

193.000 - FIREWORKS Adopted: June 17, 2019

An Ordinance to Amend the Fireworks Ordinance 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.

THE TOWNSHIP OF ATLAS ORDAINS:

Footnotes:

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Cross reference— *Basic fire prevention code, pt. 190; fire prevention, pt. 191.*

193.001 - Short title.

Sec. 1. This Ordinance shall be known and may be cited as the "Fireworks Ordinance."

193.002 - Statement of purpose.

Sec. 2. This is 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.

193.003 - Definitions.

Sec. 3. As used in this Ordinance, the following terms shall be defined as follows:

- (A) "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.
- (B) "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.
- (C) "Fireworks" means any composition or device, except for a starting pistol, a flare gun, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.
- (D) "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.
- (E) "Minor" means an individual who is less than 18 years of age.
- (F) "National Holiday" means the following days after 11:00 a.m.:

1. December 31st until 1:00 a.m. on January 1st.
2. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
3. June 29 to July 4 until 11:45 p.m. on each of those days.
4. July 5, if that date is a Friday or Saturday, until 11:45 p.m.
5. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

(G) "Sky Lantern" means an airborne lantern typically made of paper with a wood or bamboo frame containing a candle, fuel cell composed of waxy flammable material, or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. The term includes sky candles, fire balloons, airborne paper lanterns, Chinese lanterns, Kongming lanterns, wish lantern, and khoom fay. Sky lanterns are not fireworks.

193.004 - Ignition, discharge and use of consumer fireworks.

Sec. 4. A person shall not ignite, discharge, or use consumer fireworks, except on the National Holidays identified above.

193.005 - Possession of consumer fireworks by a minor.

Sec. 5. A minor shall not possess consumer fireworks.

193.006 - Prohibited.

Sec. 6.

Prohibited Locations: A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or property of another person, without written permission from an authorized individual.

Sky Lanterns: Sky lanterns shall not be used, ignited, launched, offered for sale, exposed for sale, sold at retail, kept with intent to sell at retail, possessed, given, furnished, or transported.

193.007 - Use while under influence prohibited.

Sec. 7. An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination thereof.

193.008 - Reckless use of fireworks.

Sec. 8. An individual shall not use consumer fireworks to damage or destroy property of others or use the same in a reckless disregard for the safety of persons or property.

193.009 - Penalty.

Sec. 9.

- (A) A violation of this Ordinance shall result in a civil fine of \$1,000.00 for each violation. \$500.00 of each fine collected shall be remitted to the Township's police department (Genesee County Sheriff Department).
- (B) If the police officer determined that a violation of the Ordinance occurred, the officer may seize the consumer fireworks as evidence of the violation. Following a final disposition, with a finding of responsibility for violating this Ordinance, the Township may dispose or destroy any consumer fireworks retained as evidence in that prosecution.

193.010 - Severability.

Sec. 10. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

193.011 - Repeal.

Sec. 11. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

193.012 - Effective date.

Sec. 12. This Ordinance shall become effective upon publication.