

MICHIGAN FIREWORKS SAFETY ACT (EXCERPT)
Act 256 of 2011

28.467a Issuance of citation by state fire marshal.

Sec. 17a. (1) If, as a result of an inspection or investigation, the state fire marshal or the state fire marshal's designee believes that a person has violated this act, an order issued under this act, or a rule promulgated under this act, the state fire marshal or the state fire marshal's designee shall issue a citation not more than 90 days after the completion of the physical inspection or investigation.

(2) The state fire marshal or the state fire marshal's designee shall issue the citation described in subsection (1) to the holder of the consumer fireworks certificate for, or to a person conducting or directing the sale of consumer fireworks without a consumer fireworks certificate at, the retail location that is the subject of the inspection or investigation. A holder of a consumer fireworks certificate, or a person conducting or directing the sale of consumer fireworks without a consumer fireworks certificate, as described in this subsection, is responsible for the acts or omissions of an individual under that person's employ or control.

(3) Except as otherwise provided in this act, upon issuance of a citation, the state fire marshal may immediately suspend the consumer fireworks certificate of the person receiving the citation.

(4) Upon a proper petition, a court of competent jurisdiction may enjoin a violation of this act.

(5) All of the following apply to a citation issued by the state fire marshal or the state fire marshal's designee under this act:

(a) It shall be in writing.

(b) It shall state on its face that it is an allegation of a violation of this act, describe with particularity the nature of the violation, and include a reference to the provision, rule, or order alleged to be violated.

(c) It shall contain all of the following:

(i) The date of the citation.

(ii) The name and title of the individual who issued the citation.

(iii) The name and address of the person receiving the citation.

(iv) The actions necessary to bring the person receiving the citation into compliance, including the payment of a fine.

(v) A space for the signature of the person receiving the citation indicating that the person has received the citation.

(vi) A space where the person receiving the citation may accept the citation and agree to comply or, in the alternative, indicate the person's intent to contest the citation.

(vii) A notice that the person receiving the citation must accept or reject the terms of the citation in writing within 15 days of the receipt of the citation.

(viii) A brief description of the administrative hearing process and the process for settlement as provided for by rule.

(d) A citation may either be mailed to the person receiving the citation by certified mail, return receipt requested, or delivered in person by the state fire marshal, or the state fire marshal's designee who issued the citation.

History: Add. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.