

## Supplemental Item for O-4a

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### **I-6 Proposed Resolution Requesting Changes to State Fireworks Statute**

Resolution #2012-08-162

Moved by Daniels

Seconded by Slater

WHEREAS, 2011 PA No. 256 amended the law concerning fireworks in the State of Michigan, and these new provisions were effective on January 1, 2012; and

WHEREAS, The revised state fireworks statutes, specifically MCL 28.451 et.seq., resulted in many complaints and concerns being raised by municipal constituents during the most recent 4<sup>th</sup> of July holiday period; and

WHEREAS, The statutory revisions to MCL 28.451 et. seq. also contain provisions that have created some concerns for Michigan municipalities.

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council strongly **URGES** the Michigan Legislature to revisit and revise the state fireworks statutes, MCL 28.451 et. seq., to address the following:

- Provide clarification as to the powers of municipalities to establish reasonable regulations on all days, including designated holidays, in furtherance of the municipal obligation to provide for the public peace and health and safety of persons and property. These municipal powers include but are not limited to restrictions on the hours that fireworks can be discharged or restrictions on the locations that fireworks can be discharged.
- Remove any potential conflicts between the Michigan Occupational Safety and Health Act (PA 154 of 1974, as amended), the Michigan Fire Prevention Code Act, (PA 207 of 1941, as amended), the International Fire Code (2009) and MCL 28.451 et. seq..
- Clarify the storage and disposal responsibilities imposed on municipal officials for seized or illegal fireworks.
- Articulate the pre-emptive abilities of a municipal government to enact emergency moratoriums, based on hazardous environmental conditions.
- Clarify the powers of municipal officials to enforce reasonable regulations on all days, including designated holidays.
- Explicitly affirm that fireworks distributors and entities are not exempt from any and all local municipal regulations governing temporary businesses.

- Apply consistent regulations governing minors who purchase, use, store or discharge fireworks.
- Explicitly delegate inspection responsibilities to municipal officials, since this will increase the knowledge and preparedness for emergency responders, as well as the timeliness of the inspections. This also requires coordinating provisions for payment to the municipalities for the inspection and other work performed.

BE IT FURTHER RESOLVED, That the City Clerk shall **SEND** a copy of this Resolution to all state elected officials representing any portion of the City of Troy.

Yes: Daniels, Campbell, Fleming, Henderson, McGinnis, Slater  
No: Tietz

**MOTION CARRIED**