

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.13111 Local codes, regulations, or ordinances; variance.

Sec. 13111.

(1) A local governing entity of a local health department authorized to enforce this part under section 13108 may adopt and enforce local codes, ordinances, or regulations that are more stringent than the minimum applicable standards set forth in this part, rules promulgated under this part, or any safety standards or other requirements issued by the department applicable to body art facilities. This part shall not relieve the applicant or a licensee from the responsibility for securing a local permit or complying with applicable local codes, regulations, or ordinances that are in addition to this part.

(2) A local health department may grant a variance to a body art facility from a requirement of this part if the local health department determines that the variance will not create or increase the potential for a health hazard or nuisance and that the activity or condition for which the variance is proposed will not violate any other provisions of this part. The applicant or licensee shall request the variance in writing, which writing shall include all of the following:

(a) A statement of the proposed variance and a citation to the requirement of this part for which the variance is requested.

(b) An analysis of the rationale for the variance.

(c) A description of the alternative methods the applicant or licensee will utilize to ensure that the variance will not create or increase the potential for any health hazard or nuisance.

(3) A variance granted under subsection (2) shall be in writing and shall be maintained in the records of the local health department for that body art facility.

History: Add. 2007, Act 149, Imd. Eff. Dec. 13, 2007 ;-- Am. 2010, Act 375, Imd. Eff. Dec. 22, 2010

Popular Name: Act 368