

CITY OF SALINE

WASHTENAW COUNTY, MICHIGAN

ORDINANCE No. 748

AN ORDINANCE TO AMEND SECTION 58-278 OF THE SALINE CITY CODE TO REGULATE THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS

THIS ORDINANCE, HAVING BEEN DETERMINED BY A VOTE OF THE CITY COUNCIL TO BE AN EMERGENCY, SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS ADOPTION

THE CITY OF SALINE ORDAINS:

Section 1. Amendment. Chapter 58 "Offenses", Article VII, "Offenses Against Public Safety", Division 1 "Generally", Section 58-278 "Fireworks", of the City of Saline Code of Ordinances is amended to read as follows:

Sec. 58-278. Fireworks.

(a) *Definitions*.

As used in this section, the following terms shall be defined as follows:

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.

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.

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.

National holiday means the following legal public holidays:

- (1) New Year's Day, January 1.
- (2) Birthday of Martin Luther King, Jr., the third Monday in January.
- (3) Washington's Birthday, the third Monday in February.
- (4) Memorial Day, the last Monday in May.
- (5) Independence Day, July 4.
- (6) Labor Day, the first Monday in September.
- (7) Columbus Day, the second Monday in October.
- (8) Veteran's Day, November 11.
- (9) Thanksgiving Day, the fourth Thursday in November.
- (10) Christmas Day, December 25.

(b) Ignition, discharge and use of consumer fireworks.

Except as otherwise provided in this section, a person shall not ignite, discharge, or use consumer fireworks. A person may ignite, discharge, or use consumer fireworks on the day preceding, the day of, or the day after a national holiday except that a person shall not ignite, discharge, or use consumer fireworks from 1:00 a.m. and 8:00 a.m. on the day preceding, the day of, or the day after a national holiday.

(c) Possession of consumer fireworks by minor.

A minor shall not possess consumer fireworks.

(d) Determination of violation; seizure.

If a police officer determines that a violation of this ordinance has occurred, the officer may seize the consumer fireworks as evidence of the violation.

(e) Penalty.

- (1) A violation of this ordinance is a civil infraction, punishable by a fine of up to \$500.00, plus the costs of prosecution.

(2) Following final disposition of a finding of responsibility for violating this section, the city may dispose of or destroy any consumer fireworks retained as evidence in that prosecution.

(3) In addition to any other penalty, a person that is found responsible for a violation of this section shall be required to reimburse the city for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this section.

Section 2. Effective date.

To preserve the public peace, health, welfare and safety, it is necessary that this Ordinance become immediately operative. It is, therefore, declared to be an emergency measure and shall take immediate effect upon its adoption by the City Council.

MOVED by Councilmember Girbach SECONDED by Councilmember Roth that the foregoing Ordinance No. 748 be adopted.

YEAS: Girbach, Peters, Rhoads, TerHaar, Roth, Marl

NAYS: ___Bourgoin

ABSTAIN: None

ABSENT: None

Ordinance No. 748 declared adopted at a Regular Meeting of the Saline City Council held on July 1, 2013, subject to the receipt of written acceptance of the Grantee filed with the City Clerk.

Brian Marl, Mayor

Aimee L. Rutledge, Interim City Clerk

Introduced: July 1, 2013

Adopted: July 1, 2013

Published: July 11, 2013

Effective: July 2, 2013