

City of Au Gres

Fireworks Ordinance

Definitions:

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

ALCOHOLIC LIQUOR

That term as defined in section 1d of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).

APA STANDARD 87-1

2001 APA Standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, as published by the American Pyrotechnics Association of Bethesda, Maryland.

CONSUMER FIREWORKS

Fireworks 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 CFR parts 1500 and 1507, as amended, and that are listed in APA Standard 87-1: 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

CONTROLLED SUBSTANCE

That term as defined in section 8b of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).

FIREWORKS

Any composition or device, except a starting pistol, a flare gun, or a flare, designed for the purpose of producing visible or audible effect by combustion, deflagration, or detonation.

LOW-IMPACT FIREWORKS

Ground and handheld sparkling devices as that phrase is defined in APA Standard 87-1: 3.1., 3.1.1.1 to 3.1.1.8, and 3.5.

MINOR

An individual who is less than 18 years of age.

Prohibited Acts; Exceptions

Ignition, discharge, and use of consumer fireworks.

1. A person shall not ignite, discharge, or use consumer fireworks except on the following days after 11 am:

- a) December 31 until 1 a.m. on January 1.
- b) The Saturday and Sunday immediately proceeding Memorial Day until 11:45 p.m. on each of those days.
- c) June 29 to July 4 until 11:45 p.m. on each of those days.
- d) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- e) The Saturday and Sunday immediately proceeding Labor Day until 11:45 p.m. on each of those days.

2. A person shall not ignite, discharge, or use consumer fireworks if the environmental concerns based on the department of natural resources fire division criteria are elevated to extreme fire conditions or if the environmental concerns based on the department of natural resources. Fire division criteria are elevated to very high for 72 consecutive hours and the commanding officer of the fire department, in consultation with the department of natural resources, enforces a no burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks. If no burning restriction is instituted under this section, the commanding officer of the fire department enforcing the restriction shall ensure that adequate notice of the restriction is provided to the public.

Possession of consumer fireworks by a minor.

A minor shall not possess, ignite, discharge, or use consumer fireworks.

Prohibited conduct.

1. A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those consumer fireworks on those premises.

2. A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination thereof.

Determination of violation; seizure.

If a law enforcement officer determines that a violation of this chapter has occurred, the officer may seize the consumer fireworks as evidence of the violation.

Local, state, and federal requirements.

Nothing contained within this chapter shall be construed to relieve a person of any duties and obligations imposed under any local, state, or federal laws, rules, regulations, licenses, or permit requirements.

Penalty.

Any person violating the provisions of this chapter shall be responsible for a municipal civil infraction with a civil fine of up to \$1,000 for each violation of the article. Up to \$500 of the fine collected under the chapter shall be remitted to the local law enforcement agency responsible for enforcing the chapter.

Effective Date.

This Ordinance shall become effective upon publication.

DULY ORDAINED AND ENACTED by the Council of the City of Au Gres this
3rd day of September 2019.



William Borushko, Mayor



LaVonne Pritchard, City Clerk

Adopted: 9/3/2019
Effective: 9/11/2019