

HOUSE BILL No. 5784

July 13, 2016, Introduced by Rep. Farrington and referred to the Committee on Regulatory Reform.

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—SUBJECT TO SUBSECTION (3),~~ A local unit of government
7 may enact an ordinance regulating the ignition, discharge, and use
8 of consumer fireworks, including, but not limited to, an ordinance
9 prescribing the hours of the day or night during which a person may
10 ignite, discharge, or use consumer fireworks. If a local unit of

1 government enacts an ordinance under this subsection, the ordinance
2 shall not regulate the ignition, discharge, or use of consumer
3 fireworks on the day preceding, the day of, or the day after a
4 national holiday except as follows:

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

10 (b) A local unit of government with a population of less than
11 50,000 located in a county with a population of less than 750,000
12 may regulate the ignition, discharge, or use of consumer fireworks
13 between the hours of 1 a.m. and 8 a.m.

14 (3) THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS IS
15 PROHIBITED IN A COUNTY WITH A POPULATION OF 600,000 OR MORE UNLESS
16 A LOCAL UNIT OF GOVERNMENT WITHIN THAT COUNTY ENACTS AN ORDINANCE
17 ALLOWING FOR AND REGULATING THE IGNITION, DISCHARGE, AND USE OF
18 CONSUMER FIREWORKS WITHIN THAT LOCAL UNIT OF GOVERNMENT.

19 (4) THE SALE OF CONSUMER FIREWORKS IS PROHIBITED IN A COUNTY
20 WITH POPULATION OF 600,000 OR MORE UNLESS A LOCAL UNIT OF
21 GOVERNMENT WITHIN THAT COUNTY ENACTS AN ORDINANCE ALLOWING FOR THE
22 SALE OF CONSUMER FIREWORKS WITHIN THAT LOCAL UNIT OF GOVERNMENT. AN
23 ORDINANCE ALLOWING FOR THE SALE OF CONSUMER FIREWORKS ENACTED UNDER
24 THIS SECTION SHALL NOT OTHERWISE REGULATE THE SALE OF CONSUMER
25 FIREWORKS.

26 (5) A LOCAL UNIT OF GOVERNMENT IN A COUNTY MEETING THE
27 POPULATION THRESHOLD DESCRIBED IN SUBSECTIONS (3) AND (4) THAT DOES

1 NOT ENACT AN ORDINANCE ALLOWING THE SALE, IGNITION, DISCHARGE, AND
2 USE OF CONSUMER FIREWORKS UNDER SUBSECTION (3) OR (4) MAY GRANT A
3 SPECIAL USE PERMIT FOR THE SALE, IGNITION, DISCHARGE, AND USE OF
4 CONSUMER FIREWORKS WITHIN THE LOCAL UNIT OF GOVERNMENT.

5 (6) ~~(3)~~—An ordinance under subsection (2), (3), OR (4) shall
6 only impose a civil fine of not more than \$500.00 for each
7 violation of the ordinance and no other fine or sanction.

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