



ACTION ITEM

TO: Members of the Troy City Council

FROM: Brian Kischnick, City Manager
Gary Mayer, Police Chief
William Nelson, Fire Chief
Lori Grigg Bluhm, City Attorney

DATE: July 16, 2015

SUBJECT: Resolution Concerning Fireworks

At the July 13, 2015 City Council meeting, there was a report on the fireworks enforcement during the recent 4th of July holiday. As a result of some discussion at the City Council table, there was a request to prepare a proposed resolution for City Council consideration that expressed dissatisfaction with the current state statutes regulating fireworks.

The Michigan fireworks safety act was passed in 2011 (2011 PA 256). In August 2012, the Troy City Council sent a resolution to all state elected officials representing any portion of the City of Troy. Subsequently, there were some amendments to the state law that were passed in June 2013. State Representative Martin Howrylak introduced House Bill 4367 which if passed would clarify that the state law does not pre-empt local ordinances that regulate noise or zoning. This Bill was introduced on March 24, 2015, and it was immediately referred to the House Committee on Regulatory Reform. This is the last official action that has been taken. A bill was also introduced in the Michigan Senate on April 28, 2015 (SB 0300). This Bill was immediately referred to the Committee on Governmental Operations, but no official action is recorded after that date. The Senate Bill would essentially repeal the State Statute and allow local municipalities to regulate fireworks.

City Council may wish to send a resolution to all State elected officials representing the City of Troy, supporting legislative changes to the state law. A proposed resolution is included for your consideration.

Please let us know if you have any questions or concerns about this matter.

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, this law was amended in part by the passage of 2013 PA 65, but the state law still precludes local units of government from enacting legislation to totally limit the ignition, discharge or use of consumer fireworks on the day before a national holiday, the day of a national holiday, and the day after a national holiday; and

WHEREAS, the revised state fireworks statutes have resulted in many complaints and concerns being raised by a number of municipal constituents during the most recent 4th of July holiday period, and have resulted in far more fireworks related noise, litter and potential safety issues; and

WHEREAS, the statutory revisions to the state fireworks statutes have created many concerns for Michigan municipalities, including but not limited to the allowance of the storage of explosives next to residences and businesses, and the removal of local control and discretion for the ignition, discharge, and use of fireworks; and

WHEREAS, proposed revisions have been introduced in both the State House of Representatives (HB 4367) and the State Senate (SB 0300), but action on these bills appears to have stalled.

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. in order to allow local units of government to carry out the obligation to preserve the quality of life and safety that its citizens expect.

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.