

**ORDINANCE NO. 03-19**

**CITY OF HAZEL PARK  
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND TITLE 8, HEALTH AND SAFETY, CHAPTER 9, FIREWORKS, SECTION 8.09.030 AMEND DEFINITIONS TO ELIMINATE THE TERM NATIONAL HOLIDAY, 8.09.040 TO AMEND THE IGNITION, DISCHARGE AND USE OF CONSUMER FIREWORKS, AND 8.09.070 AMEND THE PENALTY OF VIOLATION OF THIS ORDINANCE PURSUANT TO THE AMENDED MICHIGAN FIREWORKS ACT.**

**THE CITY OF HAZEL PARK ORDAINS:**

**PART I AMENDMENT.**

This Ordinance hereby amends Title 8, Health and Safety, Chapter 9, Fireworks, Section 8.09.03, Definitions to delete the term "National Holiday" and read as follows:

As used in this chapter, the following terms shall be defined as follows:

"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, 3.1.2.3.2.3, or 3.5. Consumer fireworks do 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 eighteen (18) years of age.

This Ordinance hereby amends Title 8, Health and Safety, Chapter 8.09 Fireworks, Section 8.090.040 Ignition, Discharge and Use of Consumer Fireworks to read as follows:

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

- A. December 31 from 11:00 a.m. until 1:00 a.m. on January 1.
- B. The Saturday and Sunday immediately preceding Memorial Day from 11:00 a.m. until 11:45 p.m. on each of those days.
- C. Memorial Day, the last Monday in May, from 11:00 a.m. until 11:45 p.m.
- D. June 29 to July 4 from 11:00 a.m. until 11:45 p.m. on each of those days.
- E. July 5, if that date is a Friday or Saturday, from 11:00 a.m. until 11:45 p.m.
- F. The Saturday and Sunday immediately preceding Labor Day, the first Monday in September, from 11:00 a.m. until 11:45 p.m. on each of these days.

This Ordinance hereby amends Title 8, Health and Safety, Chapter 8.09, Fireworks, Section 8.09.070 Penalty to read as follows:

- A. A violation of this chapter is a civil infraction, punishable by a fine of up to One Thousand dollars (\$1,000.00) plus the cost of prosecution. A remittance of \$500.00 of the fine collected under this ordinance shall go to local law enforcement agency responsible for enforcing this ordinance.
- B. 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.

## **PART II. SAVING CLAUSE.**

The amendment of Title 8 Health and Safety, Chapter 9, Section 8.09.030, 8.09.040 and Section 8.09.070 and does not affect or impair any act done, offense committed, or right accruing or accrued or liability, penalty, forfeiture, or punishment, pending or incurred to these amendments.

## **PART III. REPEAL.**

This ordinance hereby repeals any ordinance which conflicts with the provisions hereof.

**PART IV. EFFECTIVE DATE; PUBLICATION.**

The provisions of this ordinance shall become effective ten days after its adoption and shall be published within ten days of its adoption by publication of a brief notice in the newspaper circulated in the city stating the date of the enactment and the effective date of the ordinance, a brief statement as to the subject matter of this ordinance and such other facts as the Clerk deems pertinent, and that a copy of the ordinance is available for purchase and/or inspection at the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
HAZEL PARK, OAKLAND COUNTY, MICHIGAN ON THE 21 DAY OF  
May, 2019.

  
MICHAEL WEBB, MAYOR

  
JAMES FINKLEY, CITY CLERK

Date of Adoption: 5/21/2019  
Date of Publication: 5/29/2019  
Effective Date: 5/31/2019

**CERTIFICATE OF ADOPTION**

It is hereby certified that the foregoing is a true and complete copy of an Ordinance passed at a meeting of the City Council of the City of Hazel Park, held on the 21 day of May, 2019.

  
JAMES FINKLEY, CITY CLERK