

**ORDINANCE NO. 2020-26**

**CHAPTER 18**

**ARTICLE I**

**AN ORDINANCE amends Chapter 18 of the 2019 Detroit City Code, *Fire Prevention and Protection*, Article I, *Detroit Fire Prevention and Protection Code*, Division 4, *Fireworks and Articles Pyrotechnic*, by amending Sections 18-1-62 through 18-1-64 to prescribe the hours of the day or night during which a person may ignite, discharge, or use consumer fireworks and to bring those provisions, and corresponding penalties, in concert with state law.**

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

**Section 1.** Chapter 18 of the 2019 Detroit City Code, *Fire Prevention and Protection*, Article I, *Detroit Fire Prevention and Protection Code*, Division 4, *Fireworks and Articles Pyrotechnic*, be amended by amending Sections 18-1-62 through 18-1-64 to read as follows:

**CHAPTER 18.**

**FIRE PREVENTION AND PROTECTION**

**ARTICLE I.**

**DETROIT FIRE PREVENTION AND PROTECTION CODE**

**DIVISION 4.**

**FIREWORKS AND ARTICLES**

**PYROTECHNIC**

**Sec. 18-1-62. Definitions.**

For purposes of this division, the following terms shall have the meanings respectively ascribed to them by this section or in Section 2 of the Michigan Fireworks Safety Act, being MCL 28.452:

*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 ("APA") of Bethesda, Maryland.

*Articles pyrotechnic* means 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 limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

*Consumer fireworks* means any firework device designed primarily to produce visible effects by combustion or deflagration that complies with the construction, chemical composition, and labeling regulations of the United States Consumer

Products Safety Commission, as set forth in Title 16, Code of Federal Regulations, Parts 1500 and 1507, and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5 as defined in the Michigan Fireworks Safety Act, being MCL 28.451 *et seq.*, but does not include low-impact fireworks.

*Display fireworks* means fireworks devices intended for use in fireworks displays that are presented in conformance with the provisions of this Code, are designed to produce visible or audible effects for entertainment purposes by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and Section 4.1 of APA Standard 87-1.

*Fireworks* means any composition or device for the purpose of producing a visible display, or an audible effect, or both, for entertainment purposes, by combustion, deflagration or detonation, and that meets the definition of articles pyrotechnic, consumer fireworks, and low-impact fireworks as defined in this section, or display fireworks as defined in this section.

*Low-impact fireworks* means ground and handheld sparking devices as that phrase is defined under APA Standard 87-1.2.1, 3.1.1.1 to 3.1.1.8, and 3.5.

*NFPA* means the National Fire Prevention Association.

*Public display* means the use of fireworks or articles pyrotechnic in a manner to provide audio and/or visual entertainment.

**Sec. 18-1-63. Enforcement and penalties.**

(a) Any person violating this division, shall be responsible for a civil infraction subject to assessment of a civil fine of \$1,000.00 for each violation.

(b) \$500.00 of the fine referenced in Subsection (a) of this section shall be remitted to the enforcing agency in accordance with Section 7 of the Michigan Fireworks Safety Act, being MCL 28.457.

(c) Any member of the Fire Marshal Division or the Police Department may confiscate any fireworks that are found within the City in violation of state or federal law, or in violation of this Code. All fireworks seized shall be stored pending disposition of any criminal or civil proceedings arising from a violation of this division or the Michigan Fireworks Safety Act, being MCL 28.451 *et seq.*, at the expense of the person, if the person is found to be liable for the violation.

**Sec. 18-1-64. Consumer fireworks.**

(a) A person shall not ignite, discharge, or use consumer fireworks, except on the following days after 11:00 a.m.:

(1) December 31st until January 1st at 1:00 a.m.;

(2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days;

(3) June 29th through July 4th until 11:45 p.m. on each of those days;

(4) July 5th, if the date is a Friday or Saturday, until 11:45 p.m.; and

(5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

(b) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without express permission of the owner of any such property.

**Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

**Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

**Section 4.** In the event this ordinance is passed by two-thirds majority of City Council Members serving, it shall be given immediate effect and become effective upon publication in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this ordinance is passed by less than a two-thirds majority of City Council Members serving, it shall become effective on the 30th day after publication in accordance with Section 4-118(2) of the 2012 Detroit City Charter.

(J.C.C. Page ) July 14, 2020

Passed: July 28, 2020

Approved: August 29, 2020

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JANICE M. WINFREY  
City Clerk