

STATE OF MICHIGAN
COURT OF APPEALS

PHILLIP D. FORNER,

Petitioner-Appellant,

v

CITY OF KENTWOOD,

Respondent-Appellee,

and

MICHIGAN CHAPTER AIR CONDITIONING
CONTRACTORS,

Amicus Curiae.

UNPUBLISHED

August 20, 2002

No. 229723

Construction Code Commission

LC No. 00-000011

Before: Kelly, P.J., and Saad and Smolenski, JJ.

PER CURIAM.

Petitioner appeals as of right the decision of the Construction Code Commission affirming the City of Kentwood's Construction Board of Appeals' decision denying petitioner's request to install a chimney venting system at a private residence located in the city of Kentwood. Because petitioner has removed the improper installation and now requests only an advisory opinion from this Court, petitioner's appeal before this Court is moot. We dismiss.

After petitioner installed the venting system at the residence, the city found the installation to be in violation of the city's code, and issued a citation against petitioner. Petitioner appealed to the city's construction board of appeals, which denied his appeal. Petitioner then appealed to the Construction Code Commission. After the hearing, but shortly before the commission affirmed, in writing, the decision of the city's construction board of appeals, petitioner removed the improper installation.

This Court will not decide moot issues. *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998), citing *East Grand Rapids School Dist v Dent Co Tax Allocation Bd*, 415 Mich 381, 390; 330 NW2d 7 (1982). A case or issue is moot when it presents only abstract questions of law that do not rest on existing facts or rights and an event occurs that renders it impossible for a reviewing court to grant relief. *Id.* However, this Court will review a moot issue if it is one of public significance that is likely to recur and evade appellate review. *Id.*

Because petitioner removed the improper installation, he requests no relief specific to him individually and no relief can be granted to him individually. This Court cannot now approve an installation that no longer exists. Petitioner raises many procedural issues regarding the Construction Code Act, MCL 125.1501 *et seq.*, and argues this Court should enter an order so the state can “benefit from this Court’s wisdom in future application of Act 230, the rules promulgated thereunder and other applicable statutes.”

Petitioner’s procedural issues arise under the Construction Code Act. His primary issues deal specifically with MCL 125.1508, under which the city elected to exempt itself from the state code and enforce a nationally recognized code. MCL 125.1508 is one of the many statutes in the Construction Code Act that is being repealed pursuant to 1999 PA 245. Because petitioner has removed the improper installation and the primary statutes on which petitioner relies for his procedural issues are being repealed or have been repealed, we find petitioner’s appeal moot and decline to address the merits of his claims.

Appeal dismissed as moot.

/s/ Kirsten Frank Kelly
/s/ Henry William Saad
/s/ Michael R. Smolenski