

CHAPTER 8.52. - FIREWORKS^[1]

Sections:	
<u>8.52.010</u>	Definitions.
<u>8.52.020</u>	Prohibition on use of consumer fireworks.
<u>8.52.021</u>	Sale of fireworks to minors prohibited.
<u>8.52.025</u>	Using fireworks under the influence of liquor or drugs prohibited.
<u>8.52.028</u>	Prohibited conduct.
<u>8.52.030</u>	Permit for use of fireworks—Issuance conditions.
<u>8.52.040</u>	[Reserved].
<u>8.52.050</u>	Permit for pyrotechnic display—Insurance or bond required.
<u>8.52.060</u>	Permit for pyrotechnic display—Legal representative required for nonresidents.
<u>8.52.070</u>	Competency of pyrotechnic display operators.
<u>8.52.080</u>	Exemptions from permit requirements.
<u>8.52.090</u>	[Reserved].
<u>8.52.100</u>	Storage of fireworks.

Footnotes:

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Editor's note—Ord. No. 2937, § 1, adopted June 17, 2013, amended Chapter 8.52 in its entirety to read as herein set out. Former Chapter 8.52, §§ 8.52.010—8.52.100, pertained to similar subject matter and derived from Ord. 1931, § 1, 1988(part), 1988; Ord. 1482, § 1, 1979; Ord. 1270, § 1(part), 1976; and prior code § 8-242(a).

8.52.010 - Definitions.

As used in this chapter:

- A. "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.

- B. "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.
- C. "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.
- D. "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.
- E. "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.
- F. "NFPA 1123" means the "Code for Fireworks Display", 2010 edition, developed by the National Fire Protection Association (NFPA).
- G. "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:
 - 1. 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 cap.
 - 2. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (1) 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.
 - 3. Flitter sparklers in paper tubes not exceeding one-eighth (1/8) inch in diameter.
 - 4. Toy snakes not containing mercury, if packed in cardboard boxes with not more than twelve (12) pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices. (Ord. 2937, § 1, 2013)

8.52.020 - 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; provided, however, that no person shall ignite, discharge or use consumer fireworks between the hours of midnight and eight o'clock (8:00) a.m. on national holidays and the days before and after the holiday. A person who violates this section may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00). (Ord. 2937, § 1, 2013)

8.52.021 - Sale of fireworks to minors prohibited.

No person, firm, copartnership or corporation shall offer for sale, or sell at retail any fireworks to any person under the age of eighteen (18) years. A person that violates this section is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00). This age requirement shall be verified by any of the following:

- A. An operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.
- B. An official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300.
- C. An enhanced driver license or enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308.
- D. A military identification card.
- E. A passport.
- F. Any other bona fide photograph identification that establishes the identity and age of the individual. (Ord. 2937, § 1, 2013; Ord. 1931 § 1 (part), 1988)

8.52.025 - Using fireworks under the influence of liquor or drugs prohibited.

An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. As used in this section:

- A. "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.
- B. "Controlled substance" means that term as defined in section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b. (Ord. 2937, § 1, 2013)

8.52.028 - Prohibited conduct.

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. Except as otherwise provided in this section, a person that violates this section is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00). (Ord. 2937, § 1, 2013)

8.52.030 - Permit for use of fireworks—Issuance conditions.

The city council, upon application in writing, on forms provided by the Michigan Department of Licensing and Regulatory Affairs, may grant a permit for the use of fireworks otherwise prohibited by Sections 8.52.010 and 8.52.020 within the city, manufactured for outdoor pest-control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks, or other organizations or groups of individuals approved by the city council, if the applicable provisions of this chapter and state law, particularly Public Act 256 of 2011, are complied with. After a permit has been granted, sales, possession or transportation of fireworks for such purposes only may be made. No permit shall be transferable, nor shall a permit be issued to a person under the age of eighteen (18) years. (Ord. 2937, § 1, 2013)

8.52.040 - [Reserved].
(Ord. 2937, § 1, 2013)

8.52.050 - Permit for pyrotechnic display—Insurance or bond required.

Before a permit for a pyrotechnic display is issued, the person, firm or corporation making application therefor shall furnish proof of financial responsibility, by a bond or insurance in an amount deemed necessary by the city council, to satisfy claims for damages to property or personal injuries

arising out of an act or omission on the part of the person, firm or corporation, or any agent or employee thereof, in the amount, character and form the city council determines necessary for the protection of the public. (Ord. 2937, § 1, 2013)

8.52.060 - Permit for pyrotechnic display—Legal representative required for nonresidents.

No permit shall be issued under this chapter to a nonresident person, firm or corporation for conduct of a pyrotechnic display until such person, firm or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be his legal representative upon whom all process in an action or proceeding against him may be served. (Ord. 2937, § 1, 2013)

8.52.070 - Competency of pyrotechnic display operators.

The city council shall rule on the competency and qualifications of operators of pyrotechnic displays as required under NFPA 1123, as the operator has furnished in his application form and on the time, place and safety aspects of the displays before granting permits. (Ord. 2937, § 1, 2013)

8.52.080 - Exemptions from permit requirements.

A permit is not required for:

- A. Flat paper caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap;
- B. Toy pistols, toy cannons, toy canes and toy guns of a type approved by the Director of the Department of State Police in which paper caps, as described in subsection A of this section are used and which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion;
- C. Toy snakes not containing mercury, if packed in cardboard boxes with not more than twelve (12) pieces per box for retail sale and the manufacturer's name and quantity contained in each box are printed thereon; and toy snake devices;
- D. Possession, transportation, sale or use of signal flares of a type approved by the Director of State Police, blank cartridges or blank-cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal or ceremonial purposes in athletics or sports, for the use by military organizations, for the use by law enforcement agencies and all items used by railroads, trucks or vehicles for emergency signal purposes or illumination;
- E. Use of agricultural or wildlife fireworks;
- F. Sparklers containing not more than .0125 pounds of burning portion per sparkler;
- G. Flitter sparklers in paper tubes not exceeding one-eighth-inch in diameter, cone fountains, and cylinder fountains. (Ord. 2937, § 1, 2013)

8.52.090 - [Reserved].

(Ord. 2937, § 1, 2013)

8.52.100 - Storage of fireworks.

Storage of fireworks at the sites of wholesalers, dealers and jobbers within the city shall be in accordance with state law, particularly Public Act 256 of 2011 and the rules promulgated thereunder. (Ord. 2937, § 1, 2013)