



ORDINANCE NO. 216

An ordinance to provide for the health safety and welfare of the citizens of the City of Bronson by regulating the use of fireworks within the city limits.

(a) Definitions.

CONSUMER FIREWORKS

Fireworks devices that are designed to produce visible or 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 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.

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.

FIREWORK or FIREWORKS

Any composition or device, except for a starting pistol, a flare 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

Grand 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

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

NOVELTIES

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:

- (1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than 0.25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap



- (2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in Subsection (1) 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.

(b) Prohibition on use of consumer fireworks.

- (1) A person shall not ignite, discharge or use fireworks within the City, except that consumer fireworks may be discharged on the following dates after 11:00 a.m. on the following days, consistent with Section 7(2) of Public Act 256 of 2011, as amended, and all other applicable local, state, or federal regulations:
 - A. December 31 until 1:00 a.m. on January 1;
 - B. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days;
 - C. June 29 to July 4 until 11:45 p.m. on each of those days;
 - D. July 5, if that date is a Friday or Saturday, until 11:45 p.m.;
 - E. The Saturday and Sunday immediately preceding Labor Day, until 11:45 p.m. on each of those days.
- (2) Further, fireworks may be permitted, by application to the Police Department of the City of Bronson, for special community events such as Polish Festival, football games, or other events. All requests shall be on forms that will be available at the Bronson Area Fire Association Fire Department, and must be approved by the police chief or deputy police chief before a firework displays may be permitted. The City of Bronson, and the Bronson Police Department, may impose any restrictions (such as the availability of fire suppression equipment's), upon any displays of fireworks regulated under this section of the ordinance.
- (3) Notwithstanding the foregoing, no minor shall use, ignite, or possess any consumer fireworks unless under the direct supervision of an adult at all times.

(c) Prohibition on discharge of fireworks on specified property. A person shall not ignite, discharge, or use consumer fireworks at any time on public property, school property,



church property, or the property of another person without that organizations or person's express permission. This prohibition and restriction shall not apply to the ignition, discharge or use of consumer or display fireworks for educational and/or training purposes as approved, in writing, by the Chief of Police or his or her designee.

- (d) Novelties not prohibited. Novelties and model rockets and model rocket engines designed, sold and used for the purpose of propelling recoverable aero models are not included within the items prohibited by this section. Also not included are sparklers containing not more than 0.0125 pounds of burning portion per sparkler, flitter sparklers in paper tubes not exceeding 1/8 inch in diameter, 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 hereon, toy pistols, toy canes, toy guns or other devices manufactured to utilize paper and/or plastic caps containing not more than 0.25 of a grain of explosive content per cap, or said paper and/or plastic caps themselves, the sale of which shall be permitted at all times.
- (e) Enforcement. The Chief of Police and his or her designees and/or sworn law enforcement officers are authorized to enforce the provisions of this section.
- (f) Violations, fines, penalties and seizure.
 - (1) Any person, firm, corporation or entity violating the provisions of § b or c of this ordinance shall be guilty of a civil infraction and shall be fined as follows:
 - A. First offense; a fine of \$250.
 - B. Second Offense within one year of a first offense; a fine of \$500.
 - C. Third and subsequent offenses within two year of first offense; a fine of \$1,000.
 - (2) The issuance of one civil infraction citation for a violation shall not excuse the violation or permit it to continue, and each violation after the first, regardless of when committed, shall constitute a separate offense, although the violation may occur on the same day as the first.
 - (3) Any individual, group, or organization which utilizes fireworks whether under the permission of this ordinance, or in violation of this ordinance, shall be civilly responsible for any damage caused to property not belonging to that person, or group, or organization, through the use of the fireworks.
- (g) Severability. The various parts, sections and clauses of this section are hereby declared to



be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the validity of the remainder of this section shall not be affected.

- (h) Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this section full force and effect.