

Sec. 26-88. - Fireworks.

(a) *Purpose.* An ordinance to provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended.

(b) *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. 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.

National holiday means one of 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.

(c) *Use of consumer fireworks prohibited.*

- (1) A person shall not ignite, discharge, or use consumer fireworks at any time other than permitted hours on the day preceding, the day of, or the day after a national holiday.
- (2) A person shall not ignite, discharge, or use consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m. on the day preceding, the day of, or the day after a national holiday.

- (d) *Safety.* No person shall recklessly endanger the life, health, safety or well-being of any person by the ignition, discharge, or use of consumer fireworks.
- (e) *Use of alcohol or controlled substances and fireworks prohibited.* No person shall discharge, ignite or use fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, consistent with the Michigan Fireworks Safety Act.
- (f) *Possession of consumer fireworks by minors prohibited.* A minor shall not possess consumer fireworks. Consumer fireworks shall not be sold to a minor. Age verification shall be made by checking a driver's license or another form of acceptable identification, pursuant to the Michigan Fireworks Safety Act.
- (g) *Permissible locations.* A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without express permission from that organization or person to use those fireworks on those premises at that time.
- (h) *Determination of violation; seizure.* If a police officer determines that a violation of this section has occurred, the officer may seize the consumer fireworks as evidence of the violation.
- (i) *Violation and penalties.*
- (1) A violation of this section is a municipal civil infraction punishable by a fine of up to \$500.00 for each violation. Fines and penalties stated within the Michigan Fireworks Safety Act may be imposed.
 - (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.