

MICHIGAN AQUACULTURE DEVELOPMENT ACT (EXCERPT)
Act 199 of 1996

286.883 Violation as misdemeanor; penalty; costs; attorney fees; authority of director; actions brought by attorney general or director.

Sec. 13. (1) A person who violates this act or a rule promulgated under this act is guilty of a misdemeanor punishable by a fine of not less than \$300.00 or imprisonment for not less than 30 days, or both.

(2) The court may allow the department to recover reasonable costs and attorney fees incurred in a prosecution resulting in a conviction for a violation of subsection (1).

(3) The director, upon finding that a person has violated any provisions of this act or a rule promulgated under this act, may do any of the following:

(a) Issue a warning.

(b) Impose an administrative fine of not more than \$1,000.00 for each violation after notice and an opportunity for a hearing. A person aggrieved by an administrative fine issued under this section may request a hearing pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(c) Issue an appearance ticket as described and authorized by sections 9a to 9g of chapter 4 of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9g of the Michigan Compiled Laws.

(4) The director shall advise the attorney general of the failure of any person to pay an administrative fine imposed under this section. The attorney general shall bring a civil action in a court of competent jurisdiction to recover the fine. Civil penalties collected shall be paid to the general fund.

(5) Notwithstanding any other provisions of this act, the director may bring an action to do either or both of the following:

(a) Obtain a declaratory judgment that a method, activity, or practice is a violation of this act.

(b) Obtain an injunction against a person who is engaging in a method, activity, or practice that violates this act.

History: 1996, Act 199, Eff. Aug. 16, 1996.