

Chapter 13

FIREWORKS

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Sec. 13-1. Definitions.

For the purpose of this chapter, the following words shall be defined as hereafter stated:

- a) *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, 2.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.
- b) *Display Fireworks* means large fireworks devices that are explosive material intended for use in fireworks displays and designed to produce visual or audible effects by combustion, deflagration, or detonation, as provided in 27 CFT 555.11, 49 CFR 172, and APA standard 87-1, 4.1.
- c) *Firework or Fireworks* means any composition or device, except for a starting pistol, a flare gun, or flare, designated 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.
- d) *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., and 3.5.
- e) *Novelties or novelty* means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.202, 3.2.3, 3.2.4 and 3.2.5 and all of the following:
 - 1) Toy plastic or paper caps for toy pistol in sheets, strips, rolls, or individual caps containing not more than 0.25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
 - 2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph 1 are used, that are constructed so that the hand cannot come in contact with the cap when in place for explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
 - 3) Flitter sparklers in paper tubes not exceeding 1/8th inch in diameter.

(Ord. No. 151-2013, 11-18-2013)

Sec. 13-2. Prohibited.

No person shall ignite, discharge, or use any fireworks within the village except as specifically allowed in this chapter.

- a) No person shall ignite, discharge or use display fireworks within the village at any time without a license or permit issued by the Unionville Village Council.
- b) No person shall ignite, discharge or use consumer fireworks within the village, except this prohibition shall not preclude a person from the igniting, discharging or using of consumer fireworks on the day preceding, the day of, or the day after a national holiday, between the hours of 8:00 am and 1:00 am consistent with Sec 7 (2) of Michigan Public Act 256 of 2011, MCLA 28.457(2).

- c) No person shall ignite, discharge or use consumer fireworks within the village, except this prohibition shall not preclude a person from the igniting, discharging or using of consumer fireworks on the day preceding, the day of, or the day after a national holiday, between the hours of 8:00 am and 1:00 am consistent with Sec 7 (2) of Michigan Public Act 256 of 2011, MCLA 28.457(2).
- d) No person shall ignite, discharge or use any consumer fireworks on public property, school property, church property or property of another person without that organization's or person's express permission to use fireworks on those premises.
- e) No person shall 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.
- f) No person shall ignite, discharge or use any fireworks in reckless disregard for the safety of persons or property.

(Ord. No. 151-2013, 11-18-2013)

Sec. 13-3. Penalty.

Any person who is found guilty of violating any provision of this chapter other than Sec. 13-2 (b) and Sec. 13-2 (c) shall be deemed guilty of a misdemeanor punishable by up to 30 days in jail and/or a fine of up to \$500.00 or if the violation causes damage to the property of another, by up to 90 days in jail and/or a fine of up to \$500.00

Any person found responsible for violating Sec. 13-2 (b) or Sec. 13-2 (c) of this chapter shall be punished by a civil fine of not more than \$500.00

(Ord. No. 151-2013, 11-18-2013)

Sec. 13-3. Application.

If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by a judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this ordinance.

If any provision of this chapter differs from a provision of any other applicable law, ordinance, rule or regulation, both the provision of this chapter and the differing provision shall apply if possible. If the two (2) provisions are in conflict, then the provision establishing the higher or stricter standard shall apply.

(Ord. No. 151-2013, 11-18-2013)