

Approved

Chapter 43. FIRE

Article VII. Fireworks

43-41. Title.

This article shall hereafter be known and may be cited as the township "Fireworks Ordinance".

43.42. Purpose.

The purpose of this article is to regulate the possession, ignition, discharge and/or use of consumer fireworks within the Township of Leoni.

43.43. Definitions.

As used in this article, 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.

43-44. Ignition, discharge and use of consumer fireworks.

A person shall not ignite, discharge or use consumer fireworks, except on the following days and times:

- (a) After 11:00 a.m. on December 31 until 1 a.m. on January 1.
- (b) After 11:00 a.m. on the Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (c) After 11:00 a.m. on June 29 to July 4 until 11:45 p.m. on each of those days.
- (d) After 11:00 a.m. on July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- (e) After 11:00 a.m. on the Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

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43-45. Possession of consumer fireworks by minor.

A minor shall not possess consumer fireworks.

43-46. Determination of violation; seizure.

If a public safety officer or any sworn law enforcement officer determines that a violation of this article has occurred, the officer may seize the consumer fireworks as evidence of the violation.

43-47. Penalty.

Any person violating any provision of this article shall be deemed guilty of a civil infraction with a civil fine of \$1,000.00 for each violation of this ordinance. Remittance of \$500 of the fine collected under this ordinance shall be given to Leoni Township to be used for public safety services, in accordance with state law. In addition, any violation of this article shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen who lives in the Township to take such action in any court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief. 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.