

**SUBSTITUTE FOR  
HOUSE BILL NO. 5940**

A bill to amend 2011 PA 256, entitled  
"Michigan fireworks safety act,"  
by amending section 7 (MCL 28.457), as amended by 2013 PA 65.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 7. (1) Except as provided in this act, a local unit of  
2 government shall not enact or enforce an ordinance, code, or  
3 regulation pertaining to or in any manner regulating the sale,  
4 display, storage, transportation, or distribution of fireworks  
5 regulated under this act.

6       (2) A local unit of government may enact an ordinance  
7 regulating the ignition, discharge, and use of consumer fireworks,  
8 including, but not limited to, an ordinance prescribing the hours  
9 of the day or night during which a person may ignite, discharge, or  
10 use consumer fireworks. If a local unit of government enacts an

ordinance under this subsection, the ordinance shall not regulate the ignition, discharge, or use of consumer fireworks on the ~~day~~ ~~preceding, the day of, or the day after a national holiday except~~ as follows: **FOLLOWING DAYS AFTER 11 A.M.:**

~~—— (a) A local unit of government with a population of 50,000 or more or a local unit of government located in a county with a population of 750,000 or more may regulate the ignition, discharge, or use of consumer fireworks between the hours of 12 midnight and 8 a.m. or between the hours of 1 a.m. and 8 a.m. on New Year's day.~~

~~—— (b) A local unit of government with a population of less than 50,000 located in a county with a population of less than 750,000 may regulate the ignition, discharge, or use of consumer fireworks between the hours of 1 a.m. and 8 a.m.~~

**(A) DECEMBER 31 UNTIL 1 A.M. ON JANUARY 1.**

**(B) THE SATURDAY AND SUNDAY IMMEDIATELY PRECEDING MEMORIAL DAY UNTIL 11:30 P.M. ON EACH OF THOSE DAYS.**

**(C) JUNE 29 TO JULY 4 UNTIL 11:30 P.M. ON EACH OF THOSE DAYS.**

**(D) JULY 5, IF THAT DATE IS A FRIDAY OR SATURDAY, UNTIL 11:30 P.M.**

**(E) THE SATURDAY AND SUNDAY IMMEDIATELY PRECEDING LABOR DAY UNTIL 11:30 P.M. ON EACH OF THOSE DAYS.**

(3) An ordinance under subsection (2) shall ~~only~~ impose a civil fine of ~~not more than \$500.00~~ **\$1,000.00** for each violation of the ordinance and no other fine or sanction. **THE ORDINANCE MUST PROVIDE FOR THE REMITTANCE OF \$500.00 OF THE FINE COLLECTED UNDER THE ORDINANCE TO THE LOCAL LAW ENFORCEMENT AGENCY RESPONSIBLE FOR ENFORCING THE ORDINANCE.**

1           (4) A LOCAL UNIT OF GOVERNMENT WITH A POPULATION OF 100,000 OR  
2 MORE OR A LOCAL UNIT OF GOVERNMENT LOCATED IN A COUNTY WITH A  
3 POPULATION OF 750,000 OR MORE MAY ENACT OR ENFORCE AN ORDINANCE  
4 THAT REGULATES THE USE OF A TEMPORARY STRUCTURE. AN ORDINANCE  
5 ESTABLISHED UNDER THIS SUBSECTION MAY INCLUDE, BUT IS NOT LIMITED  
6 TO, A RESTRICTION ON THE NUMBER OF PERMITS ISSUED FOR A TEMPORARY  
7 STRUCTURE, REGULATION OF THE DISTANCE REQUIRED BETWEEN 2 OR MORE  
8 TEMPORARY STRUCTURES, OR A ZONING ORDINANCE THAT REGULATES THE USE  
9 OF A TEMPORARY STRUCTURE. AN ORDINANCE ESTABLISHED UNDER THIS  
10 SUBSECTION MAY NOT PROHIBIT THE TEMPORARY STORAGE, TRANSPORTATION,  
11 OR DISTRIBUTION OF FIREWORKS BY A CONSUMER FIREWORKS CERTIFICATE  
12 HOLDER AT A RETAIL LOCATION THAT IS A PERMANENT BUILDING OR  
13 STRUCTURE. AS USED IN THIS SUBSECTION, "TEMPORARY STRUCTURE" MEANS  
14 A MOVABLE STRUCTURE THAT IS USED IN THE SALE, DISPLAY, STORAGE,  
15 TRANSPORTATION, OR DISTRIBUTION OF FIREWORKS, INCLUDING, BUT NOT  
16 LIMITED TO, A TENT OR A STAND.

17           Enacting section 1. This amendatory act takes effect 90 days  
18 after the date it is enacted into law.