



Township Ordinances

ORDINANCE 65 FIREWORKS

An Ordinance to regulate the ignition, discharge and use of consumer fireworks within Chocolay Township.

Section 1 Title

This Ordinance shall be known and cited as the Chocolay Township Fireworks Ordinance.

Section 2 Purpose

The purpose of this Ordinance shall be to provide for and protect the public health, safety and welfare of persons within Chocolay Township by establishing regulations pertaining to the ignition, discharge and use of consumer fireworks and to provide for penalties for the violation of this Ordinance.

Section 3 Definitions

For the purpose of this Ordinance, the following definitions shall be used:

Word or Phrase	Definition
APA	An acronym for the American Pyrotechnics Association Standards from the American Pyrotechnics Association are applied throughout this ordinance.
Articles pyrotechnic	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 as established by the U. S. Department of Transportation regulations under 49 CFR 172.01
Consumer fireworks	Fireworks devices that are designed to produce visible efforts by combustion, that are required to comply with the construction, chemical composition and labeling regulations circulated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, sections 3.1.2, 3.1.3 or 3.5 Consumer fireworks do not include low-impact fireworks.
Display fireworks	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, section 4.1
Firework or fireworks	Any composition or device, except for a starting pistol, a flame gun or a flare, designated 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.
Low-impact fireworks	Ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, sections 3.1, 3.1.1.1 to 3.1.1.8 and 3.5





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Word or Phrase	Definition
Minor	An individual who is less than eighteen years old.
National holiday	Identifies the following legal public holidays: <ol style="list-style-type: none"> 1. New Year’s Day – January 1 2. Birthday of Martin Luther King, Jr. – the third Monday in January 3. Washington’s Birthday – the third Monday in February 4. Memorial Day – the last Monday in May 5. Independence Day – July 4 6. Labor Day – the first Monday in September 7. Columbus Day – the second Monday in September 8. Veteran’s Day – November 11 9. Thanksgiving Day – the fourth Thursday in November 10. Christmas Day – December 25
Novelties	The term as defined under APA standard 87-1, sections 3.2, 3.2.1, 3.2.2., 3.2.3, 3.2.4 and 3.2.5 and all of the following: <ol style="list-style-type: none"> 1. Toy plastic or paper caps for toy pistols in sheets, strips, rolls or individual caps containing not more than .25 of a grain of explosive content per cup, in packages labeled to indicate the maximum explosive content per cup 2. Toy, pistols, toy cannons, toy canes, toy trick noise makers and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion 3. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter 4. Toy snakes not containing mercury, if packed in cardboard boxes with not more than twelve pieces per box for retail sale and if the manufacturer’s name and the quantity contained in each box are printed on the box; and toy smoke devices
Person	An individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization or any other legal or commercial entity
Special effects	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
Sky lantern	An unmanned device with a combustible fuel source that incorporates an open flame in order to make the device airborne
Township	Refers to the Charter Township of Chocolay when used in this ordinance





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Section 4 Prohibition

No person shall ignite, discharge or use consumer fireworks within the Chocolay Township, except during the following times:

1. On the day preceding, the day of or the day after a national holiday as defined herein between the hours of 8 AM and 1 AM consistent with Section 7 (2) (b) of Michigan Public Act 65 of 2013.

No person shall release or cause to be released an untethered sky lantern.

Section 5 Miscellaneous Requirements / Prohibitions

1. This Ordinance does not apply to and does not regulate the use of novelties in the Township.
2. A minor shall not possess consumer fireworks.
3. Consumer fireworks shall not be sold to a minor.
4. No person shall ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person without that person or organization's express permission to use these fireworks on those premises.
5. A person shall not discharge consumer fireworks in such a manner so as remnants from consumer fireworks land on public property or the property of another, including, but not limited to, hotel and motel property, apartment property, and condominium property, without that person or organization's express permission.
6. A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcohol, controlled substances or a combination of alcohol and a controlled substance (as defined by MCL 257.1d and MCL 257.86)
7. Consumer fireworks shall not be used if a burn ban is in effect.
8. Consumer fireworks shall only be used in accordance with all applicable local, state and federal law.

Section 6 Penalty

A person who violates a provision of this Ordinance shall, upon determination of the violation or admission by the person, be responsible for a civil infraction and shall pay a fine and costs, of not more than five hundred dollars (\$500.00) for each violation plus costs; payment of all costs incurred by the Township Police Department under the Michigan Fireworks Safety Act, MCL 28.451 et seq. as amended ("Act"), in securing, seizing, storing and disposing of the fireworks that are in violation of the Act, or this Ordinance shall be the responsibility of all persons found guilty, responsible or liable for the violation.

In recognition that the Township Police Department's actual costs for any seizure will include having the personnel, equipment and facilities necessary to store fireworks in compliance with the Act,





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costs to be paid shall be determined in accordance with rates and methods established by resolution of the Township Board.

Section 7 Severability

The phrases, sentences, sections and provisions of this Ordinance are severable and the finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

Section 8 Repeal

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 9 Effective Date

This Ordinance shall take effect thirty calendar days from **March 12, 2018.**

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