

**CITY OF ALLEGAN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 477

**AN ORDINANCE TO AMEND SECTION 17-182 OF THE CITY CODE TO
REGULATE CONSUMER FIREWORKS IN ACCORDANCE WITH STATE
LAW AND TO PROVIDE PENALTIES FOR VIOLATIONS**

The City of Allegan Ordains:

Section 1. Amendment. Section 17-182 of the City Code is amended to read as follows:

Sec. 17-182. - Fireworks.

(a) *Definitions*. As used in this section, the following definitions shall apply:

- (1) *Alcoholic liquor* means that term as defined in the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.1 et seq.
- (2) *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.
- (3) *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, as amended, 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.
- (4) *Controlled substance* means that term as defined in the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.1 et seq.
- (5) *Display fireworks* means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.
- (6) *Firework* 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.
- (7) *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.

(b) *Permissible dates for igniting, discharging or using consumer fireworks*. A person may ignite, discharge or use consumer fireworks within the city during the following times only:

- (1) Between 11:00 a.m. on December 31 and 1:00 a.m. on the immediately following January 1.
- (2) Between 11:00 a.m. and 11:45 p.m. on the Saturday immediately preceding Memorial Day.
- (3) Between 11:00 a.m. and 11:45 p.m. on the Sunday immediately preceding Memorial Day.
- (4) Between 11:00 a.m. and 11:45 p.m. on June 29, June 30, July 1, July 2, July 3 and July 4.
- (5) Between 11:00 a.m. and 11:45 p.m. on July 5, if that date is a Friday or a Saturday.
- (6) Between 11:00 a.m. and 11:45 p.m. on the Saturday immediately preceding Labor Day.

(7) Between 11:00 a.m. and 11:45 p.m. on the Sunday immediately preceding Labor Day.

The ignition, discharge, and use of consumer fireworks within the city is prohibited on all other days of the year.

(c) *Other prohibited conduct.*

- (1) No person under the age of 18 years shall use, possess, explode or cause to explode any fireworks within the city.
- (2) A person 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.
- (3) A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission.
- (4) A person shall not ignite, discharge, or use of low-impact fireworks inside any building or structure at any time without a license or permit issued by the city council.

(d) *Display fireworks permits.* Upon application in writing to the city by any association or group of individuals for the public display of fireworks, the city council may grant permission for such display, subject to such conditions as the city council and/or the fire chief may impose to properly safeguard the public, both as to persons and property; and subject to the provisions of the Michigan Fireworks Safety Act. Applicants shall furnish proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the city to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, and to protect the public.

(e) *Violations, fines and penalties.*

- (1) *Civil infraction.* Persons who violate a provision of this section or fail to comply with any of the requirements thereof, shall be responsible for a municipal civil infraction punishable by a fine of \$1,000, and shall be subject to any other relief that may be imposed by a court for such conduct, which shall also be considered a nuisance per se. Each act of violation and each day upon which such violation occurs shall constitute a separate violation.
- (2) *Seizure.* If a sworn law enforcement officer determines that a violation of this section has occurred, the officer may seize the fireworks as evidence of the violation.
- (3) *Disposal.* Following final disposition of a finding of responsibility for violating this section, the city may dispose of or destroy any fireworks retained as evidence in that prosecution.

(f) *Local, state and federal law requirements.* Nothing contained within this section shall be construed to relieve a person of any duties and obligations imposed under any local, state or federal laws, rules, regulations, license or permit requirements.

Section 2. Effective Date. This ordinance shall become effective upon publication.

YEAS: Perrigo, Morgan, Tripp, Ingalsbee, Andrus, Mayor McKenzie

NAYS: Manning

ABSTAIN: None

ABSENT: None

CERTIFICATION

As the duly appointed city clerk of the City of Allegan, Allegan County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the Allegan City Council at its meeting of June 24, 2019.

Rachel McKenzie, City Clerk

Danielle Bird, City Clerk

Introduced: June 10, 2019
Adopted: June 24, 2019
Published: June 27, 2019
Effective: June 27, 2019