

Village of Bancroft

Ordinance NO. 305-20

Consumer Fireworks Ordinance

Section 1: Short Title: This ordinance shall also be known and may be cited as the "2020 Fireworks Ordinance".

Section 2: Statement of Purpose: This is an ordinance for the regulation of the ignition, discharge, and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.457, as amended.

Section 3: Definition: As used in this ordinance, the following terms shall be defined as follows:

- (1) "APA standard 87-1" means the "APA Standard 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties and Theatrical Pyrotechnics", 2001 Edition, Published by the American Pyrotechnics Association of Bethesda, Maryland.
- (2) "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.
- (3) "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 part 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5 Consumer fireworks does not include low-impact fireworks.
- (4) "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
- (5) "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 3.5 and all of the following:
 - a. 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.
 - b. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in section 3.5a 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.

- c. Flitter sparklers in paper tubes not exceeding 1/8 inch diameter.
 - d. Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box retail sale and if the manufacture's name and the quantity contained in each box are printed on the box; and toy smoke devices.
- (6) "Firework" or "Fireworks" means any composition or device, except for a starting pistol, a flare, or flare gun, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, pyrotechnic articles, display fireworks, homemade fireworks, and special effects.
- (7) "Minor" means an individual who is less than 18 years of age.

Section 4: Ignition, Discharge, and Use of Fireworks

- (1) "Display Fireworks – Public and Private lands" No person(s) shall ignite, discharge or use "Display Fireworks" on any lands within the Village without authorization and or approval by the Village of Bancroft Council and subject to any fees, licenses, forms, or applications they deem fit.
- (2) "Consumer Fireworks – Public Lands" - No person(s) shall ignite, discharge or use "Consumer Fireworks" on public lands within the Village limits without proper authorization by the governing body of such public lands and subject to any fees, licenses, form, or applications deemed necessary by the governing body.
- (3) "Low-impact Fireworks"
- a. "Low-impact Fireworks- Public" - All person(s) shall have the right to ignite, discharge or use "Low-Impact" fireworks on public lands within the Village upon approval of the governing body of such lands and subject to any other ordinances in the Village such as nuisance, or noise restrictions.
 - b. "Low-Impact Fireworks - Private" Under Public Act 256 of 2011, all person(s) shall have the right to ignite, discharge or use "Low-Impact" fireworks subject to approval by the property owner and subject to any other ordinances in the Village such as nuisance, or noise restrictions. "Low-impact Fireworks- Public" - All person(s) shall have the right to ignite,
- (4) "Novelties" Under Public Act 256, subsection 28.453, the Village does not regulate the use of novelties under this ordinance. Use of novelties is subject to any other ordinances in the Village such as nuisance, or noise restrictions.

Section 5: Possession or Sale of Consumer or Display Fireworks by Minor.

- (1) A person shall not sell consumer fireworks to a minor.
- (2) A minor shall not possess consumer or display fireworks.

Section 6: Ignition, Discharge, or Use of Consumer Fireworks.

- (1) The ignition, discharge or use of consumer fireworks shall not be permitted in the Village of Bancroft, except for the following times:
 - a. After 11:00 a.m. December 31 until 1 a.m. on January 1.
 - b. After 11:00 a.m. on the Saturday and Sunday immediately preceding and on Memorial Day until 11:59 p.m. on each of those three days.
 - c. After 11:00 a.m. on June 29 to July 4 until 11:59 p.m. on each of those days.
 - d. After 11:00 a.m. on July 5, if that date is a Friday or Saturday, until 11:59 p.m.
 - e. After 11:00 a.m. on the Saturday and Sunday immediately preceding, and on Labor Day until 12:00 p.m. on each of those three days.

Section 7: Determination of Violation; Seizure.

- (1) If a police officer determines that a violation of this ordinance has occurred, the officer may seize the fireworks as evidence of the violation.

Section 8: Penalty

- (1) A violation of Section 6 (1) a.-c. shall be punishable by a municipal civil infraction that carries a \$1,000.00 fine for each violation.
- (2) For any fine collected under Section 8: (1), the Village Clerk shall remit \$500.00 of such fine to the Village Police Department.
- (3) Following final disposition of a finding of responsibility for violating this ordinance, the Chief of Police may dispose of or destroy any consumer fireworks retained as evidence in that prosecution.

Section 9: Severability

- (1) If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 10: Repealed

(1) Ordinances 286-13 and 302-19

Section 11: Effective Date

(1) That this Ordinance and the related rules, regulations, provisions, requirements, orders and matters established shall take effect immediately upon publication, except penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL 66.1.

Adopted at a Regular Meeting of the Village Council held on the 11th day of March 2020.

Moved By: Hutchins Seconded By: R. Miller

YEAS: all yays

NAYS: None

ABSENT: Bible



Brian Barnum, Village President

CLERK CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 305-20 duly adopted by the Council of the Village of Bancroft, Shiawassee County, Michigan, on the above date and that the same was published in accordance with Section 4 of the Act 3, P.A. 1895.



Ashley Goodrich, Village Clerk

Drafted by: Caleb Hutchins

Using ordinance NO. 302-19