



ORDINANCE #56-19

FIREWORKS

Section 1: Definitions

1.1 Act: The Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 et seq., as amended.

1.2 APA Standard 87-1: 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.

1.3 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 under 49 CFR 172.101.

1.4 Consumer Fireworks: Fireworks devices that are designed to produce visible and audible 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, 3.1.3 or 3.5. Consumer fireworks are often commonly known as, but not limited to, sky rockets, bottle rockets, missile-type rockets, helicopters, aerial spinners, roman candles, mine and shell devices, aerial shell kits, firecrackers, chasers and certain multiple tube fireworks devices. Consumer fireworks do not include low-impact fireworks.

1.5 Department: The department of licensing and regulatory affairs.

1.6 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, 4.1.

1.7 Low-Impact Fireworks: Ground and handheld sparkling devices as that phrase is defined in APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5. Low impact fireworks are often commonly known as, but not limited to, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, certain toy smoke devices, certain wire sparklers/dipped sticks and certain multiple tube fireworks devices.



1.8 National Holiday: As used in this Ordinance, a national holiday is any of the following: New Year's Day (January 1); Birthday of Martin Luther King Jr. (third Monday of January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); and Christmas Day (December 25).

1.9 Novelties: The 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 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) Flitter 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 the quantity contained in each box are printed on the box; and toy smoke devices.

1.10 Person: An individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization or any other legal entity.

Section 2: Low Impact Fireworks

2.1 The use of low impact fireworks is permitted year-round in Riley Township.

2.2 An individual under the age of 18 shall not use low impact fireworks unless under the direct supervision of an adult.

2.3 A person shall not ignite, discharge or use low impact fireworks while under the influence of alcoholic liquor or a controlled substance or a combination of both.



Section 3: Consumer Fireworks

3.1 Consumer fireworks may not be used, discharged and/or ignited in Riley Township except as follows:

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

3.2 Consumer fireworks may only be used, discharged and/or ignited after 11:00 AM on the days prescribed in section 3.1 above.

3.3 A person shall not use, discharge and/or ignite consumer fireworks on public property, school property, church property or the property owned by another person or entity without that organization's or person's express permission.

3.4 A person shall not use, discharge and/or ignite consumer fireworks in such a manner so as remnants from said fireworks land on public property or the property of another person without that person's or organization's express permission.

3.5 An individual under the age of 18 shall not use consumer fireworks unless under the direct supervision of an adult.

3.6 A person shall not ignite, discharge or use consumer fireworks while under the influence of alcoholic liquor or a controlled substance or a combination of both.

Section 4: Articles Pyrotechnic and Display Fireworks

4.1 Riley Township, upon application in writing on forms provided by the department and payment of a fee set by the township, if any, may grant a 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 within the township by municipalities, fair associations, amusement parks, or other organizations or individuals approved by the township authority, if the applicable provisions of this act are complied with. After a permit has been granted, sales, possession, or transportation of fireworks for the purposes described in the permit only may be made. A permit granted under this subsection is not transferable and shall not be issued to a minor.

4.2 Before a permit for articles pyrotechnic or a display fireworks ignition is issued, the person, firm, or corporation applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by Riley Township to satisfy claims for damages to property or



personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, and to protect the public.

4.3 A permit shall not be issued under this act to a nonresident person, firm, or corporation for ignition of articles pyrotechnic or display fireworks in this state until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.

4.4 Riley Township shall rule on the competency and qualifications of articles pyrotechnic and display fireworks operators as required under NFPA 1123, as the operator has furnished in his or her application form, and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks before granting permits.

4.5 Fees to issue a permit under this section shall be retained by Riley Township.

4.6 The individual or organization to whom the permit is issued shall notify the local fire department of the location, date and time of the intended fireworks display.

Section 5: Novelties

5.1 This ordinance does not apply to novelties.

Section 6: Enforcement

6.1 This ordinance may be enforced by the Township Supervisor, Township Board, their designees and sworn law enforcement officers.

6.2 If an enforcing official determines that a violation of this Ordinance has occurred, the official may seize the fireworks as evidence of such violation.

6.3 A violation of this Ordinance is a civil infraction, punishable by a civil fine of \$1,000 for each violation. \$500.00 of this civil fine will be remitted to the local law enforcement agency responsible for enforcing the ordinance.

6.4 Upon a finding of responsibility for a violation of this Ordinance, Riley Township may dispose of or destroy any consumer fireworks or low impact fireworks retained as evidence for prosecution of the violation.

Section 7: Permit for Consumer Fireworks

7.1 Upon application in writing by any association or group of individuals, the Township Supervisor or his designee, may grant permission for the public display of consumer fireworks on days other than the day before, the day of or the day after a national holiday subject to such conditions as deemed necessary to safeguard the welfare of the public and property.



Section 8: Severability

8.1 The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

Section 9: Effective Date

This Ordinance shall become effective on the 11th day of November, 2015.

Date of Amendment/Certification of Clerk

I hereby certify that the following Riley Township Fireworks Ordinance, Ordinance #56-19, was fully amended by the Riley Township Board at a regular meeting thereof held on the 5th day of February, 2019, and will take effect upon publication on February 13, 2019.

A handwritten signature in black ink, appearing to read "DR", is written over a horizontal line.

Deborah Rhein
Riley Township Clerk