

HOUSE BILL NO. 5063

June 17, 2021, Introduced by Reps. Scott, Whitsett, Tate, Camilleri, Koleszar, Brenda Carter, Aiyash, Rabhi, Damoose, Outman, Fink and Yancey 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 2018 PA 635.

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~~**that pertains** to or **regulates** in any manner
4 ~~regulating~~ the sale, display, storage, transportation, or
5 distribution of fireworks regulated under this act.

1 (2) A local unit of government may enact an ordinance
2 ~~regulating~~**that regulates** the ignition, discharge, and use of
3 consumer fireworks, including, but not limited to, an ordinance
4 prescribing the hours of the day or night during which a person may
5 ignite, discharge, or use consumer fireworks. If a local unit of
6 government enacts an ordinance under this subsection, the ordinance
7 shall not regulate the ignition, discharge, or use of consumer
8 fireworks on the following days after 11 a.m.:

9 (a) December 31 until 1 a.m. on January 1.

10 (b) The Saturday and Sunday immediately preceding Memorial Day
11 until 11:45 p.m. on each of those days.

12 (c) June 29 to July 4 until 11:45 p.m. on each of those days.

13 (d) July 5, if that date is a Friday or Saturday, until 11:45
14 p.m.

15 (e) The Saturday and Sunday immediately preceding Labor Day
16 until 11:45 p.m. on each of those days.

17 **(f) June 18 and 19 until 11:45 p.m. on each of those days.**

18 (3) An ordinance under subsection (2) ~~shall~~**must** impose a
19 civil fine of \$1,000.00 for each violation of the ordinance and no
20 other fine or sanction. The ordinance must provide for the
21 remittance of \$500.00 of the fine collected under the ordinance to
22 the local law enforcement agency responsible for enforcing the
23 ordinance.

24 (4) Beginning August 1, 2019, a local unit of government with
25 a population of 100,000 or more or a local unit of government
26 located in a county with a population of 750,000 or more may enact
27 or enforce an ordinance that regulates the use of a temporary
28 structure. An ordinance established under this subsection may
29 include, but is not limited to, a restriction on the number of

1 permits issued for a temporary structure, regulation of the
2 distance required between 2 or more temporary structures, or a
3 zoning ordinance that regulates the use of a temporary structure.
4 An ordinance established under this subsection may not prohibit the
5 temporary storage, transportation, or distribution of fireworks by
6 a consumer fireworks certificate holder at a retail location that
7 is a permanent building or structure. As used in this subsection,
8 "temporary structure" means a movable structure that is used in the
9 sale, display, storage, transportation, or distribution of
10 fireworks, including, but not limited to, a tent or a stand.

11 Enacting section 1. This amendatory act does not take effect
12 unless all of the following bills of the 101st Legislature are
13 enacted into law:

14 (a) Senate Bill No. ____ or House Bill No. 5064 (request no.
15 00911'21).

16 (b) Senate Bill No. ____ or House Bill No. 5065 (request no.
17 01957'21).