

**DELTA CHARTER TOWNSHIP**

7710 W. Saginaw Highway  
Lansing, Michigan 48917  
517-323-8500

**ORDINANCE NO. 19-107**

**CODE OF ORDINANCE**

**ADOPTION OF NEW FIREWORKS ORDINANCE**

AN ORDINANCE OF THE CHARTER TOWNSHIP OF DELTA, EATON COUNTY, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY ADDING ARTICLE VI ("FIREWORKS") TO CHAPTER 16 ("FIRE PREVENTION AND PROTECTION") TO DEFINE TYPES OF FIREWORKS; TO PRESCRIBE THE DATES ON WHICH THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS ARE PERMITTED AND NOT SUBJECT TO REGULATION; TO IMPOSE CIVIL FINES, IN ACCORDANCE WITH STATE LAW, FOR VIOLATIONS THEREOF; TO PROSCRIBE OTHER CONDUCT; TO ALLOW THE YEAR-ROUND USE OF LOW-IMPACT FIREWORKS; TO REQUIRE AN APPLICATION AND PERMIT FOR THE IGNITION, DISCHARGE, AND USE OF ARTICLES PYROTECHNIC AND DISPLAY FIREWORKS; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

The Charter Township of Delta, Eaton County, Michigan ordains:

**SECTION I**

**ADDITION OF CHAPTER 16, ARTICLE VI.** The Code of Ordinances is hereby amended by adding Article VI to Chapter 16 and sections, to be numbered Sec. 16-81 through Sec. 16-86, which such article and sections read as follows:

**Sec. 16-81. – Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act* means the Michigan fireworks safety act, Public Act No. 256 of 2011 (MCL 28.451 et seq., as amended).

*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 UN0431 or UN0432 under 49 CFR 172.101.

*Consumer fireworks* means fireworks devices that are designed to produce visible effects of 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.

*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.

*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.

All other terms used in this article shall have the same meaning as defined or as provided in the Act.

#### **Sec. 16-82. – Ignition, Discharge, or Use of Consumer Fireworks.**

No person shall ignite, discharge, or use consumer fireworks in the township; except that this prohibition shall not preclude any person from igniting, discharging, or using consumer fireworks within the township after 11:00 a.m. on the following days:

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

#### **Sec. 16-83. – Exception.**

If the state department of natural resources fire division elevates fire conditions to extreme or very high for 72 consecutive hours, the fire chief in consultation with the department of natural resources may enforce a no burning restriction that includes a ban on the ignition, discharge, or use of consumer fireworks notwithstanding the days generally exempt and listed in sec. 16-82. The fire chief shall be responsible for ensuring that adequate advance notice of the burning restriction is provided to the public.

#### **Sec. 16-84 – Enforcement.**

A person who violates any provision of this article shall be subject to a civil fine of

\$1,000.00 for each violation, unless specifically provided otherwise. If such a civil fine is assessed, \$500.00 of the fine collected will be remitted to the local law enforcement agency responsible for enforcing the ordinance.

**Sec. 16-84 – Prohibited Conduct; Penalties.**

(a) No person shall 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. A violation of this subsection is punishable by a state civil infraction and a civil fine of \$500.00.

(b) No person shall sell consumer fireworks to a minor. A violation of this subsection is punishable by a civil fine of \$1,000.00, and, for a second or subsequent violation, a civil fine of \$2,500.00.

(c) No person shall discharge, ignite or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, controlled substance, or a combination thereof. A violation of this subsection is punishable by a state civil infraction and a civil fine of \$1,000.00.

**Sec. 16-85 – Low-Impact Fireworks.**

A person may use low-impact fireworks year-round.

**Sec. 16-86 – Ignition, Discharge, or Use of Articles Pyrotechnic and Display Fireworks; Application and Permit Required.**

(a) No person shall discharge, ignite, or use articles pyrotechnic nor display fireworks without first submitting an application to the township on the form available online and prescribed by the state department of licensing and regulatory affairs, or its successor, and receiving a permit from the township in compliance with the Act.

(b) An application submitted under this section shall be made in writing at least 30 days before the day of the proposed use.

(c) The township may charge and collect a fee to issue a permit, which fee shall be retained by the township.

(d) A permit is not transferable and shall not be issued to a minor.

**SECTION II**

**SEVERABILITY.** If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment

shall not affect, impair or invalidate the remainder of this Ordinance but shall be confirmed in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

### **SECTION III**

**REPEAL.** All ordinances or parts of ordinances of the Charter Township of Delta inconsistent herein are hereby repealed so far as they may be inconsistent with the provisions of this Ordinance.

### **SECTION IV**

**EFFECTIVE DATE.** This Ordinance shall take effect upon final publication as required by law.

### **SECTION V**

**Effect on Other Ordinances.** Except as expressly amended by this Ordinance, all other Delta Township Ordinances shall remain unchanged and in full force and effect.

CHARTER TOWNSHIP OF DELTA  
MARY R. CLARK, TOWNSHIP CLERK

Copies of this ordinance may be inspected in the office of the Township Clerk from 8:00 AM to 5:00 PM, Monday through Friday except holidays.

I, Mary R. Clark, Clerk of the Charter Township of Delta, Eaton County, Michigan hereby certify that the foregoing is a complete ordinance adopted by the Township Board at their regular meeting on Monday, May 6, 2019.

CHARTER TOWNSHIP OF DELTA

MARY R. CLARK, TOWNSHIP CLERK

Introduced by Township Board	August 5, 2019
Published following first reading:	
Grand Ledge Independent	August 11, 2019
Delta Waverly Community News	August 11, 2019
Adopted by the Township Board	August 19, 2019
Published following final reading:	
Grand Ledge Independent	August 25, 2019
Delta Waverly Community News	August 25, 2019
Effective Date	August 25, 2019