

PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

PART 133

DRY CLEANING

333.13301 Definitions and principles of construction.

Sec. 13301. (1) As used in this part:

- (a) "Approved" means acceptable to the department.
- (b) "Class IV installation" means a dry cleaning system utilizing solvents classified as nonflammable or as nonflammable at ordinary temperatures and only slightly flammable at higher temperatures.
- (c) "Dry cleaning" includes dry dyeing and means the process of removing dirt, grease, paints, and other stains from wearing apparel, textiles, fabrics, and rugs by use of nonaqueous liquid solvents, including:
 - (i) Immersion and agitation in open vessels.
 - (ii) Immersion and agitation in closed machines.
 - (iii) Spotting or local application of flammable liquid solvents to spots of dirt, grease, paints, and stains not removed by the immersion and agitation process.
 - (iv) Brushing or scouring with inflammable solutions.
- (d) "Dry dyeing" means the process of dyeing clothes or other fabrics of textiles in a solution of dye colors and nonaqueous solvents.
- (e) "Person" means a person as defined in section 1106 or a governmental entity.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of the dry cleaning program in the division of occupational health, with the exception of the division of health risk assessment and the division of occupational health, from the director of the department of public health to the director of the department of environmental quality, see E.R.O. No. 1996-1, compiled MCL 330.3101 of the Michigan Compiled Laws.

For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13303 Class IV cleaning installation; establishment or remodeling; examination and approval of drawings; scale and contents of drawings; specifications.

Sec. 13303. Before a class IV cleaning installation is established or before an existing plant is remodeled, complete drawings shall be submitted to the department for examination and approval. The drawings shall be drawn to an indicated scale, give the relative location of dry cleaning building, boiler room, finishing building or department, storage tanks for solvents, pumps, washers, drying tumblers, extractors, filter traps, stills, condensers, piping, and show elevation of the buildings, including lowest floors or pits, tanks, and their fittings and devices. Specifications prescribed by rules promulgated pursuant to this part shall accompany the drawings.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13304 Inspection of building and premises; conformity as condition to issuance of license.

Sec. 13304. When the construction and establishment of a class IV installation is completed, the department shall be notified and it shall inspect the buildings and premises in which the dry cleaning operations are contemplated. If the building and premises conform to the approved plans submitted in accordance with this part or rules promulgated pursuant to this part, the department shall issue to the applicant a license to conduct a class IV installation.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13305 License required.

Sec. 13305. A person shall not operate a class IV installation until issued a license under this part.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1992, Act 53, Imd. Eff. May 20, 1992.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13306 License; application; issuance; duration; fee; fee adjustment; "Detroit consumer price index" defined.

Sec. 13306. (1) The department may receive license applications for the operation of a class IV installation. Upon compliance by an applicant with the requirements of this part and rules promulgated pursuant to this part, the department shall issue a class IV installation license.

(2) The department shall issue a license under this part for a period of 1 year.

(3) Except as otherwise provided in subsection (4), the initial application and annual license fee for a class IV installation license is \$100.00 for each class IV installation with operating equipment and an additional \$.75 per pound of rated capacity per cleaning wheel for each dry cleaning machine.

(4) The department shall adjust on an annual basis the installation license fees prescribed by subsection (3) by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit consumer price index, not to exceed 5%. As used in this subsection, "Detroit consumer price index" means the most comprehensive index of consumer prices available for the Detroit area from the bureau of labor statistics of the United States department of labor.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1992, Act 53, Imd. Eff. May 20, 1992.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

Administrative rules: R 325.17101 et seq. of the Michigan Administrative Code.

333.13307 Inspections; delegation to local health department; costs; local ordinance prohibited; staff.

Sec. 13307. (1) The department shall conduct annual inspections of class IV installations to insure compliance with the requirements of this part and rules promulgated pursuant to this part.

(2) The department may delegate the duty of inspections for approval of class IV installation permits to a local health department which has the technical and other capabilities to protect the public health, safety, and welfare in this field. The delegation shall not take place unless the department has first consulted with an ad hoc committee which shall be appointed by the department for the purpose of advising on such delegation. Membership on the ad hoc committee shall include representatives of the department, local public health agencies, and an association which represents the class IV installations which would be subject to the inspections. The state shall reimburse each local health department the full amount of the fees collected, as reimbursement for cost of inspection, on vouchers certified by the local health officer and approved by the department.

(3) A local governmental unit shall not enact or enforce an ordinance which duplicates the standards regarding class IV installations imposed in this part.

(4) The department shall adequately staff the dry cleaning section to carry out the duties of the department under this section.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1992, Act 53, Imd. Eff. May 20, 1992.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

Administrative rules: R 325.17101 et seq. of the Michigan Administrative Code.

333.13308 License renewal; application; fee; issuance.

Sec. 13308. (1) A person operating a class IV installation shall apply for license renewal and shall pay a fee as prescribed by section 13306.

(2) Upon compliance by an applicant with the requirements of this part and rules promulgated pursuant to this part and payment of the license renewal fee, the department shall issue a renewal license.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1992, Act 53, Imd. Eff. May 20, 1992.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13309 Exhibition of license.

Sec. 13309. A license shall be exhibited at all times in the customer area of a class IV installation in a conspicuous place.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13310 Repealed. 2006, Act 195, Imd. Eff. June 19, 2006.

Compiler's note: The repealed section pertained to applicability of MCL 28.5i to class IV installation in same building or establishment as other classes of dry cleaning installations.

For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13311 Installation in building approved by department.

Sec. 13311. A class IV installation in which no flammable liquids as defined in section 1 of the fire prevention code, Act No. 207 of the Public Acts of 1941, being section 29.1 of the Michigan Compiled Laws, are employed for other than spotting purposes may be installed in a building approved by the department.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1992, Act 53, Imd. Eff. May 20, 1992.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13312 Prohibited installation; exception.

Sec. 13312. A class IV installation shall not be located in a building occupied in part as a dwelling. An exception may be granted when due to special construction, location, or use the class IV installation will not create injury or hazard to health as determined by the department.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13313 Preventing escape of vapors; ventilation; exception.

Sec. 13313. (1) A class IV installation shall be constructed and installed so as to prevent the escape of substantially all vapors into the atmosphere of the dry cleaning room.

(2) Ventilation shall be installed in a class IV installation to meet the requirements of rules promulgated pursuant to this part.

(3) A class IV installation shall not be installed in a basement or other location difficult to ventilate. An exception may be granted when due to special construction, location, or use the class IV installation will not create injury or hazard to health as determined by the department.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13314 Use of flammable solvent.

Sec. 13314. A class IV installation shall not use a flammable solvent for brushing, scouring, or scrubbing. The use of a flammable solvent for spotting purposes shall be limited to 1 quart with storage and application from an approved safety can.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13315 Fire extinguishers.

Sec. 13315. One or more fire extinguishers, of either the carbon dioxide or dry chemical type shall be provided for use against A, B, and C class fires for every room in which the dry cleaning or spotting

operations are carried on.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13316 Installation to be kept in clean and sanitary condition.

Sec. 13316. A person engaged in conducting a class IV installation shall keep the installation in a clean and sanitary condition free from the accumulation of dirt, waste, and fire hazards.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13321 Enforcement; suspension, revocation, or denial of license; finding of emergency; emergency order; hearing; continuing, modifying, or revoking order.

Sec. 13321. (1) The department shall enforce this part and the rules promulgated pursuant to this part.

(2) The department may suspend, revoke, or deny a class IV installation license.

(3) Upon a finding that an emergency exists requiring immediate action to protect occupational or public health and safety, the department may issue an order, without notice or hearing, reciting the existence of the emergency and providing for the protection of public health and safety. Notwithstanding this part or the administrative procedures act of 1969, the order shall be effective immediately. A person to whom the order is directed shall comply immediately but on application to the department shall be afforded a hearing within 15 days. On the basis of the hearing, the emergency order shall be continued, modified, or revoked not later than 30 days after the hearing.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

333.13322 Rules; appointment of advisory committee.

Sec. 13322. The department shall promulgate rules necessary to carry out this part, and may appoint an advisory committee to assist in rule development. The rules shall include the following:

(a) Plans.

(b) Drawings.

(c) Specifications.

(d) Construction.

(e) Installation of equipment standards.

(f) Inspections.

(g) Other matters necessary to protect the health, safety, and welfare of the public.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1992, Act 53, Imd. Eff. May 20, 1992.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

Popular name: Act 368

Administrative rules: R 325.17101 et seq. of the Michigan Administrative Code.

333.13325 Violations; penalties.

Sec. 13325. (1) The owner or lessee of a class IV installation who uses a liquid other than that for which the owner or lessee is licensed is guilty of a misdemeanor, punishable by imprisonment for not less than 30 days nor more than 90 days, or a fine of not less than \$10.00 nor more than \$100.00, or both.

(2) The owner, occupant, or lessee of a class IV installation, or an agent thereof who fails to comply with this part or rules promulgated pursuant to this part within the time specified by the department, or who builds in violation of a detailed statement of specifications, plans, or license approved by the department, is guilty of a misdemeanor, punishable by imprisonment for not less than 30 days nor more than 90 days, or a fine of not less than \$10.00 nor more than \$100.00, or both for each violation or noncompliance.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of Michigan dry cleaning program from department of health and human services to department of environmental quality, see E.R.O. No. 2017-3, compiled at MCL 333.26254.

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