

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF CONSTRUCTION APPEALS
MEETING MINUTES
MARCH 17, 2011**

Chairperson Davenport called the meeting to order at 5:32 p.m. Present: G. Frank Bellomo, Robert Coppock, William Osier and Harlan Davenport. Staff Present: Township Building Official Tom Buczkowski and Secretary Harman. Applicant Present: John Fuller of Fuller Heating Co.

NEW BUSINESS

ITEM#1

**APPLICANT: JOHN FULLER OF FULLER HEATING CO.
APPEAL: APPEALING NOTICE OF VIOLATION DATED JANUARY 4, 2011
LOCATION: 6452 DENTON ROAD**

The Applicant, John Fuller of Fuller Heating Company explained to the Board members why he is appealing the notice of violation. He is a Mechanical Contractor who pulled a mechanical permit for gas furnace replacement. The type of work is covered under the mechanical code. He has always pulled a mechanical permit, but is now being asked to pull an electrical permit as well. He does businesses in 30 other municipalities, mainly in Washtenaw County, that do not require this permit. Buczkowski has given him the names of other municipalities east of here that also require both permits. He looked into the section of the electrical code that excludes gas furnace replacements and it lists a lot of other things that can be done as well without an electrical permit. He is concerned that if the electrical permit is required for gas furnace replacement, it will be required for more than just gas furnace replacements, but also the other things listed on the list (ex. Water heater, thermostat). He is not here for the \$100 permit fee, 165,000 gas furnaces replaced every year, look at added time, costs per year amounts up to 16 million and will call for twice as many trips for inspectors and appointments for homeowners. Buczkowski has given him the Electrical Administrative Act, 338.887 Electrical Contractors License Requirements; exceptions.

Chairperson Davenport referenced the Electrical Administrative Act 217 of 1956, 338.887 Electrical Contractors License Requirements; exceptions, section 7. Buczkowski explained the section to the Board Members and Applicant further.

Buczkowski stated the request is for a permit, not a license. Under this part of the electrical code, he is exempt from getting a license but is required to obtain a permit. The code lists all the people that electrical permits are issued too. A mechanical contractor is allowed to perform the work without having an electrical license.

Board Member Osier stated they are requiring to pull an electrical permit, not required to be licensed. An electrical inspector will charge more to do the job if a license was required. Davenport, the permit lets the mechanical contractor do the electrical work without having the license. Concerned why the Township let the applicant walk away only applying for a mechanical permit? This should not have happened, should be a package deal when both permits are required for gas furnace replacement.

The definition language is misleading and Board members see the interpretation from both sides. Once the work is completed this gives the mechanical contractor the ability to do limited electrical work as needed. Fuller referenced the Forbes Mechanical Act.

Chairperson Davenport asked Buczkowski how many mechanical permits have been pulled along with electrical permits. In his 9 years with the township, electrical permits have been issued with mechanical permits for all gas furnace replacements. The Township Building Official and Electrical Inspector schedule the inspections together so there is only one visit to the homeowner.

Fuller reiterated that he has never had to pull an electrical permit for a gas furnace replacement in any other municipality. Buczkowski confirmed with the State of Michigan Chief Electrical Inspector anything less than \$100 is considered minor repair work and would not require a permit. However the state considers furnace and air conditioning replacement more than minor repair work requiring a permit.

Chairperson Davenport agreed with Buczkowski that some municipalities enforce this and others do not. Need to look into the future to make sure something is done, possible a policy change.

Two issues: 1. Policy change to be sure that this does not happen again cannot go against the building inspector, 2. Pull permit, get this cleaned up. This applicant should not have walked out without an electrical permit when it is part of the procedure in place.

Buczkowski cannot waive the requirements of the code including the equipment being connected, per Dan O'Donnell, State of Michigan Chief Electrical Inspector. The States definition is what Tom currently follows. Davenport would like to have the opportunity to speak with the State of Michigan Chief Electrical Inspector.

Another example where two permits are needed in Van Buren Township is sign permits. This again gives the contractor the ability to do limited electrical work without having an electrical license.

Board members would like to look into this further and speak to other municipalities to get better understanding to make a formal decision. Members are unable to vote at this time due to agreement with both parties' interpretations. The members will divide different municipalities amongst themselves to contact to look into this matter further. Board member Osier will contact Dan O'Donnell, State of Michigan Chief Electrical Inspector.

Buczkowski informed the Board members he is aware that Ann Arbor and Ypsilanti Township do not require the electrical permit to be pulled for a gas furnace replacement.

Motion Coppock, Bellomo second to table the discussion until April 7, 2011. Motion Carried.

Motion Coppock, Osier second to adjourn at 6:27 p.m. Motion Carried.

Respectfully Submitted,

Christina Harman,
Recording Secretary