



Bureau of Fire Services
Procedures

09/16/2015
08-01

Subject: Fireworks Delegation of Authority Program

PURPOSE

[Public Act 256 of 2011](#), MCL 28.461, Sec. 11(5) and MCL 28.469, Sec. 19 allows for the Department of Licensing and Regulatory Affairs (LARA), Bureau of Fire Services (BFS) to delegate inspection duties under this Act to 1 or more local units of government/governing body (city, village or township) to carry out inspection duties for approved fireworks facilities within their jurisdiction.

Those approved to provide delegated authority will be responsible to conduct facility inspections of both permanent and temporary structure types within their area of jurisdiction. Delegated authority will exclude certificate issuance, plan review, citation and enforcement functions. The delegated authority will only be valid during the fireworks season it is issued for.

Compensation for the delegated authority fireworks inspection duties will be based upon the provisions of the Act at the time of application. Compensation will be paid to the local unit of government/governing body (city, village or township) financial entity upon completion and submission of a final facility inspection report and if an actual fireworks facility inspection of a structure was completed.

If a local unit of government/governing body (city, village or township) declines to participate in the program described in this subsection, the department (LARA/BFS) retains its inspection duties under this Act.

PROCEDURE

The following procedure shall be used by local fire departments and authorities who have been granted delegation rights by the State Fire Marshal for fireworks facilities within their local jurisdiction. Strict adherence to this procedure shall be followed in order to maintain a consistent and uniform fireworks safety program. Failure to abide by Bureau policies and directives may result in the termination of participation in the Fireworks Inspection Delegation Program and forfeit any agreed upon compensation.

A local fire department, authority or local units of government/governing body (city, village or township) requesting local fireworks delegation duties under Sections 11(5) and 19 of

the Act and shall be subject to the following conditions:

1. Complete a Fireworks Delegation of Authority Authorization Application form (BFS-404) to perform delegated inspection duties to the State Fire Marshal's office by the deadline date established by the State Fire Marshal. The coverage areas listed on the Application will be used for determining the jurisdiction of the delegate. If a department covers multiple cities/zip codes, all applicable areas must be listed.
2. Submit a signed Fireworks Delegation of Authority Agreement by the deadline date established by the State Fire Marshal. The Fireworks Delegation of Authority Agreement must be signed by your local certifying official (City Manager, Township Supervisor, Mayor, etc.) of your local units of government/governing body (city, village or township) and the fire chief to perform fireworks delegation inspection duties.
3. All state certified fire inspectors who will be conducting fireworks delegation inspection duties shall attend and complete all required Bureau fireworks delegation training. Notifications of training will be sent directly to the contact e-mail address(es) listed on the application. Updated contact information will be the responsibility of the fire department or authority. **Please note: all certified fire inspectors attending the fireworks delegation training will be required to sign in at the start of training and sign out at the end of training. Failure to complete the required training may be grounds for denial of fireworks delegation of authority by the State Fire Marshal.**
4. Receive a copy of the executed Fireworks Delegation of Authority Agreement. A copy of the Fireworks Delegation of Authority Agreement will be returned to the fire department once the Bureau has verified that the required inspector training has been completed and the Fireworks Delegation of Authority Agreement has been signed by the State Fire Marshal.
5. Once BFS approves a consumer grade fireworks certificate for your jurisdiction, you will receive e-mail notification of the location via the e-mail on record. The local delegated authority shall verify that the consumer fireworks retail sales (CFRS) location is within their jurisdictional boundaries and provide an e-mailed confirmation back to fireworksdelegation@michigan.gov within **5 business days** of notification. Failure to make the above confirmation to the BFS within the prescribed timeframe may cause the inspection duties for the facility to be handled by the BFS and any agreed upon compensation forfeited.
6. Only state certified fire inspectors will perform fireworks delegated inspections of CFRS facilities.
7. Upon receiving the CFRS file information from the BFS office, contact shall be made to the CFRS representative listed within **5 business days** of receiving the file to determine when a Fireworks facility inspection is ready to be conducted. The

actual site location should be verified at this time as well to ensure the CFRS has not attempted to relocate the CFRS from the already approved site plan location.

8. The facility inspection shall take place at the location (site) approved by the BFS Plan Review Division. The facility inspection shall determine if the CFRS is in compliance and can be approved for retail sales of consumer grade fireworks.
9. When requested by the CFRS facility, a fireworks compliance inspection of the structure shall be conducted by the delegated authority within **5 business days**. A delegated authority shall not hold up the inspection or approval pending local approvals for permitting and or zoning.
10. All inspection reports shall be completed on the BFS inspection report (BFS-40d) and in the prescribed manner as identified by the BFS. All inspection reports shall be electronically generated and submitted in Microsoft Word format to the fireworksdelegation@michigan.gov email address within **5 business days** of completing the facility inspection. Any questions pertaining to the BFS-40d inspection report can be directed to the BFS Region Supervisor for the delegated area.
11. Any deficiencies found in the delegated inspection report(s) will be returned to the delegated authority by the BFS for correction. Any inspection report returned to the delegated authority shall be corrected and returned to the fireworksdelegation@michigan.gov e-mail address within **5 business days** of receipt.
12. Failure to complete and submit reports/paperwork within the specified timeframes may be cause for dismissal from the delegation program and/or cause for delegate payment forfeiture for a specific location and/or future delegated authority consideration.
13. If the CFRS facility is actively selling product prior to the facility inspection because the applicant attested to compliance with NFPA 1124 during the application process, they should be found in complete compliance at the time of the inspection. If violation(s) exist, a BFS Field Inspector or Regional Supervisor shall be notified to discuss the violations and determined if civil fines shall be issued by a BFS Field Inspector.
14. If the CFRS site is found vacant, contact shall be made to the appropriate BFS Regional Field Supervisor. No delegation payments will be made for inspections attempted at a vacant site.
15. All required final inspection reports must be submitted to BFS by **August 1** each calendar year to ensure the delegated authority payment is made to the delegated authority prior to the state's Fiscal Year end of September 30th. The facility final

inspection report must be submitted and approved in order to receive the delegated payment.

16. All fireworks complaints received by a delegated authority during normal business hours shall be forwarded to a BFS Field Inspector or Regional Field Supervisor immediately upon receiving them. After hours complaints can be made through the BFS Fireworks Complaint Hotline at 1-855-345-6442.
17. All delegation agreements will be reviewed by the State Fire Marshal's office to verify the fire departments or authority's compliance of the Act, the promulgated fireworks rules and BFS Fireworks Delegation Authority procedure as outlined prior to granting future individual delegation authority requests.

Richard W. Miller

State Fire Marshal/Director Signature

09/16/2015

Date