

**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.>>