

**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

1 ordinance under this subsection, the ordinance shall not regulate  
 2 the ignition, discharge, or use of consumer fireworks on the day  
 3 preceding, the day of, or the day after a national holiday except  
 4 as follows:**FOLLOWING DAYS AFTER 11 A.M. :**

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 **(A) DECEMBER 31 UNTIL 1 A.M. ON JANUARY 1.**

15 **(B) THE SATURDAY AND SUNDAY IMMEDIATELY PRECEDING MEMORIAL DAY**  
 16 **UNTIL <<11:45>> P.M. ON EACH OF THOSE DAYS.**

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

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

21 **(E) THE SATURDAY AND SUNDAY IMMEDIATELY PRECEDING LABOR DAY**  
 22 **UNTIL <<11:45>> P.M. ON EACH OF THOSE DAYS.**

23 (3) An ordinance under subsection (2) shall ~~only~~ impose a  
 24 civil fine of ~~not more than \$500.00~~ **\$1,000.00** for each violation of  
 25 the ordinance and no other fine or sanction. **THE ORDINANCE MUST**  
 26 **PROVIDE FOR THE REMITTANCE OF \$500.00 OF THE FINE COLLECTED UNDER**  
 27 **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.>>