

ARTICLE III. - FIREWORKS^[2]*Footnotes:**-- (2) --**Editor's note—Ord. No. O-5-13, § 1, adopted June 25, 2013, repealed former Art. III, §§ 50-71—50-77, and enacted a new Art. III as set out herein. Former Art. III pertained to similar subject matter and derived from Ord. No. O-2-97, §§ 1(10-22)—1(10-28), 2-17-1997.**Cross reference— Offenses against public safety, § 82-276 et seq.**State Law reference— Fireworks, MCL 750.243a et seq., MSA 28.440(1) et seq.*

Sec. 50-71. - Definitions.

For purposes of this article, the following definitions shall apply:

APA Standard 87-1 means 2001 APA Standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

Consumer fireworks means fireworks devices that are designed to produce visible effects 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, designed 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.

Minor means an individual who is less than 18 years of age.

Sky lantern means a small, unmanned, untethered, balloon-like, free-floating aerial luminary, also known as a Chinese lantern, sky candle or fire balloon. Sky lanterns rely on an open flame suspended within or underneath the balloon to heat the air inside to provide lift.

(Ord. No. O-5-13, § 2, 6-25-2013)

Sec. 50-72. - Manufacture of fireworks.

The manufacture of fireworks is prohibited in the city.

(Ord. No. O-5-13, § 2, 6-25-2013)

Sec. 50-73. - Use of consumer fireworks and sky lanterns.

- (a) The ignition, discharge and use of consumer fireworks is prohibited, except on the day preceding, the day of, or the day after a national holiday, as defined in 5 USC 6103. On those days, the ignition, discharge or use of consumer fireworks between the hours of 12:00 midnight and 8:00 a.m., or between the hours of 1:00 a.m. and 8:00 a.m. on New Year's Day, is prohibited.
- (b) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.
- (c) The purchase of consumer fireworks at any time by a minor, or the possession and use of consumer fireworks by a minor except while under direct parental supervision, is prohibited.
- (d) A person shall not discharge, ignite or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and controlled substances.
- (e) The ignition, discharge and use of sky lanterns are, at all times, prohibited in the city.

(Ord. No. O-5-13, § 2, 6-25-2013)

Sec. 50-74. - Display fireworks.

Use of display fireworks shall comply with the rules and regulations issued by the public safety department for the granting of permits for supervised public displays of fireworks. Every such use of display fireworks shall be under the control of a person competent to ensure compliance with all applicable laws, codes, rules and regulations and ensure proper safety precautions. The display fireworks shall be arranged, located, discharged or fired in a manner that, in the opinion of the public safety director will not be a hazard to property or endanger any person.

(Ord. No. O-5-13, § 2, 6-25-2013)

Sec. 50-75. - Exceptions.

Nothing in this article shall be construed to prohibit any of the following:

- (1) A wholesaler, retailer, commercial manufacturer, or importer from selling, storing, using, transporting, or distributing consumer fireworks or low-impact fireworks.
- (2) The use of fireworks by railroads or other transportation agencies or law enforcement agencies for signal purposes or illumination.
- (3) The use of agricultural or wildlife fireworks.
- (4) The sale or use of blank cartridges for any of the following:
 - a. A show or play.
 - b. Signal or ceremonial purposes in athletics or sports.
 - c. A show or play.
 - d. Signal or ceremonial purposes in athletics or sports.
 - e. Use by military organizations.
 - f. Use by law enforcement agencies.
- (5) The possession, sale, or disposal of fireworks incidental to the public display of fireworks by wholesalers or other persons who possess a permit to possess, store, and sell explosives from the Bureau of Alcohol, Tobacco, Firearms, and Explosives of the United States Department of Justice.
- (6) Interstate wholesalers from selling, storing, using, transporting, or distributing fireworks.

(Ord. No. O-5-13, § 2, 6-25-2013)

Sec. 50-76. - Seizure of illegal fireworks.

If the public safety department or law enforcement agency determines a violation of this article has occurred, the public safety department or law enforcement agency may seize the fireworks as evidence of the violation. Evidence seized under this subsection shall be stored pending disposition of any criminal or civil proceedings arising from a violation of this article at the expense of the person, if the person is found responsible or liable for the violation.

(Ord. No. O-5-13, § 2, 6-25-2013)