

## CHAPTER 133: FIREWORKS

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### 133.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT.** The Michigan Fireworks Safety Act, Public Act No. 256 of 2011, M.C.L.A. ' ' 28.451 *et seq.*, as amended.

**ARTICLES PYROTECHNIC.** Pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 C.F.R. ' 172.101.

**CONSUMER FIREWORKS.** 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 C.F.R. parts 1500 and 1507, and that are listed in A.P.A. standard 87-1, 3.1.2, 3.1.3, or 3.5. **CONSUMER FIREWORKS** does not include low-impact fireworks.

**DISPLAY FIREWORKS.** 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 C.F.R. ' 555.11, 49 C.F.R. part 172, and A.P.A. standard 87-1, 4.1.

**FIREWORK** or **FIREWORKS**. 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 A.P.A. standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.

**NATIONAL HOLIDAY**. New Year's Day (January 1); birthday of Martin Luther King, Jr. (third Monday in January); President's Day (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veteran's Day (November 11); Thanksgiving Day (fourth Thursday in November); and Christmas Day (December 25).

**NOVELTIES**. That term as defined under A.P.A. 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 division (1) above are used, that are constructed so that the hand cannot come in contact with the cap when in place for 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 inch in diameter.

(4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 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. 209-12, passed 10-9-2012)

### **133.02 GENERAL PROHIBITION ON IGNITION, DISCHARGE AND USE OF CONSUMER FIREWORKS; EXCEPTION.**

No person shall ignite, discharge, or fireworks within the village at any time, except that:

(A) Fireworks may be discharged in strict compliance with any permit issued by the village in accordance with the Act.

(B) Consumer fireworks may be discharged only on the day before, the day of, and the day after a national holiday.

(C) Division (B) above shall not apply to low impact fireworks.  
(Ord. 209-12, passed 10-9-2012) Penalty, see ' 133.99

**' 133.03 ADDITIONAL PROHIBITIONS.**

(A) Consumer fireworks shall not be ignited, discharged or used on public property, including streets and rights-of-ways, or on school property, church property or the private property of another, without the express written permission from the person or entity legally in possession and control of that property to undertake such action.

(B) Consumer fireworks shall not be ignited, discharged, or used by a person under the influence of alcoholic liquor or a controlled substance or a combination of both.

(C) Low impact fireworks shall not be ignited, discharged, or used by a person under the influence of alcoholic liquor or a controlled substance or a combination of both.  
(Ord. 209-12, passed 10-9-2012) Penalty, see ' 133.99

**' 133.04 ENFORCEMENT.**

This chapter may be enforced by any sworn law enforcement officer.  
(Ord. 209-12, passed 10-9-2012)

**' 133.05 DETERMINATION OF VIOLATION; SEIZURE OF FIREWORKS.**

If an enforcing official determines that a violation of this chapter has occurred, the official may seize the fireworks as evidence of the violation.  
(Ord. 209-12, passed 10-9-2012)

**' 133.06 PUBLICATION AND EFFECTIVE DATE.**

The ordinance codified herein shall be published in the manner provided by law and shall take effect and be in force from and after the earliest date allowed by law. The ordinance codified herein shall become effective 20 days after publication in the County Press.  
(Ord. 209-12, passed 10-9-2012)

**133.99 PENALTY.**

(A) A violation of this chapter is a municipal civil infraction, punishable by a Class D penalty in Chapter 11 of this code of ordinances, plus any costs, damages and expenses incurred.

(B) Upon a finding of responsibility for violation of this chapter, the village may dispose of or destroy any consumer fireworks or low impact fireworks retained as evidence for prosecution of the violation.

(C) In addition to any other penalty provided herein, a person found responsible for violation of this chapter shall reimburse the village for costs of storing, disposing of, or destroying any consumer or low impact fireworks seized as provided for herein.

(Ord. 209-12, passed 10-9-2012)