

**CITY OF CEDAR SPRINGS  
KENT COUNTY, MICHIGAN**

Councilmember **Charlie Watson**, supported by Councilmember **Patricia Troost**, moved the adoption of the following ordinance:

**ORDINANCE NO. 183**

**AN ORDINANCE TO AMEND ARTICLE IV. OF  
CHAPTER 16, FIREWORKS; SECTION 16-61,  
FIREWORKS REGULATIONS, ITEM D, USE OF  
CONSUMER FIREWORKS TO REGULATE THE HOURS  
OF OPERATION OF CONSUMER FIREWORKS OF THE  
CODE OF ORDINANCES OF THE CITY OF CEDAR  
SPRINGS.**

**THE CITY OF CEDAR SPRINGS ORDAINS:**

**Section 1. Article IV of Chapter 16, Fireworks; Section 16-61 Fireworks Regulations,**  
**Item d** is hereby amended as follows:

**ARTICLE IV. FIREWORKS**

**Sec. 16-60. Definitions.** As used in this section, the following definitions shall apply:

- (a) "Act 256" means the Michigan Fireworks Safety Act, Act 256 of the Public Acts of Michigan of 2011 as amended from time-to-time.
- (b) "Consumer fireworks" mean fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling requirements promulgated by the United States Consumer Product Safety Commission and are identified as such in Act 256. Consumer Fireworks do not include low-impact fireworks.
- (c) "Display fireworks" mean 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 deterioration and are identified as such in Act 256.
- (d) "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 provided in Act 256.
- (e) "Fireworks" mean 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.

- (f) "Low-impact fireworks" mean ground and handheld sparkling devices as provided in Act 256.
- (g) "Retailer" means a person who sells consumer fireworks or low-impact fireworks for resale to an individual for ultimate use.
- (h) "Special effects" means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.
- (i) "Wholesale" means any person who sells consumer fireworks or low- impact fireworks to a retailer or any other person for resale. Wholesaler does not include a person who sells only display fireworks or special effects.

#### **Sec. 16-61. Fireworks Regulations.**

- (a) *Sale of Consumer Fireworks.* A retailer or other person may not sell consumer fireworks within the City unless such person has obtained and has in effect a valid consumer fireworks certificate issued by the Michigan Department of Licensing and Regulatory Affairs and otherwise complies with the requirements of Act 256 and any rules and regulations promulgated thereto included those related to storage.
- (b) *Sale of Low-Impact Fireworks.* A retailer or other person may not sell low-impact fireworks unless such person is actively registered, in accordance with Act 256, with the low-impact fireworks retail registry maintained by the Michigan Department of Licensing and Regulatory Affairs.
- (c) *Compliance with Applicable Ordinances and Codes.* Unless otherwise provided in this section, a retailer or wholesaler of fireworks located within the city must comply with the requirements of the City's zoning ordinance and building codes and regulations.
- (d) *Use of Consumer Fireworks.* Except as otherwise provided in this Article, a person may ignite, discharge or use consumer fireworks in the city on the day preceding, the day of, or the day after a national holiday consistent with Act 256.
  - (1) Consumer fireworks are not allowed between the hours of 1:00 a.m. and 8:00 a.m. as restricted by Public Act 65 of 2013.
- (e) *Firework Safety.* No person shall endanger the life, health or safety of any other person by the sale, use, possession, transport, display or discharge of any fireworks.

- (f) *Prohibition On or Near Certain Property.* No person shall, at any time, ignite, discharge, use or display, except under the terms and conditions of a permit issued to this section, any fireworks upon another person's property or within 15 feet of another person's property without such property owners permission. No person shall, at any time, ignite, discharge, use or display, except under the terms and conditions of a permit issued pursuant to this section, any fireworks in a public street or right-of-way, a public park, school property or any other place of public assembly.
- (g) *Permits.* Provided the applicable provisions of Act 256 are complied with, upon application in accordance with this section, the city may issue a non-transferrable permit for the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks or special effects manufactured for outdoor pest control or agricultural purposes or for public or private display. After a permit has been issued, the sale, possession or transportation of fireworks for the purposes described in the permit only may be made. A permit may not be issued to a person under 18 years of age. The issuance of a permit shall be based on the competency and qualifications of the operator of such fireworks as required by Act 256 and the time, place and safety aspects of the proposed use.
- (h) *Permit Application.* An application for a permit, on the form prescribed by the city, shall be made for use of fireworks requiring a permit at least 15 days in advance of such use.
- (i) *Permit Fee.* The fee for a fireworks permit as established from time-to-time by the city council shall accompany the application for a permit.
- (j) *Proof of Financial Responsibility.* In order to receive a permit for articles pyrotechnic or a display fireworks use, the applicant shall furnish proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the city manager or his/her designee to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the applicant or an agent or employee of the applicant, and to protect the public.
- (k) *Resident Agent.* A permit shall not be issued to a nonresident person, firm or corporation for articles pyrotechnic or display fireworks until the person, firm or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm or corporation may be served.
- (l) *Storage of Fireworks.* The storage of fireworks by retailers and wholesalers shall at all times be in compliance with the requirements of Act 256.
- (m) *Scope.* In the event of any direct conflict between the Fire Code, 2006 Edition, as adopted and amended in Article II of this Chapter, and this Article regarding fireworks regulation, this Article shall control.

#### **Sec. 16-62. Misdemeanors.**

- (a) A violation of any provisions of this article shall be a misdemeanor punishable in

accordance with this Code.

- (b) Permitting, allowing, encouraging or promoting any violation of any provision of this Article, including any owner, manager, employee, patron, customer, officer, partner or other person shall be a misdemeanor punishable in accordance with this Code.
- (c) Aiding, assisting or abetting the violation of any provision of this article shall also constitute a misdemeanor punishable in accordance with this Code.

### **Sec. 16-63. Injunctive Relief.**

If a person threatens to violate, has violated or continues to violate any provision of this article, the City may petition the Kent County Circuit Court or other court of competent jurisdiction for injunctive relief restraining the person from activities that would violate this article.

### **Sec. 16-64. Remedies Not Exclusive.**

The remedies listed in this article are not exclusive of each other or of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the City to seek cumulative remedies.

Sec. 16-65-16-80-Reserved.

### **Section 2. Repealer.**

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

### **Section 3. Effective Date.**

This Ordinance shall be in effect 7 days after publication.

Ayes: Charlie Watson, Ashley Bremmer, Ken Benham, Mark Fankhauser,

Robert Truesdale, Pamela Conley, Patricia Troost

Nays: None

Abstain: None

Absent: None

---

Linda Branyan, City Clerk

## CERTIFICATE

The foregoing is a true and complete copy of the ordinance adopted by the City of Cedar Springs at a regular meeting held on August 8, 2013. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be made available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the City Clerk as required.

---

Linda Branyan, City Clerk

Introduced: July 11, 2013  
Adopted: August 8, 2013  
Published: August 15, 2013  
Effective: August 22, 2013