

NOTICE OF ADOPTION

The City of Wyandotte Ordinance has been amended as follows:

**AN ORDINANCE ENTITLED  
AN ORDINANCE TO AMEND ARTICLE III OF CHAPTER 11  
ENTITLED “FIREWORKS”**

**THE CITY OF WYANDOTTE ORDAINS:**

**Section 1. Amendment of Chapter 11, Article III “Firework Safety Standards”  
Fireworks Safety Standards**

**Sec. 11-51. Definitions.**

The terms used in this article, whether capitalized or not will have the following meaning:

*Act* means the Michigan Fireworks Safety Act, Act 256 of 2011, and any amendments to the Act which may be from time to time adopted.

*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.

*Articles pyrotechnic* means the 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 C.F.R. 172.101.

*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 the 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.

*Firework or Fireworks* means any composition or device, except for a starting pistol, a flare gun, or a flare, of non-toxic or non-explosive emissions, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.

Fireworks, as used in this Article, shall include consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

*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 18 years of age.

*Novelties* means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- (i) 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 cap, in packages labeled to indicate the maximum explosive content per cap;
- (ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, 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;

- (iii) Filter sparklers in paper tubes not exceeding 1/8 inch in diameter;
- (iv) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and quantity contained in each box are printed on the box;
- (v) Toy smoke devices; and

*Person* means any individual, agent, legal representative, association, charitable organization, church, non-profit organization, unincorporated organization, labor organization, partnership, limited liability company, corporation, or any legal entity or commercial organization. An individual shall include a Minor as defined in this article. *Sky lantern* means any device such as the placement of a candle in the bottom of a small bag which then causes the device to go into the air (similar to a hot air balloon) or any other similar type of device.

Except as otherwise provided, other terms used in this Article shall have the meaning ascribed to them in the Act, or, if not defined in the Act, under the APA standards.

**Sec.11-52. Prohibited Fireworks and Devices.**

- (a) Consumer Fireworks.

A Person shall not ignite, discharge or use consumer fireworks except on the following days after 11 a.m.:

1. December 31 until 1 a.m. on January 1.
2. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
3. June 29 to July 4 until 11:45 p.m. on each of those days.
4. July 5, if that date is a Friday or Saturday, until 11:45 p.m.
5. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
6. A fine of one thousand (\$1,000.00) dollars shall be imposed for each violation of Sec. 11-52(a). The remitting of five hundred (\$500.00) dollars of the fine collected under Sec. 11-52(a) to the Wyandotte Police Department.

- (b) Low Impact Fireworks.

Low Impact Fireworks may not be used, ignited or discharged during the hours of 11:00 p.m. and 9:00 a.m., and may not otherwise be discharged in violation of the Act, this ordinance, or in such a manner that it violates any other ordinance of the City of Wyandotte.

- (c) Illegal Fireworks.

Any use, possession or discharge of any Fireworks that is prohibited and/or not approved by the State of Michigan or the State Fire Marshall, or that which contains a prohibited chemical, component, compound or composition under the APA 87-1 Standard, or any federal or state law or regulation, is prohibited at all times and places, regardless of how it is labeled.

- (d) Sky Lanterns.

A sky lantern may not be used or released within the City of Wyandotte and are prohibited by federal regulations within 30 miles of any international airport.

**Sec.11-53. Minors.**

- (a) A Minor shall not use, discharge or ignite any Consumer Fireworks, at any time, nor on any day, including National Holidays, the day before and the day after a National Holiday.

- (b) A Minor shall not use, discharge, or ignite any low impact fireworks unless under the supervision of a parent or legal guardian, and the use, discharge and ignition is within permitted hours, and does not violate the provisions of the Act, this ordinance or in such a manner that it violates any other ordinance of the City of Wyandotte.

**Sec.11-54. Public Property.**

- (a) No person shall at any time or on any day, use, discharge or ignite any Fireworks, including Consumer Fireworks, and Low Impact Fireworks in public parks.
- (b) No Fireworks, including consumer Fireworks, and Low Impact Fireworks shall be discharged, used, or ignited on any public property, including public streets, schools, sidewalks, easements and rights-of-way.

**Sec.11-55. Private Property.**

A Person shall not ignite, discharge or use any Fireworks, including Consumer Fireworks on church property or the property of another person without that organization's or person's express permission to use those Fireworks on those premises. The Person using the Fireworks bears the burden of proof of showing he or she received express permission to use the Fireworks at that location and must be able to present such proof to any peace officer upon request.

**Sec. 11-56. Other Ordinances.**

Any person who ignites, discharges, or uses any fireworks, including consumer fireworks must do so in such a manner that it will not result in the violation of any other ordinance of the City of Wyandotte. Nothing in this ordinance shall preclude the enforcement of City ordinances or other laws of the State of Michigan at any time or on any day regardless of whether the conduct or offense is incidental to the use, discharge or ignition of the fireworks.

**Sec. 11-57. Cost Recovery.**

Any costs the City of Wyandotte incurs to respond and/or remediate any damage to public or private property or injury to another person shall be paid by any person responsible for the damage or injury. The City may pursue any legal remedies to collect such costs.

**Sec. 11-58. Prohibited Use.**

No person shall use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. As used in this subsection:

- a) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.
- b) "Controlled Substance" means that term as defined in section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.

**Sec. 11-59. Permits for fireworks display.**

- (a) The chief of the fire department shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by organizations authorized by the City council. Every such display shall be handled by a competent operator approved by the chief of police and the chief of the fire department, and shall be of such a character, and so located, discharged or fired, as in the opinion of the chief of the fire department or his authorized agent, after proper inspection so that it will not be hazardous to property or endanger any person.
- (b) Applications for permits shall be made in writing at least twenty-one (21) days in advance of that date of the display. After such privilege shall have been granted,

sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

**Sec. 11-60. Bond for fireworks display.**

The permittee shall furnish a bond or liability insurance which includes the City of Wyandotte as an additional insured in an amount deemed adequate by the city council for the payment of all damages which may be caused either to a person or to a property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors.

**Sec. 11-61. Disposal of unfired fireworks.**

Any fireworks that remain unfired after the display is concluded shall be immediately disposed in a way safe for the particular type of fireworks remaining.

**Sec. 11-62. Manufacture prohibited.**

The manufacture of fireworks is prohibited within the city.

**Sec. 11-63. Dangerous Condition.**

- a. Subject to subsection (d) if the state fire marshal or the commanding officer of the Wyandotte Fire Department, or a fire fighter in uniform acting under the orders and directions of the commanding officer determines a dangerous condition exists, the state fire marshal, the commanding officer of the Wyandotte Fire Department, or the fire fighter in uniform acting under the orders and direction of the commanding officer upon finding an emergency condition dangerous to persons or property, may take all necessary steps and prescribe all necessary restrictions and requirements to protect persons and property until the dangerous condition is abated.
- b. Subject to subsection (d), the state fire marshal, the commanding officer of the Wyandotte Fire Department, or a fire fighter in uniform acting under the orders and directions of the commanding officer, responding to a fire or emergency call, who, upon arriving at the scene of a fire or emergency, finds a condition dangerous to persons or property, may take all necessary steps and requirements to protect persons and property until the dangerous condition is abated.
- c. The state fire marshal or the commanding officer of the Wyandotte Fire Department, or a fire fighter in uniform acting under the orders and direction of the commanding officer may investigate causes and effects related to dangerous conditions.
- d. If the environmental concerns based on the department of natural resources fire division criteria are elevated to extreme fire conditions or if the environmental concerns based on the department of natural resources fire division criteria are elevated to very high for 72 consecutive hours, the commanding officer of the Wyandotte Fire Department, in consultation with the department of natural resources, has the authority to enforce a no burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks within the City of Wyandotte. If a no burning restriction is instituted under this subsection, the commanding officer of the Wyandotte Fire Department enforcing the restriction shall ensure that adequate notice of the restriction is provided to the public.
- e. Not more than 24 hours after the fire condition is downgraded from extreme or very high fire condition, the commanding officer of the Wyandotte Fire Department that enforced a no burning restriction that included a ban on the ignition, discharge, and use of consumer fireworks shall lift the restriction and inform the public that the restriction has been lifted in the same manner that the restriction was announced or made known to the public.

**Sec. 11-64. Violation.**

Any person who violates any section of this ordinance is responsible for a municipal civil infraction.

**Section 2. Severability**

All Ordinances or parts of Ordinances in conflict with the terms of this ordinance are hereby repealed, only to the extent necessary to give this Ordinance full force and effect.

**Section 3. Effective date**

This Ordinance shall take effect fifteen (15) days from the date of its passage by the Wyandotte City Council and the Ordinance or its summary shall be published in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption. A copy of this Ordinance may be inspected or obtained at the City of Wyandotte Clerk's Office, 3200 Biddle Avenue, Wyandotte, Michigan.

Motion unanimously carried.

**CERTIFICATION**

We, the undersigned, Joseph R. Peterson and Lawrence S. Stec, respectively, the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the City Council of the City of Wyandotte, at a regular session on Monday, April 29, 2019.

**Joseph R. Peterson, Mayor**

**Lawrence S. Stec, City Clerk**

The effective date of this Ordinance is May 14, 2019. A copy of this Ordinance may be purchased or inspected at the City of Wyandotte Clerk's Office, 3200 Biddle Avenue, Wyandotte, Michigan, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Publication Date: May 8, 2019