

**CHARTER TOWNSHIP OF WEST BLOOMFIELD**

**ORDINANCE NO. C- 778**

**FIREWORKS ORDINANCE AMENDMENT**

An ordinance to amend Chapter 11, Fire Prevention and Protection, Article III, Section 11-38, of the Code of Ordinances to incorporate amendments contained in Public Act 65 of 2013 amending the Michigan Fireworks Safety Act., MCL 28.451 et. seq.

**THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:**

**Section 1 of Ordinance**

Section 11-38, of Article III, Chapter 11 of the West Bloomfield Charter Township Code of Ordinances, is hereby amended to read as follows:

**Sec. 11-38. Fireworks.**

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

(1) *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 11-36.

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

(3) *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.

(4) *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.

(5) *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.

(6) *Low-impact fireworks*, as defined in the Act, means ground and handheld sparkling devices.

(7) *Minor* is an individual who is less than 18 years of age.

(8) *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).

(9) *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 content per cap, in packages labeled to indicate the maximum explosive content per cap.
- (ii) 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.
- (iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- (iv) 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.

(10) *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 in the following situations, 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 Section 16 of the Act.
- (2) Consumer fireworks may be ignited, discharged or used in the township on the day preceding, the day of, and the day after a national holiday, except that consumer fireworks shall not be ignited, discharged or used between the hours of 12:00 midnight and 8:00 a.m. on the day before, day of and the day after a national holiday, except on New Year's Day. On New Year's Day, they shall not be ignited, discharged or used in the Township between 1:00 a.m. and 8:00 a.m.
- (3) Low-impact fireworks by a person that is not under the influence of alcoholic liquor or a controlled substance.

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

(3) A minor shall not possess, use, discharge or ignite any consumer fireworks at any time.

(4) Notwithstanding the Act, no person shall use, discharge or ignite consumer fireworks thereby creating or causing an imminent danger or threat to public health, safety, or welfare, and in such case, the fireworks being used, ignited or discharged may be immediately seized.

(d) *Unmanned free-floating devices.* Any unmanned free-floating device (sky lanterns) which requires fire underneath to propel it and is not moored to the ground while aloft, have an uncontrolled and unpredictable flight path and descent area so as to pose a potential fire risk and are therefore prohibited.

(e) *Novelties; inapplicability of ordinance.* This ordinance does not apply to novelties. Nothing in this ordinance regulates, the sale, storage, display for sale, transportation, use, or distribution of novelties.

(f) Compliance with zoning ordinance. Any person selling, distributing or storing fireworks in compliance with the Act, is also required to comply with the applicable zoning ordinances of the township, including obtaining necessary approvals thereunder. Failure to obtain necessary zoning approvals is subject to penalty as provided in the zoning ordinance.

(g) Seizure. All consumer fireworks possessed, used, discharged, and/or ignited in violation of the Act and/or this section, are subject to seizure. Any costs incurred by the township to seize and store the fireworks shall be paid by the responsible party.

(h) Penalty. A violation of any provision of this section is a municipal civil infraction, punishable by a civil fine of not more than \$ 500.00, plus costs, damages, and expenses and any other relief allowed by law.

**Section 2 of Ordinance**

Should any section, subdivision, sentence, clause or phrase of this ordinance, be declared by the Courts 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 4 of Ordinance**

This Ordinance shall take effect immediately upon publication.

**CERTIFICATION**

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of West Bloomfield at a meeting duly called and held on August 26, 2013.

**CHARTER TOWNSHIP OF WEST BLOOMFIELD**

August 26, 2013  
Date

By: *Catherine Shaughnessy*  
Catherine Shaughnessy, Clerk

Introduced: 07-22-2013  
Adopted: 08-26-2013  
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