

ORDINANCE NO. 1723

CHAPTER 125A. - REGULATION OF THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS

Sec. 9.601. - Purpose.

The purpose of this chapter is to regulate the ignition, discharge, and use of consumer fireworks, in accordance with the Michigan Fireworks Safety Act, Public Act No. 256 of 2011, MCL 28.451 et seq., as amended.

(Ord. No. [1593](#), 1, 6-24-12)

Sec. 9.602. - Definitions.

- (1) Act means the Michigan Fireworks Safety Act, Public Act No. 256 of 2011, MCL 28.451 et seq., as amended, which is hereby adopted by reference as a part of this chapter.
- (2) Consumer fireworks, as defined in the Act, 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, and other requirements in the Act. "Consumer fireworks" does not include low-impact fireworks.
- (3) Fireworks, as defined in the Act, 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.
- (4) Low-impact fireworks, as defined in the Act, means ground and handheld sparkling devices.
- (5) Minor means an individual who is less than eighteen (18) years of age. (Ord. No. [1593](#), 1, 6-24-12)

Sec. 9.603. - Ignition, discharge, and use of consumer fireworks.

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

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

Violation of this section shall constitute a municipal civil infraction subject to a fine of one thousand dollars (\$1,000). Of that fine, five hundred dollars (\$500) must be remitted to the City of Southfield Police Department.

Sec. 9.604. - Possession of consumer fireworks by minor.

A minor shall not possess consumer fireworks.

(Ord. No. [1593](#), 1, 6-24-12)

Sec 9.604a. - Ignition, discharge or use of consumer fireworks while under the influence.

- (1) 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.

- (2) As used in this section, "alcoholic liquor" means that term as defined in Section 1d of the Michigan Vehicle Code, MCL sec 257.1d, as may be amended, and "controlled substance" means that term as defined in Section 8b of the Michigan Vehicle Code, MCL sec 257.8b, as may be amended.

Sec. 9.604b. - Ignition, discharge or use of consumer fireworks on public property, school property, church property or the property of another person.

A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.

(Ord. No. [1593](#), 1, 6-24-12; Ord. No. [1723](#), 3, 6-22-20)

Sec. 9.605. - Enforcement; seizure.

- (1) The city fire marshal, fire chief, or their respective designee(s), or sworn law enforcement officers of the city are authorized to enforce the provisions of this chapter.
- (2) If the city fire marshal, fire chief, or their respective designee, or a sworn law enforcement officer of the city, determines that a violation of this chapter has occurred, the fire marshal, fire chief, or designee, or sworn officer may seize the consumer fireworks as evidence of the violation.

(Ord. No. [1593](#), 1, 6-24-12)

Sec. 9.606. - Penalties.

- (1) Unless expressly provided otherwise, all violations of any section of this chapter shall constitute a municipal civil infraction and shall subject the violator to the civil fines of and penalties as provided in section 1.703 of chapter 15 of the City Code; provided, however, any violation of section 9.603 shall constitute a municipal civil infraction and shall subject the violator to the civil fines and penalties as provided in section 1.703 of chapter 15 of the City Code, not to exceed five hundred dollars (\$500.00) for each violation and no other fine or sanction, in accordance with section 7(3) of the Act.
- (2) Following final disposition of a finding of responsibility for violating this chapter, the city may dispose of or destroy any consumer fireworks retained as evidence in that prosecution.
- (3) In addition to any other penalty, a person that is found responsible for a violation of this chapter shall be required to reimburse the city for any costs incurred by the city in storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this chapter.

(Ord. No. [1593](#), 1, 6-24-12; Ord. No. [1612](#), 2, 7-7-13)

KENSON J. SIVER, Mayor

SHERIKIA L. HAWKINS, City Clerk

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