

**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) BEGINNING AUGUST 1, 2019, A LOCAL UNIT OF GOVERNMENT WITH
2 A POPULATION OF 100,000 OR MORE OR A LOCAL UNIT OF GOVERNMENT
3 LOCATED IN A COUNTY WITH A POPULATION OF 750,000 OR MORE MAY ENACT
4 OR ENFORCE AN ORDINANCE THAT REGULATES THE USE OF A TEMPORARY
5 STRUCTURE. AN ORDINANCE ESTABLISHED UNDER THIS SUBSECTION MAY
6 INCLUDE, BUT IS NOT LIMITED TO, A RESTRICTION ON THE NUMBER OF
7 PERMITS ISSUED FOR A TEMPORARY STRUCTURE, REGULATION OF THE
8 DISTANCE REQUIRED BETWEEN 2 OR MORE TEMPORARY STRUCTURES, OR A
9 ZONING ORDINANCE THAT REGULATES THE USE OF A TEMPORARY STRUCTURE.
10 AN ORDINANCE ESTABLISHED UNDER THIS SUBSECTION MAY NOT PROHIBIT THE
11 TEMPORARY STORAGE, TRANSPORTATION, OR DISTRIBUTION OF FIREWORKS BY
12 A CONSUMER FIREWORKS CERTIFICATE HOLDER AT A RETAIL LOCATION THAT
13 IS A PERMANENT BUILDING OR STRUCTURE. AS USED IN THIS SUBSECTION,
14 "TEMPORARY STRUCTURE" MEANS A MOVABLE STRUCTURE THAT IS USED IN THE
15 SALE, DISPLAY, STORAGE, TRANSPORTATION, OR DISTRIBUTION OF
16 FIREWORKS, INCLUDING, BUT NOT LIMITED TO, A TENT OR A STAND.