

**CHARTER TOWNSHIP OF SUPERIOR
WASHTENAW COUNTY, MICHIGAN
ORDINANCE No. 187**

FIREWORKS ORDINANCE

AN ORDINANCE TO REGULATE THE POSSESSION AND USE OF FIREWORKS WITHIN THE CHARTER TOWNSHIP OF SUPERIOR.

CHARTER TOWNSHIP OF SUPERIOR, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

That Ordinance No. 187, Fireworks, is hereby adopted:

Sec. 1. Title

This Ordinance shall hereafter be known and may be cited as the Charter Township of Superior Fireworks Ordinance.

Sec. 2. Definitions

As used in this section, the following definitions shall apply:

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.

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.

Fireworks 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.

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.

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

National holiday means the following legal public holidays:

1. New Year's Day
2. Martin Luther King, Jr. Day

3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Columbus Day,
8. Veteran's Day
9. Thanksgiving Day
10. Christmas Day

Sec. 3. Ignition, discharge and use of consumer fireworks

A person shall not ignite, discharge or use consumer fireworks, except on the day preceding, the day of, or the day after a national holiday. On days during which the use of consumer fireworks is permitted, a person shall not ignite, discharge or use consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m.

Sec. 4. Possession of consumer fireworks by minor

A minor shall not possess consumer fireworks.

Sec. 5. Determination of violation; seizure

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

Sec. 6. Penalty

- A. A violation of this ordinance is a civil infraction, punishable by a fine up to \$500.00, plus the costs of prosecution.
- B. Following final disposition of a finding of responsibility for violating this section, the township may dispose of or destroy any consumer fireworks retained as evidence in that prosecution.
- C. In addition to any other penalty, a person that is found responsible for a violation of this section shall be required to reimburse the township for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this section.

Sec. 7. Repealer

All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, except that terms defined herein for the purpose of interpretation, administration and enforcement of this Ordinance shall not act to modify, repeal or otherwise change the definition of any such term as used in other ordinances or laws.

Sec. 8. Savings Clause

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

Sec. 9. Adoption and Effective Date

This Ordinance shall be published in the manner as required by law. Except as otherwise provide by law, this Ordinance shall be effective on the day after final publication.