

ORDINANCE NO. 1124

CITY OF FERNDALE
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE AMENDING CHAPTER 9, FIRE PREVENTION AND PROTECTION, TO ADD ARTICLE IV, FIREWORKS, SECTIONS 9-50 THROUGH 9-53 TO THE CODE OF ORDINANCES OF THE CITY OF FERNDALE.

THE CITY OF FERNDALE ORDAINS:

Part I. The City of Ferndale Code of Ordinances, Chapter 9, Fire Prevention and Protection to add Article IV, Fireworks, Sections 9-50 through 9-53, is amended as follows:

Sec. 9-50. Definitions.

Consumer fireworks means fireworks devices that are designed to produce visible efforts by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

Display fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

Firework or fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designated for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

Novelties means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- (i) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cup.

- (ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- (iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

Sec. 9-51. Prohibition on use of consumer fireworks.

No person shall ignite, discharge or use consumer fireworks within the city, except this prohibition shall not preclude any person from the ignition, discharge and use of consumer fireworks on the day preceding, the day of, or the day after a national holiday consistent with Sec. 7 (2) of Public Act 256 of 2011.

Sec. 9-52. Enforcement.

The Fire Chief, his designees and sworn law enforcement officers are authorized to enforce the provisions of this ordinance.

Sec. 9-53. Violations, Fines and Penalties.

Any person, firm, or corporation violating the provisions of this law shall be guilty of a misdemeanor, punishable by up to ninety (90) days in jail and/or a fine up to \$500.00.

Part II. Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Part III. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Part IV. Repeal.

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

Part V. Effective Date; Publication.

This ordinance shall become effective upon publication of a notice in a newspaper circulated in the city, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the city clerk shall deem pertinent

and that a copy of the ordinance is available for public use and inspection at the office of the city clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE, OAKLAND COUNTY, MICHIGAN, THIS ___ DAY OF _____, 2012.

DAVE COULTER, MAYOR

J. CHERILYNN TALLMAN, CITY CLERK

Date of Adoption: _____

Date of Publication: _____

CERTIFICATE OF ADOPTION

I certify the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Ferndale City Council held on the ___ day of _____, 2012.

J. CHERILYNN TALLMAN, CITY CLERK

CITY OF FERNDALE
NOTICE OF ADOPTION
ORDINANCE 1124

The City of Ferndale has adopted Ordinance No. 1124, amending Chapter 9, Fire Prevention and Protection to add Article IV, Fireworks, Sections 9-50 through 9-53. This Ordinance shall be effective upon publication. A true copy of the ordinance may be inspection or obtained at the office of the City Clerk.

J. CHERILYNN TALLMAN, CITY CLERK