

ORDINANCE NO. 251-12

AN ORDINANCE TO AMEND CHAPTER I, SECTION 1-2 OF THE LUDINGTON CITY CODE TO DEFINE “DISPLAY FIREWORK” AND “FIREWORK” AND AMEND CHAPTER 22, ARTICLE IV, SECTION 22-97- SECTION 22-100 AND CHAPTER 38, ARTICLE III, SECTION 38-71 TO REGULATE THE DISCHARGE AND USE OF FIREWORKS AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH

THE CITY OF LUDINGTON ORDAINS:

Section 1. Chapter 1, Section 1-2 of the hereby amended to add the following definitions:

“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 re listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

“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.

“Firework” or “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. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

“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.

Section 2. Chapter 22, Article IV, Section 22-97 is hereby amended to read as follows:

Sec. 22-97. Reckless Endangerment.

No person shall recklessly endanger the life, health, safety or well-being of any person by the use sale, possession, transport, display or discharge of display fireworks or consumer fireworks.

Section 3. Chapter 22, Article IV, Section 22-98 is hereby amended to read as follows:

Sec. 22-98. Discharge during certain hours.

No person shall at any time fire, discharge or display consumer fireworks or display fireworks within the city between the hours of 10:00 p.m. and 10:00 a.m. except on the day preceding, the day of, or the day after a national holiday as permitted by state law.

Nothing in this section shall prevent the City in conjunction with individuals or other groups from using, firing or discharging display fireworks for special events as approved by City Council.

Section 4. Chapter 22, Article IV, Section 22-99 is hereby amended to read as follows:

Sec. 22-99. Discharge near private property or in public places.

No person shall at any time fire, discharge or display consumer fireworks or display fireworks upon another person's property or within 15 feet of another person's property without such property owner's permission. No person shall at any time fire, discharge or display consumer fireworks or display fireworks on any public property, school property, or church property.

Nothing in this section shall prevent the City in conjunction with individuals or other groups from using, firing or discharging display fireworks for special events as approved by City Council.

Section 5. Chapter 22, Article IV, Section 22-100 is hereby amended to read as follows:

Sec. 22-100. Age Limitation

No person under the age of 18 years shall purchase or possess consumer fireworks or display fireworks within the city. No person shall sell consumer fireworks or display fireworks to a person under 18 years of age within the city.

Section 6. Chapter 38, Article III, Section 38-71 is hereby amended to read as follows:

Sec. 38-71. Weapons and explosives.

No person, except a law enforcement officer, shall bring onto park or beach property or have in his possession on park or beach property any firearm or ammunition, any explosive, dynamite cap, consumer fireworks, or display fireworks, any air gun, pellet gun, or any device by means of which a projectile can be propelled, any incendiary bomb or material; any smoke or stink bomb; any tear gas or other disabling chemical or agent; any inflammable liquid, except fuel in a fuel tank of a vehicle, vessel, camp stove or camp heater; any lighter fluid or starter fluid expressly manufactured for lighting charcoal or other cooking fuel in a designated picnic area only and but no more than one quart of such, which shall be kept in its original container. In approved camping areas, an amount

of fuel not to exceed one gallon in a closed container may be in the possession of a registered camper for a lantern, camp stove or heater other than that contained in the unit's fuel tank.

Section 7. Repeal all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 8. This ordinance shall be become effective 20 days after its adoption and publication is required by the city charter.

Dated: _____

Deborah L. Luskin
City Clerk