

CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. 2015-002

FIREWORKS REGULATION RE-ENACTMENT ORDINANCE AMENDMENT

An Ordinance to conform with and exercise authority under the Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 to 28.471, as amended, by re-enacting with amendments, Fireworks regulations adopted by Ordinances on July 23, 2012, and June 24, 2013, that were omitted from the recodification of the Waterford Charter Township Code adopted August 12, 2014.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The Waterford Charter Township Code, is amended to add a new Section 11-178 to read as follows:

Sec. 11-178. Fireworks; Civil infraction.

- (a) Definitions and adoption by reference. As used in this section, the following words and phrases have the meanings indicated.

Act means the Michigan Fireworks Safety Act, Public Act No. 256 of 2011, MCL 28.451 to 28.471, as amended, which is hereby adopted by reference as a part of this ordinance section 11-178.

Articles pyrotechnic, as defined in the Act, means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction.

Consumer fireworks, as defined in the Act, 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 State consumer product safety commission and that are in compliance with the construction, chemical composition, labeling, and other requirements in the Act. Novelties and low-impact fireworks as defined in the Act are not consumer fireworks.

Display Fireworks, as defined in the Act, 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.

Fireworks, as defined in the Act, 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, and consist

of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects but does not include novelties.

Low-impact fireworks, as defined in the Act, means ground and handheld sparking devices.

Minor, as defined in the Act, means an individual who is less than 18 years of age.

National holiday means New Years Day (January 1), Birthday of Martin Luther King Jr. (third Monday in January), Washington's Birthday (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), Veterans Day (November 11), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25).

Novelties, as defined in the Act, means all of the following:

(i) Toy plastic or paper caps for toy pistols in sheets, strips, roll, or individual caps containing not more than .25 of a grain of explosive

(ii) Content per cap, in packages labeled to indicate the maximum explosive content per cap.

(iii) Toy pistols, toy canons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) 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.

(iv) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

(v) 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.

Special effects, as defined in the Act, means a combination of chemical elements or chemical compounds capable of burning, independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

(b) **Prohibited ignition, discharge, and use.** Except for the following, fireworks shall not be ignited, discharged, or used in the township:

(1) In compliance with a permit granted by the township board as provided in the Act.

(2) Consumer fireworks from 8:00 a.m. until 12:00 midnight on the days preceding, of, and after a national holiday, and for the first hour of New Year's Day until 1:00 a.m.

- (3) Low-impact fireworks by a person that is not under the influence of alcoholic liquor and/or a controlled substance.
- (c) *Consumer and low-impact fireworks use prohibitions.*
- (1) Consumer fireworks shall not be ignited, discharged, or used on public, school, church, or private property of another person without the express written permission from the person or entity legally in possession and control of that property.
- (2) Consumer and low-impact fireworks, shall not be ignited, discharged or used by a person under the influence of alcoholic liquor and/or a controlled substance.
- (3) Consumer fireworks shall not be possessed ignited, discharged, or used by a minor, with the parental neglect and responsibility provisions in Article IX of Chapter 11 of the Waterford Charter Township Code applicable to this Ordinance.
- (d) *Consumer fireworks sales.* As provided in and subject to punishment under the Act:
- (1) Consumer fireworks shall not be sold to a minor.
- (2) Persons shall not sell consumer fireworks at a retail location without prominently displaying the consumer fireworks certificate obtained under the Act for that location.
- (e) *Fireworks seizure costs.* Payment of all costs incurred by the township police department under the Act in securing, seizing, storing, and disposing of fireworks that are in violation of the Act or this Ordinance, shall be the responsibility of all persons found guilty, responsible or liable for the violation. In recognition that the police department's actual costs for any seizure will include having the personnel, equipment, and facilities necessary to store fireworks in compliance with the Act, costs to be paid shall be determined in accordance with rates and methods established by Resolution of the Township Board of Trustees.
- (f) *Violations/penalties.* The sanction for violations of subsections (b) and (c) is a municipal civil infraction, punishable by a civil fine of not more than \$500.00, with violations of subsection (c) also punishable by costs, damages and expenses as provided in Section 1-010(b) of this Code. Violations of the Act listed in subsection (d) for reference, are punishable under and as provided in the Act as state civil infractions, misdemeanors, or felonies, and not as violations of this Ordinance.

(Ord. 7-23-12) (Ord. Rev. 6-24-13) (Ord. Re-Enacted with Amend 2-23-15)

Section 2 – Severability

Should any section, subdivision, sentence, clause or phrase of this ordinance that is hereby adopted, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 3 – Effective Date

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this Fireworks Regulation Re-Enactment Ordinance Amendment was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on February 9, 2015.

CHARTER TOWNSHIP OF WATERFORD

2-9-2015
Date

By: 
Sue Camilleri, Township Clerk