

**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

House Bill No. 5940 as amended December 19, 2018

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 <<11:45>> P.M. ON EACH OF THOSE DAYS.

(C) JUNE 29 TO JULY 4 UNTIL <<11:45>> P.M. ON EACH OF THOSE DAYS.

(D) JULY 5, IF THAT DATE IS A FRIDAY OR SATURDAY, UNTIL <<11:45>> P.M.

(E) THE SATURDAY AND SUNDAY IMMEDIATELY PRECEDING LABOR DAY UNTIL <<11:45>> 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.**

House Bill No. 5940 as amended December 20, 2018

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.

<<Enacting section 1. This amendatory act does not take effect
unless all of the following bills of the 99th Legislature are enacted
into law:

(a) House Bill No. 5939.

(b) House Bill No. 5941.>>