

## SECTION R104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

**R104.1 General.** The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**R104.2 Applications and permits.** The *building official* shall receive applications, review *construction documents* and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**R104.3 Notices and orders.** The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

**R104.4 Inspections.** The *building official* is authorized to make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**R104.5 Identification.** The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

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

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**R104.7 Department records.** The *building official* shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

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

R 408.30503

**R104.9.1 Used materials and equipment.** Used materials, *equipment* and devices shall not be reused unless *approved* by the *building official*.

**R104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, provided the *building official* shall first

find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**R104.10.1 Areas prone to flooding.** The *building official* shall not grant modifications to any provision related to areas prone to flooding as established by Table R301.2(1) without the granting of a variance to such provisions by the board of appeals.

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

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**R104.11.1 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the *jurisdiction*. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved* agency. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

## SECTION R105 PERMITS

**R105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

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



nances of this jurisdiction. Permits are not required for any of the following:

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

- (i) One-story detached accessory structures, if the floor area does not exceed 200 square feet (18.58 m<sup>2</sup>).
- (ii) A fence that is not more than 6 feet (1 829 mm) high.
- (iii) A retaining wall that is not more than 4 feet (1 219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- (iv) A water tank supported directly upon grade if the capacity is not more than 5,000 gallons (18 927 L) and the ratio of height to diameter or width is not greater than 2 to 1.
- (v) A sidewalk or driveway that is not more than 30 inches (762 mm) above adjacent grade and is not over any basement or story below.
- (vi) Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
- (vii) A prefabricated swimming pool that is less than 24 inches (610 mm) deep.
- (viii) Swings and other playground equipment accessory to a 1- or 2-family dwelling.
- (ix) 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.

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

- (i) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- (ii) Radio and television transmitting stations: The provisions of the code do not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply and to the installation of towers and antennas.
- (iii) Temporary testing systems: A permit is not required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

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

- (i) A portable heating or gas appliance that has inputs of less than 30,000 Btu's per hour.
- (ii) Portable ventilation appliances and equipment.
- (iii) A portable cooling unit.

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

(v) 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 (0.75kW) or less.

(viii) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

(ix) 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 (3 005 mm) in length and not more than 6 fittings.

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

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

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

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**R105.2.1 Emergency repairs.** Where *equipment* replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

**R105.2.2 Repairs.** Application or notice to the *building official* is not required for ordinary repairs to structures, replacement of lamps or the connection of *approved* portable electrical *equipment* to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the