

20.640 - FIREWORKS CITY OF MOUNT CLEMENS, MICHIGAN ord. no. 20.640 eff. June 1, 1981; amend. eff. July 2, 2012; amend. eff. July 1, 2013

The Michigan Fireworks Safety Act, Act 256 of 2011, effective January 1, 2012, legalized the sale of consumer fireworks in Michigan, and delegated to local communities limited control over the use and discharge of fireworks. The following ordinance is adopted to repeal the existing fireworks ordinance that conflicted with the Act and to amend the ordinance to comply with the same and regulations promulgated thereto governing fireworks.

20.641 - Sec. 1

#### DEFINITIONS.

As used in this ordinance, the following definitions shall apply:

- (1) "Act 256" means the Michigan Fireworks Safety Act, Act 256 of the Public Acts of Michigan of 2011, being MCL 28.451, et. seq., as it may be amended from time to time.
- (2) "Consumer fireworks" means that term as defined in Act 256.
- (3) "Firework" or "fireworks" means that term as defined in Act 256.
- (4) "National holiday" means that term as defined in Act 256, to-wit:  
New Year's Day; January 1;  
  
Birthday of Martin Luther King, Jr., the third Monday in January;  
  
George Washington's Birthday, the third Monday in February;  
  
Memorial Day, the last Monday in May;  
  
Independence Day, July 4;  
  
Labor Day, the first Monday in September;  
  
Columbus Day, the second Monday in October;  
  
Veteran's Day, November 11;  
  
Thanksgiving Day, the fourth Thursday in November; and  
  
Christmas Day, December 25; and any holidays as may be from time to time added, removed or changed under 5 USC Section 6103, or any replacement or amended legislation.

- (5) "Retailer" means that term as defined in Act 256.
- (6) "Wholesaler" means that term as defined in Act 256.
- (7) "Sky Lantern" means an unmanned, airborne floating device, which requires a candle or open flame which serves as a heat source to cause it to be propelled and lifted into the air. Sky lanterns include but are not limited to sky candles, fire balloons and airborne lanterns.

(ord. no. 20.640 eff. June 1, 1981; amend. eff. May 14, 1992; amend. eff. July 2, 2012; amend. eff. July 1, 2013; amend. eff. Oct. 1, 2015)

#### 20.642 - Sec. 2

##### COMPLIANCE WITH APPLICABLE ORDINANCES AND CODES.

Unless otherwise provided in this ordinance, a retailer or wholesaler of fireworks located within the City must comply with the requirements of the City Zoning Ordinance, as well as all building codes and regulations, and nothing in this ordinance or in Act 256 shall preclude the enforcement of ordinances prohibiting offensive conduct that is secondary or incidental to the use, discharge or ignition of fireworks, regardless of the day.

(ord. no. 20.640 eff. June 1, 1981; amend. eff. May 14, 1992; further amend. eff. Feb. 17, 1994; amend. eff. July 2, 2012; amend. eff. July 1, 2013)

#### 20.643 - Sec. 3.1.

##### USE OF CONSUMER FIREWORKS PROHIBITED.

(A) No person shall ignite, discharge or use consumer fireworks in the City; except this prohibition shall not preclude any person from igniting, discharging or using consumer fireworks within the City during the hours of 8:00 a.m. to 12:00 a.m., on the day preceding, the day of, or the day after a national holiday, consistent with Act 256, except for New Year's Day, where the same may be ignited, discharged or used to 1:00 a.m.

(B) Sky Lanterns shall not be ignited, launched, released, discharged or used within the City.

(ord. no. 20.640 eff. June 1, 1981; amend. eff. May 14, 1992; amend. eff. July 2, 2012; amend. eff. July 1, 2013; amend. eff. Oct. 1, 2015)

#### 20.643 - Sec. 3.2.

## FIREWORKS SAFETY.

No person shall recklessly endanger the life, health, safety or well being of any person by ignition, discharge, or use of consumer fireworks.

(ord. no. 20.640 eff. June 1, 1981; amend. eff. May 14, 1992; amend. eff. July 2, 2012; amend. eff. July 1, 2013)

## 20.644 - Sec. 4.

## VIOLATIONS, FINES AND PENALTIES.

Any person who violates any provision of this ordinance shall be deemed to have committed a civil infraction and may be ordered to pay a civil fine of not more than five hundred (\$500.00) dollars, plus costs.

(ord. no. 20.640 eff. June 1, 1981; amend. eff. May 14, 1992; amend. eff. July 2, 2012; amend. eff. July 1, 2013)

## 20.645 - Sec. 5.

## LICENSES; ISSUANCE AND REVOCATION.

(ord. no. 20.640 eff. June 1, 1981; amend. eff. May 14, 1992; further amend. eff. Feb. 17, 1994; repealed eff. July 2, 2012)

## 20.646 - Sec. 6.

## SERVICE OF PROCESS.

(ord. no. 20.640 eff. June 1, 1981; amend. eff. May 14, 1992; repealed eff. July 2, 2012)

## 20.647 - Sec. 7.

## LICENSE DISPLAY AND FEES.

(ord. no. 20.640 eff. June 1, 1981; amend. eff. May 14, 1992; further amend. eff. Feb. 17, 1994; repealed eff. July 2, 2012)

## 20.648 - Sec. 8.

ENFORCEMENT; DUTIES OF POLICE AND FIRE DEPARTMENTS.

(ord. eff. May 14, 1992; repealed eff. July 2, 2012)

20.649 - Sec. 9.

REVOCAION OF LICENSE.

(ord. eff. May 14, 1992; repealed eff. July 2, 2012)

20.649.1 - Sec. 10.

HEARING ON REVOCATION.

(ord. eff. May 14, 1992; repealed eff. July 2, 2012)

20.649.2 - Sec. 11.

AGE MISREPRESENTATION; PROHIBITION.

(ord. eff. May 14, 1992; repealed eff. July 2, 2012)

20.649.3 - Sec. 12.

USE BY MINORS; PROHIBITION.

(ord. eff. May 14, 1992; repealed eff. July 2, 2012)