

DRAFT 1  
**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



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 11:30 P.M. ON EACH OF THOSE DAYS.**

17 **(C) JUNE 29 TO JULY 4 UNTIL 11:30 P.M. ON EACH OF THOSE DAYS.**

18 **(D) JULY 5, IF THAT DATE IS A FRIDAY OR SATURDAY, UNTIL 11:30**  
 19 **P.M.**

20 **(E) THE SATURDAY AND SUNDAY IMMEDIATELY PRECEDING LABOR DAY**  
 21 **UNTIL 11:30 P.M. ON EACH OF THOSE DAYS.**

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



1 (4) A LOCAL UNIT OF GOVERNMENT WITH A POPULATION OF 100,000 OR  
2 MORE OR A LOCAL UNIT OF GOVERNMENT LOCATED IN A COUNTY WITH A  
3 POPULATION OF 750,000 OR MORE MAY ENACT OR ENFORCE AN ORDINANCE  
4 THAT REGULATES THE USE OF A TEMPORARY STRUCTURE. AN ORDINANCE  
5 ESTABLISHED UNDER THIS SUBSECTION MAY INCLUDE, BUT IS NOT LIMITED  
6 TO, A RESTRICTION ON THE NUMBER OF PERMITS ISSUED FOR A TEMPORARY  
7 STRUCTURE, REGULATION OF THE DISTANCE REQUIRED BETWEEN 2 OR MORE  
8 TEMPORARY STRUCTURES, OR A ZONING ORDINANCE THAT REGULATES THE USE  
9 OF A TEMPORARY STRUCTURE. AN ORDINANCE ESTABLISHED UNDER THIS  
10 SUBSECTION MAY NOT PROHIBIT THE TEMPORARY STORAGE, TRANSPORTATION,  
11 OR DISTRIBUTION OF FIREWORKS BY A CONSUMER FIREWORKS CERTIFICATE  
12 HOLDER AT A RETAIL LOCATION THAT IS A PERMANENT BUILDING OR  
13 STRUCTURE. AS USED IN THIS SUBSECTION, "TEMPORARY STRUCTURE" MEANS  
14 A MOVABLE STRUCTURE THAT IS USED IN THE SALE, DISPLAY, STORAGE,  
15 TRANSPORTATION, OR DISTRIBUTION OF FIREWORKS, INCLUDING, BUT NOT  
16 LIMITED TO, A TENT OR A STAND.

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

