

FIRE PREVENTION CODE (EXCERPT)
Act 207 of 1941

29.3c Rules; review and consideration; variation of application of rule; board as hearing body; modification of ruling or interpretation; decision; exemption.

Sec. 3c.

(1) The bureau shall promulgate rules as provided under section 2a pertaining to fire safety requirements for the construction, operation, or maintenance of all of the following:

(a) Schools and dormitories, including state supported schools, colleges, and universities and school, college, and university dormitories.

(b) Buildings owned or leased by this state.

(c) A health facility or agency as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(d) Places of public assemblage.

(e) Penal facilities as described in section 62 of the corrections code of 1953, 1953 PA 232, MCL 791.262.

(f) Mental facilities as described in section 135 of the mental health code, 1974 PA 258, MCL 330.1135.

(2) The bureau shall promulgate other rules as provided in section 2a as necessary to implement this act.

(3) Consistent with Executive Reorganization Order Nos. 1997-2 and 1998-2, MCL 29.451 and 29.461, the department of environmental quality shall promulgate rules pertaining to all of the following:

(a) Fire safety requirements for the construction, operation, and maintenance of dry cleaning establishments that use flammable liquids.

(b) The storage, transportation, and handling of liquefied petroleum gas and for the storage, noncommercial transportation, and handling of other hazardous materials to the extent authorized by federal law.

(4) Rules promulgated under this act shall be consistent with recognized good practice as evidenced by standards adopted by nationally recognized authorities in the field of fire protection. Experiences identified in the fire incident reports received by this state may be considered by the board and the bureau when reviewing rules promulgated or considering promulgation of new rules under this act.

(5) The bureau shall promulgate rules as provided under section 2a for the certification of a firm that does any of the following:

(a) Installs, modifies, or documents the installation or modification of a fire suppression system.

(b) Documents the installation or modification of a fire alarm system.

(c) Performs testing, servicing, inspections, or maintenance that has not been exempted by the rules promulgated by the bureau on fire alarm systems or fire suppression systems.

(d) Submits a drawing, plan, or specification of a fire alarm system or fire suppression system to the bureau for approval under section 29, except an architect or professional engineer licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(6) A person may request a variation of the application of a rule promulgated under this act by applying to the state fire marshal. The state fire marshal may make a variation upon a finding that the variation does not result in a hazard to life or property. The finding shall be transmitted to the person requesting the variation and entered into the records of the bureau. If the variation requested concerns a building, the finding shall also be transmitted to the governing body of the city, village, or township in which the building is located.

(7) The entire board, except as provided in section 3b(4), shall act as a hearing body in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to review and decide a contested case or a ruling of the state fire marshal interpreting or applying the rules. After a hearing, the board may vary the application of a rule or may modify the ruling or interpretation of the state fire marshal if the enforcement of the ruling or interpretation would do manifest injustice and would be contrary to the spirit and purpose of the rules or the public interest.

(8) A decision of the board to vary the application of a rule, or to modify or change a ruling of the state fire marshal, shall specify the variation, modification, or change made, the conditions upon which it is made, and the reasons for the variation, modification, or change.

(9) If a local school board passed a resolution calling for an election on the question of the issuance of bonds for the construction or remodeling of or an addition to a school, if the election was held not later than September 28, 1989 and approved issuance of the bonds, and if construction was reasonably anticipated to begin not later than June 30, 1990, the construction, remodeling, or addition to that school was exempt from the rules promulgated by the fire safety board entitled "schools, colleges, and universities", former R 29.301 to R 29.321 of the Michigan administrative code, filed with the secretary of state on July 14, 1989 and effective on July 29, 1989. The construction, remodeling, or addition to that school was, however, subject to the standards contained in rules promulgated by the board entitled "school fire safety", former R 29.1 to R 29.298 of the Michigan administrative

code.

History: Add. 1965, Act 200, Imd. Eff. July 16, 1965 ;-- Am. 1968, Act 321, Imd. Eff. July 3, 1968 ;-- Am. 1970, Act 212, Imd. Eff. Sept. 29, 1970 ;-- Am. 1978, Act 3, Imd. Eff. Feb. 7, 1978 ;-- Am. 1980, Act 247, Eff. Oct. 1, 1980 ;-- Am. 1982, Act 144, Eff. Oct. 28, 1982 ;-- Am. 1989, Act 282, Imd. Eff. Dec. 26, 1989 ;-- Am. 1990, Act 132, Imd. Eff. June 26, 1990 ;-- Am. 1996, Act 152, Imd. Eff. Mar. 25, 1996 ;-- Am. 2006, Act 189, Imd. Eff. June 19, 2006

Compiler's Notes: Section 2 of Act 144 of 1982 provides: "(1) Except as provided in subsection (2), this amendatory act shall take effect 6 months after the date of enactment." "(2) Section 3c(4) shall take effect upon the date of enactment." This amendatory act was enacted on April 28, 1982. R 29.301 to R 29.321 of the Michigan Administrative Code, filed with the Secretary of State on July 14, 1989, and referred to in subsection (9), took effect August 1, 1989. Enacting section 1 of Act 189 of 2006 provides: "Enacting section 1. This amendatory act does not affect the transfer of authority, powers, duties, functions, and responsibilities under this act to the department of environmental quality under Executive Reorganization Order Nos. 1997-2 and 1998-2, MCL 29.451 and 29.461, or to the department of state police and the director of the department of state police under Executive Reorganization Order No. 2003-1, MCL 445.2011." For transfer of certain authority, powers, functions, and responsibilities of the state fire marshal and the fire marshal division of the department of state police to the director of the department of labor and economic growth, bureau of construction codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011. For transfer of powers and duties of the department of environmental quality under the aboveground storage tank program from department of environmental quality to bureau of fire services, department of licensing and regulatory affairs, see E.R.O. No. 2012-7, compiled at MCL 29.462.

Admin Rule: R 29.501 et seq.; R 29.551 et seq.; R 29.1501 et seq.; R 29.1601 et seq.; R 29.1701 et seq.; R 29.1801 et seq.; R 29.1901 et seq.; R 29.2001 et seq.; R 29.2101 et seq.; R 29.2201 et seq.; R 29.2301 et seq.; R 29.2801 et seq.; R 29.3101 et seq.; R 29.4001 et seq.; and R 29.5101 et seq. of the Michigan Administrative Code.