

FIREWORKS ORDINANCE

**Williamstown Township
Ingham County, Michigan**

CHAPTER

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AN ORDINANCE ENACTED PURSUANT TO MICHIGAN PUBLIC ACT 256 OF 2011, AS AMENDED (THE MICHIGAN FIREWORKS SAFETY ACT), FOR THE PURPOSE OF REGULATING THE IGNITION, DISCHARGE, AND USE OF FIREWORKS; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND PROMOTING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE WITHIN WILLIAMSTOWN TOWNSHIP.

WILLIAMSTOWN TOWNSHIP HEREBY ORDAINS:

ARTICLE 1.00 – TITLE

This Ordinance shall be known and cited as the “Fireworks Ordinance of Williamstown Township.”

ARTICLE 2.00 – DEFINITIONS

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

Act 256: The Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 et seq., as amended.

APA: The American Pyrotechnics Association of Bethesda, Maryland.

APA Standard 87-1: The 2001 APA Standard 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, published by the American Pyrotechnics Association.

Articles Pyrotechnic: Pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limit for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

Consumer Fireworks: Fireworks devices that are designed to produce visible or audible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Products Safety Commission under 16 CFR Parts 1500 to 1507, and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5. “Consumer fireworks” include, for example, aeries, roman candles, bottle rockets, firecrackers, helicopter/aerial spinners, reloadable shell devices, missile-type devices, single tube devised with report, and other items that leave the ground. Consumer fireworks are also called “1.4G” or “Class C” fireworks. They may not contain more than 50 mg of explosive material by law.

Display Fireworks: Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible and audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1. Display fireworks require a permit from the Township, as well as from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Fireworks: 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.

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.

National Holiday: The following legal public holidays:

- a. New Year’s Day, January 1.

- b. Birthday of Martin Luther King, Jr., the third Monday of January.
- c. Washington’s Birthday, the third Monday in February.
- d. Memorial Day, the last Monday in May.
- e. Independence Day, July 4.
- f. Labor Day, the first Monday in September.
- g. Columbus Day, the second Monday in October.
- h. Veteran’s Day, November 11.
- i. Thanksgiving Day, the fourth Thursday in November.
- j. Christmas Day, December 25.
- k. Any other holiday specified in 5 U.S.C. 6103, as amended.

NFPA: The National Fire Protection Association.

Sky Lantern: A balloon-type device which is uncontrollable after launch and uses combustible or flammable material to provide heat for lift or buoyancy into the atmosphere, and which is not a consumer firework.

Special Effects: 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.

ARTICLE 3.00 – CONSUMER FIREWORKS REGULATIONS

Section 3.01 – Low-Impact Fireworks

Low-impact fireworks are not regulated by this ordinance, except as noted in Section 3.05.

Section 3.02 – Consumer Fireworks

1. A person may ignite, discharge, or use consumer fireworks, on the day preceding, the day of, or the day after a national holiday, except between the hours of 1:00 a.m. and 8:00 a.m.
2. On days other than the day preceding, the day of, or the day after a national holiday, a person may ignite, discharge, or use consumer fireworks at the following times:

Sunday –Thursday:	11:00 a.m. – 9:00 p.m.
Friday and Saturday:	11:00 a.m. – 12:00 midnight

Section 3.03 – Sky Lanterns

A person shall not ignite, discharge, or use a sky lantern or Chinese lantern anywhere in Williamstown Township.

Section 3.04 – Permission to Use Property

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 fireworks on those premises. Fireworks discharge and display shall be confined to the site on which the user has permission to use the fireworks.

Section 3.05 – Under the Influence

An individual shall not ignite, discharge, 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, to the degree that mental and motor skills are impaired. With respect to alcohol, “under the influence” shall be based on breath or blood alcohol concentration of 0.08% or greater.

Section 3.06 – Burn Ban

A person shall not ignite, discharge, or use consumer fireworks when a burn ban is in effect for the Township.

ARTICLE 4.00 – ARTICLES PYROTECHNIC, DISPLAY FIREWORKS, AND SPECIAL EFFECTS REGULATIONS

Section 4.01 – General

The Township Board may permit articles pyrotechnic, display fireworks, or special effects fireworks, pursuant to Michigan Public Act 256 of 2011, as amended.

Section 4.02 – Application

Any person wishing to conduct an articles pyrotechnic, display fireworks, or special effects fireworks display shall, at least 45 days prior to the display, submit an application on a form furnished by the Township, pay the required fee, and obtain permission from the Township Board.

Section 4.03 – Site Plan

A site plan of the area where the articles pyrotechnic, display fireworks, and special effects fireworks display is to be conducted shall be submitted with the application. The site plan shall show all structures in the vicinity and in the discharge site fallout area. The site plan shall also show the distance separating the fireworks from spectator viewing areas. The site plan shall be forwarded to the Fire Chief or his/her designated alternate for review and approval, including any recommended conditions, prior to coming before the Township Board for review.

Section 4.04 – State and Federal Permits

Copies of required state and federal permits shall be submitted with the application.

Section 4.05 – Insurance

Proof of insurance conforming with the requirements of this Ordinance and Public Act 256 shall be submitted with the application.

Section 4.06 – Competency of the Display Operator

Sufficient information shall be submitted to demonstrate to the Township Board that the display operator is competent and qualified, pursuant to NFPA 1123.

Section 4.07 – Approval Criteria

The Township Board shall approve an application for articles pyrotechnic, display fireworks, and special effects fireworks display if it finds that all of the following criteria are satisfied:

1. The application and accompanying documentation is complete and conforms to the requirements of this Ordinance.
2. The display operator is competent and qualified to conduct the fireworks display, per NFPA 1123.
3. The Fire Chief or his/her designated alternate has approved the application and site plan.
4. The fireworks display will not have an adverse impact upon public safety.
5. A person shall not ignite, discharge, or use articles pyrotechnic, display fireworks, and special effects 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 the fireworks on a form provided by the Township.

Section 4.08 – Conditions of Approval

The Township Board, in approving an application hereunder, shall have the authority and sole discretion to impose such reasonable conditions as it determines are necessary to assure that the fireworks display will satisfy the above approval criteria.

Section 4.09 – Requirements and Restrictions

1. The person conducting the fireworks display shall follow NFPA 1123 for fireworks display and/or the Township requirements set forth herein, whichever are more restrictive.
2. Pursuant to NFPA 1123, minimum separation distances from mortars to spectators shall be maintained, as noted in the following chart, unless a higher standard is promulgated by the NFPA:

Distances for Outdoor Aerial Shell Display Sites: Minimum Separation Distances from Mortars to Spectators for Land or Water Displays

Mortar Size	Minimum Secured Diameter of Site	Vertical Mortars	Angled Mortars 1/3 Offset	Mortars to Special Hazards
in.	ft.	ft.	ft.	ft.
≤1	150	75	75	150
1.5	210	105	75	210
2	280	140	95	280
2.5	350	175	115	350
3	420	210	140	420
4	560	280	190	560
5	700	350	230	700
6	840	420	280	840
7	980	490	320	980
8	1120	560	370	1120
10	1400	700	460	1400
12	1680	840	560	1680

3. The applicant shall maintain personal injury liability insurance/property damage liability insurance in the amount of \$1,000,000 for each event. The Township shall be named as an additional insured on the insurance policy.

4. The Township Board shall not issue a permit to a nonresident person, firm, or corporation for ignition of articles pyrotechnic or display fireworks until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm or corporation may be served.
5. The applicant shall be responsible for all shells being fired. In the event one or more of the shells does not explode, the applicant shall secure the area until the unexploded shell(s) is found and properly disposed of.
6. The consumption of alcohol immediately prior to and during the fireworks display by any person involved in conducting the display is prohibited. An individual shall not ignite, discharge, or use fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
7. A fireworks display conducted hereunder shall conform to all specifications set forth in the approved application and site plan, as well as any conditions imposed by the Township Board in granting such approval.
8. The applicant shall cause the site of the fireworks display to be cleaned up within 24 hours after the fireworks display has ended.
9. A permit is not transferable and shall not be granted to a minor.

ARTICLE 5.00 – ENFORCEMENT, PENALTIES

Section 5.01 – Enforcement

This Ordinance may be enforced by the NEISA Fire Chief, Fire Marshal, fire inspectors, law enforcement officers, and code enforcement officials.

Section 5.02 – Seizure

If an enforcing official has determined that a violation of this Ordinance has occurred, the official may seize the fireworks as evidence of such violation.

Section 5.03 – Penalties and Costs

A violation of the regulations in this Ordinance dealing with display fireworks shall constitute a misdemeanor. Any person who is convicted of a misdemeanor under this section shall be subject to punishment by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days for each offense, or both, at the discretion of the Court. Each day a violation occurs or continues shall constitute a separate offense.

A violation of the regulations in this Ordinance dealing with consumer fireworks shall constitute a municipal civil infraction, whereupon the penalty shall be a fine not to exceed \$500.00. Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance. The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue. Further violations subject the applicant, or person or persons, agent, firm or corporation to subsequent municipal civil infraction violations.

The imposition of any sentence shall not exempt the offense from compliance with the requirement of this Ordinance.

ARTICLE 6.00 – REPEAL AND EFFECTIVE DATE

Section 6.01 – Repeal

All other ordinances conflicting or inconsistent with the provisions of this ordinance, to the extent of such conflict or inconsistency only, are hereby repealed.

Section 6.02 – Effective Date

This Ordinance shall become effective immediately upon its passage, publication and recording by the Township Clerk.

Adoption by the Township Board: ____ June 14, 2017 ____

Effective Date: ____ June 26, 2017 ____

McKENNA ASSOCIATES
June 20, 2017
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