



Attorneys at Law

4190 Telegraph Road, Suite 3000  
Bloomfield Hills, Michigan 48302-2082

John D. Staran  
Direct (248) 731-3088  
jstaran@hshclaw.com

Main (248) 731-3080  
Fax (248) 731-3081

April 19, 2012

*VIA E-MAIL*

Mr. Greg Hooper, President  
City Council  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309

Re: ***Fireworks Ordinance***

Dear President Hooper:

Earlier this year, 2011 PA 256, known as the Michigan Fireworks Safety Act, went in effect legalizing the distribution, sale and use of fireworks that were previously unlawful to sell or use in Michigan. Under prior law "Class C fireworks" consisting of sparklers, toy caps, fountains, and smoke balls were legal, but fireworks that were explosive or which left the ground, known as "Class B fireworks," were illegal. The new Michigan Fireworks Safety Act changes that by legalizing certain previously outlawed fireworks which the new law refers to as "consumer fireworks." "Consumer fireworks" consist of fireworks devices commonly known as firecrackers, bottle rockets, and roman candles, among other things, but does not include highly explosive fireworks such as cherry bombs and M-80's, nor does it include large fireworks, known as "display fireworks," that are intended for use for fireworks displays.

The new law preempts local governments from adopting or enforcing ordinances pertaining to the sale, display, storage, transportation or distribution of fireworks regulated under the Act. The new law also makes the state, rather than the city, responsible for regulating the sale and distribution of fireworks. Due to these state law changes, it is necessary for the City to amend the City's current ordinance regulating fireworks. Under the proposed ordinance I have prepared in consultation with the Fire Department:

- Manufacture of fireworks within the City will remain prohibited
- Use of "consumer fireworks" will be allowed only the day before, the day of, and the day after national holidays (The new state law does not restrict municipalities from prohibiting use of consumer fireworks at other times).

Mr. Greg Hooper, President  
City of Rochester Hills  
April 19, 2012  
Page 2

- Use of "display fireworks" will still require a permit from the City, just as was done in the past (City Council has previously expressed concern over short-notice fireworks display permit requests. If Council would like, we can specify in the ordinance a minimum application period for fireworks display permit requests).
- The definitions and exceptions in the amended ordinance mirror those in the new state law Act.
- Violations will be municipal civil infractions.

I recommend that the City Council consider the proposed ordinance for adoption so that it may be in effect for the summer season, when fireworks will be more prevalent.

Very truly yours,



John D. Staran

JDS/ijd  
Enclosure

cc: Mr. Bryan K. Barnett, Mayor (via e-mail)  
Mr. Todd Gary, Fire Marshall (via e-mail)  
Mr. Scott Cope, Building Department (via e-mail)  
Captain Mike Johnson, OCSD (via e-mail)  
Ms. Leanne Scott, City Council Liaison (via e-mail)