufacturer for which plan reviews will be conducted.

(i) A statement of how compliance with the requirements of section 19(6) of 1972 PA 230, MCL 125.1501 et seq. is achieved.

(3) The application shall include all of the following items:

(a) Original articles of incorporation of the agency and any subsequent amendments thereto, as filed in the state of the incorporation.

(b) The bylaws of the organization.

(c) The names, addresses, and business affiliations of all members of the board of directors and top management personnel.

(d) A listing of stockholders or other parties of interest having shares or other holdings in excess of $5,000.00.

(e) A certification by the agency of both of the following:

(i) Its board of directors, as a body, and its technical personnel, may exercise independence in judgment.

(ii) The activities pursued by the agency will not result in financial gain or benefit to the agency via stock ownership, or other financial interest from the manufacturer, any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered.

(f) An organizational chart showing the reporting relationship of all personnel associated with the conduct of plan reviews and supervision of the plan review process.

(g) A listing of persons responsible for evaluation of personnel performing plan reviews.

(h) An outline of the process to determine actions to be taken if a violation of the codes is identified within the plan review process and how corrections will be achieved.

(i) A description of the record keeping system used to document receipt of plans, plan reviews conducted, and plan reviews completed and filed with the commission.

(j) Description of the frequency of which plan reviews may be conducted.

(k) A list of other states in which the agency is currently approved to conduct plan reviews.

(l) A statement outlining the familiarity of the agency with the Michigan construction codes and the premanufactured unit rules.

(m) A certification that the agency may perform plan reviews for compliance with codes, standards, specifications, and requirements adopted in this state for premanufactured units or building components.

(4) The commission may suspend or revoke its approval of any third party plan review agency for any of the following reasons:

(a) The approval was issued in error.

(b) Was issued based on incorrect information.

(c) Was issued in violation of the act or the rules.

(d) The agency violates the act or the rules.

(e) Examination or the action of the third party plan review agency disclosed the agency failed to perform its duties in accordance with the rules, or other such regulation that causes premanufactured units to be produced in violation of the rules.

(f) Other causes as may be deemed sufficient by the commission to warrant the suspension or revocation.

(5) A third party plan review agency subject to suspension or revocation of an approval issued by the commission may appeal the suspension or revocation in the following manner:

(a) An application for appeal shall be filed in writing within 90 days after the date of the decision or action from which the appeal is being taken.

(b) An application may be filed either in person or by mail to the department.

(c) The application shall be in writing and shall contain sufficient information to apprise the commission of the rule being appealed, the facts and circumstances surrounding the decision or action being appealed, and the grounds upon which the appeal is based.

(6) The application shall include, where applicable, all of the following documentation:

(a) A statement of the rule, determination, decision, directive, ruling, or order that is the subject of the appeal.

(b) A copy of the building system approval report, plan, compliance assurance manual, or other documentation involved in the appeal.

(c) A description of the premanufactured unit or units or building components involved in the appeal.

(d) A statement of the relief being sought by the appellant.

(7) The commission shall hear an appeal from a third party plan review agency without undue delay after the receipt of the objections. The appeal may be heard by the commission or a panel of 3 or more members designated for that purpose.

History: 2004 AACS.

R 408.31171 Requirements of submission for approval of inspection and evaluation agencies.

Rule 1171. (1) An inspection or evaluation agency seeking approval shall submit an application to the commission which includes the items listed in this rule.

(2) The original articles of incorporation of the agency and all subsequent amendments thereto, as filed in the state of incorporation.

(3) The bylaws of the organization.

(4) The names, addresses, and business affiliations of all members of the board of directors and of top management personnel.

(5) Stock owned in amounts over $5,000.00 reflecting the financial interests of the agency's board of directors and top management personnel if requested by the commission.

(6) Certification by the agency that:

(a) Its board of directors, as a body, and its technical personnel, as individuals, can exercise independence of judgment.

(b) Its activities pursuant hereto will result in no financial benefit to the agency via stock ownership, or other financial interests in any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered.

(7) Names, years of experience, state in which professionally registered, and other qualifications of the directors of inspection or evaluation programs.

(8) Names and years of experience of employees practicing in the following disciplines: architecture, structural engineering, mechanical engineering, electrical engineering, fire protection and other branches of engineering; the states in which each is registered and the services each performs.

(9) An organization chart showing management and supervisory persons, including the number of graduate engineers and architects, and the names of all consulting engineers or architects, designating which are full time and which are part time engineers.

(10) Number and location of factory inspectors, supervisors and other technicians, including evaluators of factory inspectors and the qualifications of each specialized group, including records of work experience, licenses held and other pertinent qualifications; descriptions of the type of work each group and each technician is expected to perform, and the qualifications of each group and each technician to perform the work assigned.

(11) An outline of the training program, if any, of the agency to assure that all inspectors, evaluators and other technicians are properly trained to do each job assigned to them.

(12) An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work.

(13) All engineers, technicians, and other personnel who will perform services for the organization but who are not employees of the organization, and the supervisory and other relationships which each will have to the agency.

(14) Type of products, components, equipment, structures, and other items which the organization has evaluated, tested or inspected, and the number of years of experience the organization has had with each, and the type of codes, standards, specifications and requirements with respect to which the organization has had experience in providing evaluation, inspection or testing services, and the number of years of experience with each.

(15) Description of the record keeping system the agency proposes to use with particular regard to availability of records to the commission and the capacity to render reports to the commission.

(16) Description of the frequency with which the agency is capable of performing inspections or evaluations.

(17) List of the states in which the agency is now approved to inspect or evaluate premanufactured units or building components, and a further listing of those states in which the agency intends to seek such approval within the next 2 years.

(18) Certification that the agency is able to evaluate building systems for compliance with the codes, standards, specifications, and requirements adopted in this state, or premanufactured units or building components for compliance with approved building systems.

History: 1979 AC.

R 408.31172 Procedures for approving inspection and evaluation agencies.

Rule 1172. (1) The commission may approve inspection or evaluation agencies which meet the requirements of R 408.31171 and which the commission finds otherwise qualified to perform the functions proposed to be assigned to them.

(2) Before a full evaluation of an application for approval, the commission shall have the bureau determine whether the application is suitable for processing. If the application is found to be unsuitable for processing, the applicant shall be notified in writing of the unsuitability and the basis thereof within 30 days of the date the application is received by the commission and a portion of the fee may be returned. The findings of unsuitability shall be without prejudice. A subsequent submission shall be treated as a new application.

(3) If an inspection or evaluation agency is not approved, the commission shall return 1 complete application to the applicant with a written explanation of the reasons for disapproval attached thereto.

(4) Approval of inspection or evaluation agencies shall be evidenced by a letter to the applicant indicating the approval and stating specifically the functions which the applicant has been approved to perform. Approval does not constitute the actual assignment of the functions.

(5) Approval of inspection or evaluation agencies shall be for 1 year only. The inspection or evaluation agency shall renew its approval annually by submitting the proper application as prescribed by the commission or bureau.

History: 1979 AC; 1984 AACS.

R 408.31173 Suspension and revocation of authority of inspection and evaluation agencies.

Rule 1173. The commission may suspend or revoke its approval of any evaluation agency or inspection agency if the approval was issued in error, or was issued on the basis of incorrect information, or was issued in violation of the act or these rules, or if the agency violates the act or these rules, or if examination pursuant to R 408.31141(4) and (5) discloses that the agency has failed to perform properly, or for such other cause as may be deemed sufficient by the commission to warrant the action.

History: 1979 AC; 1984 AACS.

R 408.31174 Suspension or revocation; procedure.

Rule 1174. (1) If the commission suspends or revokes the approval of an evaluation or inspection agency, the evaluation or inspection agency shall be given notice in writing of the suspension or revocation with the reasons therefore set forth. Manufacturers being evaluated or inspected by the agency and all enforcing agencies within this state shall also be notified in writing of the suspension or revocation. The notice shall contain instructions to the manufacturer and to the enforcing agency as to premanufactured units or building

components previously certified by an agency whose approval has been suspended or revoked.

(2) An evaluation or inspection agency whose approval has been suspended or revoked, within 90 days of the suspension or revocation, shall deliver to the custody of the commission the originals of all records required by the act and these rules to be made of or in the course of the agency's operations pursuant to the act and these rules.

History: 1979 AC; 1984 AACS.

R 408.31191 Applications for appeal.

Rule 1191. (1) Any person or party in an individual capacity or on behalf of a class of persons or parties affected by these rules or by any decision of or action by any evaluation agency, inspection agency or of the commission under these rules may file an application for appeal.

(2) An application for appeal shall be filed within 90 days after the date of the decision or action from which the appeal is being taken.

(3) An application may be filed either personally or by mail at the principal office of the commission.

(4) The application need not follow any prescribed form, but shall be in writing and shall contain sufficient information, as set forth in subrule (5), to apprise the commission of the rule appealed from, or of the facts and circumstances surrounding the decision or action appealed from and giving the grounds upon which the appeal is based.

(5) The application shall include, where applicable, the following documentation:

(a) A copy of the rule, initial determination, decision, direction, ruling, or order which is the subject of the appeal.

(b) A copy of the building system, compliance assurance program, or other document involved.

(c) A description of the premanufactured unit or building component affected.

(d) A statement of the relief sought by the appellant.

(6) If the appeal is from an action or decision of an inspection or evaluation agency, the application shall contain a statement of the prior decision or other action of the commission on such appeal.

History: 1979 AC.

R 408.31192 Hearings and hearing notices for appeals.

Rule 1192. The commission shall hear all appeals without undue delay after receipt of the objections. The appeal may be heard by the commission, or a panel of 3 or more members designated for that purpose by its chairman.

History: 1979 AC.

R 408.31193 Conduct of hearings for appeals.

Rule 1193. (1) Any interested person may appear and be heard.

(2) The commission, on its own motion or on the motion of any person, may adjourn a hearing to such time and place as the commission may determine.

(3) At least 3 members of the commission shall be present at all times during a hearing.

(4) A person may produce such witnesses as he deems appropriate.

(5) The commission shall not be bound by common law or statutory rules of evidence in the conduct of the hearing. The commission shall consider in evidence any testimony, documents, or other materials submitted by the appellant or the appellee including the results of formal or informal appeals before national codes and standards organizations or national codes and standards appeals organizations.

(6) All parties shall be afforded an opportunity to state their positions, either by the testimony of witnesses or by a formal or informal statement by themselves, their attorneys or any other persons. At the conclusion of the parties' statements, the commission may question the appellant or appellee or any witness and any other party who so desires shall be heard.

(7) All hearings shall be reported by an official reporter. The official transcript shall be open for inspection at the offices of the commission.

Copies of the transcripts shall be available from the official reporter on payment of the charges therefor.

History: 1979 AC.

R 408.31194 Decisions.

Rule 1194. All final decisions of the commission shall be in writing, shall be rendered without undue delay after the close of the hearings and shall state the reasons therefor. One copy of the final decision shall be transmitted by mail to the appellant immediately and 1 copy to the appellee. Final decisions shall be filed in the office of the bureau permanently.

History: 1979 AC; 1984 AACS.