

ORDINANCE NO. 2-400

FIREWORKS

AN ORDINANCE PROVIDING FOR THE REGULATION OF THE IGNITION, DISCHARGE AND USE OF CONSUMER FIREWORKS

THE CITY OF ISHPEMING ORDAINS:

SECTION 1. PURPOSE.

The purpose of this ordinance is 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.

SECTION 2. DEFINITIONS.

As used in this section, the following terms shall be defined as follows:

(1) 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.

(2) 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 do not include low-impact fireworks.

(3) Fireworks mean 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.

(4) Low-impact fireworks mean ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1.1.1 to 3.1.1.8 and 3.5.

(5) Minor means an individual who is less than 18 years of age.

(6) National holiday. The following are legal public holidays:

- a. New Year's Day, January 1.
- b. Memorial Day, the last Monday in May.
- c. Independence Day, July 4.
- d. Labor Day, the first Monday in September.

SECTION 3. IGNITION, DISCHARGE AND USE.

(1) A person shall not ignite, discharge, or use consumer fireworks at any time other than when permitted herein.

(2) Fireworks are permitted on the following days after 11:00 a.m.:

- December 31 until 1:00 a.m. on January 1
- The Saturday and Sunday before Memorial Day, until 11:45 p.m.
- June 29 to July 4, until 11:45 p.m.
- July 5, if it falls on Friday or Saturday, until 11:45 p.m.
- The Saturday and Sunday before Labor Day, until 11:45 p.m.

SECTION 4. POSSESSION OF CONSUMER FIREWORKS BY MINOR.

A minor shall not possess consumer fireworks.

SECTION 5. DETERMINATION OF VIOLATION; SEIZURE.

If a police officer determines that a violation of this Ordinance has occurred, the officer may seize the fireworks as evidence of the violation.

SECTION 6. 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 the organization's or person's express permission to use those fireworks on the premises.
- (2) An individual shall not discharge, ignite, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

SECTION 7. PENALTY.

Any person in violation of any section of Section 3 shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provided in the schedule below.

(1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 1 shall be subject to a civil fine of \$100.

(2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 3, in any 12-month period shall be subject to a civil fine of \$500.

(3) Following final disposition of a finding of responsibility for violating this section, the City may dispose of or destroy any consumer fireworks retained as evidence in that prosecution.

(4) In addition to any other penalty, a person that is found responsible for a violation of this section shall be required to reimburse the City for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this section.

SECTION 8. EFFECTIVE DATE

This ordinance shall become effective after publication in accordance with the Charter of the City of Ishpeming.

Adopted: June 8, 1910
Amended: August 8, 2018
Amended: April 3, 2019
Amended: June 7, 2023