

HOUSE BILL No. 4197

February 14, 2017, Introduced by Reps. Chirkun, Lasinski, Green, Yanez, Faris, Elder, Lucido, Howrylak, Cochran, Greimel, Dianda, Schor, Pagan, Hertel, Hoadley, Liberati, Geiss, Yaroach, Moss and Ellison 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, and
by adding section 7a.

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. **HOWEVER, A LOCAL UNIT OF GOVERNMENT MAY**
6 **ENACT AND ENFORCE A GENERAL ORDINANCE, CODE, OR REGULATION THAT**
7 **DOES NOT APPLY SPECIFICALLY TO THE SALE, DISPLAY, STORAGE,**
8 **TRANSPORTATION, OR DISTRIBUTION OF FIREWORKS REGULATED UNDER THIS**
9 **ACT, BUT RATHER APPLIES GENERALLY TO THE SALE, DISPLAY, STORAGE,**

1 **TRANSPORTATION, OR DISTRIBUTION OF ALL GOODS.**

2 (2) A local unit of government may enact an ordinance
3 regulating the ignition, discharge, and use of consumer fireworks,
4 including, but not limited to, an ordinance prescribing the hours
5 of the day or night during which a person may ignite, discharge, or
6 use consumer fireworks. If a local unit of government enacts an
7 ordinance under this subsection, the ordinance shall not regulate
8 the ignition, discharge, or use of consumer fireworks on the day
9 preceding, the day of, or the day after a national holiday except
10 as follows:

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

16 (b) A local unit of government with a population of less than
17 50,000 located in a county with a population of less than 750,000
18 may regulate the ignition, discharge, or use of consumer fireworks
19 between the hours of 1 a.m. and 8 a.m.

20 (3) An ordinance under subsection (2) shall only impose a
21 civil fine of not more than \$500.00 for each violation of the
22 ordinance and no other fine or sanction.

23 **SEC. 7A. NOTHING IN THIS ACT QUALIFIES OR LIMITS THE AUTHORITY**
24 **OF THE STATE FIRE MARSHAL, THE COMMANDING OFFICER OF THE FIRE**
25 **DEPARTMENT OF A CITY, VILLAGE, TOWNSHIP, OR COUNTY, OR A**
26 **FIREFIGHTER IN UNIFORM ACTING UNDER THE ORDERS AND DIRECTIONS OF**
27 **THE COMMANDING OFFICER TO TAKE ALL NECESSARY STEPS AND PRESCRIBE**

1 ALL NECESSARY RESTRICTIONS AND REQUIREMENTS TO PROTECT PERSONS OR
2 PROPERTY IF THE STATE FIRE MARSHAL, THE COMMANDING OFFICER OF THE
3 FIRE DEPARTMENT OF A CITY, VILLAGE, TOWNSHIP, OR COUNTY, OR A
4 FIREFIGHTER IN UNIFORM ACTING UNDER THE ORDERS AND DIRECTIONS OF
5 THE COMMANDING OFFICER DETERMINES A DANGEROUS CONDITION EXISTS
6 UNTIL THE DANGEROUS CONDITION IS ABATED UNDER SECTION 7A OF THE
7 FIRE PREVENTION CODE, 1941 PA 207, MCL 29.7A.

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