

# SENATE BILL NO. 355

April 14, 2021, Introduced by Senator SANTANA 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.

6       (2) A local unit of government may enact an ordinance

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

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

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

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

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

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

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

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

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

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

10 Enacting section 1. This amendatory act does not take effect  
11 unless Senate Bill No. 74 of the 101st Legislature is enacted into  
12 law.