

**CITY COUNCIL
CITY OF GREENVILLE
Montcalm County, Michigan**

Councilmember Johnson, supported by Councilmember Lehman, moved the adoption of the following ordinance:

ORDINANCE NO. 23-08

**AN ORDINANCE TO AMEND SECTION 20-102 AND SECTION 20-103 OF ARTICLE IV,
CHAPTER 20, OF THE CODE OF THE CITY OF GREENVILLE IN ORDER TO REGULATE
PERMISSIBLE TIMES FOR FIREWORKS AND TO INCREASE FINES FOR VIOLATIONS**

THE CITY OF GREENVILLE ORDAINS:

Section 1. Amendment. Section 20-102 of Article IV, "Fireworks," Chapter 20, "Fire Prevention and Protection," of the Code of Ordinances, City of Greenville, Michigan, is hereby amended in its entirety to read:

Sec. 20-102. – Statement of purpose.

This is an ordinance to adopt a new chapter to provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended.

- (1) *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) *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.
 - (c) *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.
 - (d) *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.
 - (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) *Minor* means an individual who is less than 18 years of age.
 - (h) *Permissible dates and times* means the following:
 1. December 31 from 11 a.m. until January 1 at 1 a.m.
 2. The Saturday and Sunday immediately preceding Memorial Day from 11 a.m. until 11:45 p.m. on each of those days.
 3. June 29 to July 4, from 11 a.m. until 11:45 p.m. on each of those days.
 4. July 5, if that date is a Friday or Saturday, from 11 a.m. until 11:45 p.m.
 5. The Saturday and Sunday immediately preceding Labor Day from 11 a.m. until 11:45 p.m. on each of those days.
 - (i) *Retailer* means a person who sells consumer fireworks or low-impact fireworks for resale to an individual for ultimate use.
 - (j) *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.
 - (k) *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.
- (2) *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.
 - (3) *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.
 - (4) *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.
 - (5) *Use of consumer fireworks.* Except as otherwise provided in this section, a person may ignite, discharge or use consumer fireworks in the city only during the permissible dates and times. On any other day, no person may ignite, discharge or use consumer fireworks in the City of Greenville unless authorized by permit.
 - (6) *Firework safety.* No person shall endanger the life, health or safety and/or property of any other person by the sale, use, possession, transport, display or discharge of any fireworks.

- (7) *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 owner's 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.
- (8) *Permits.* Provided the applicable provisions of Act 256 are complied with, upon application in accordance with this section, the city may issue a nontransferable 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.
- (9) *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.
- (10) *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.
- (11) *Proof of financial responsibility.* In order to receive a permit for articles pyrotechnic or display fireworks use, the applicant shall furnish proof of financial responsibility by a bond or insurance in the 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.
- (12) *Storage of fireworks.* The storage of fireworks by retailers and wholesalers shall at all times be in compliance with the requirements of Act 256.
- (13) *Possession of consumer fireworks by minor.* A minor shall not possess consumer fireworks.

Section 2. Amendment. Section 20-103 of Article IV, "Fireworks," Chapter 20, "Fire Prevention and Protection," of the Code of Ordinances, City of Greenville, Michigan, is hereby amended in its entirety to read:

Sec. 20-103. - Penalty.

A violation of this article is a civil infraction is punishable by a fine of \$1,000.00, plus the costs of prosecution. \$500.00 of the fine collected under this section must be remitted to the local law enforcement agency responsible for enforcing the ordinance.

Following final disposition of a finding of responsibility for violating this article, the city may dispose of or destroy any consumer fireworks retained as evidence in that prosecution.

In addition to any other penalty, a person that is found responsible for a violation of this article shall be required to reimburse the city for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this article.

Section 3. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Publication and Effective Date. This Ordinance shall be published in a newspaper of general circulation in the City within 10 days of its adoption, and shall be effective 15 days after its adoption provided it has been published.

YEAS: (7) Scoby, Lehman, Barrus, Cunliffe, Johnson, Linton, and Moss

NAYS: (0)

ABSTAIN: (0)

ABSENT: (0)

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

As the duly appointed and acting City Clerk, I certify that this is a true and complete copy of an ordinance adopted by the City Council of the City of Greenville, Montcalm County, Michigan, at a regular meeting held on November 7, 2023.

Krissi Brott, City Clerk

Introduced: October 24, 2023
Adopted: November 7, 2023
Published: November 13, 2023
Effective: November 22, 2023