

HOUSE BILL No. 4044

January 18, 2017, 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 **AND SUBJECT TO**
2 **SUBSECTION (4)**, a local unit of government shall not enact or
3 enforce an ordinance, code, or regulation pertaining to or in any
4 manner regulating the sale, display, storage, transportation, or
5 distribution of fireworks 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
10 ~~day~~. **DAY.**

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

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

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

27 **(5) A LOCAL UNIT OF GOVERNMENT IN A COUNTY MEETING THE**

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

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

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