

DRAFT

STATE OF MICHIGAN
COUNTY OF LIVINGSTON
TOWNSHIP OF HAMBURG
ORDINANCE NO. 2025.G.003

AN ORDINANCE TO AMEND THE HAMBURG TOWNSHIP CODE OF ORDINANCES, CHAPTER 22, "OFFENSES AND MISCELLANEOUS PROVISIONS," BY ADDING ARTICLE VI "FIREWORKS" TO REGULATE THE IGNITION, DISCHARGE AND USE OF FIREWORKS WITHIN THE TOWNSHIP.

HAMBURG TOWNSHIP ORDAINS:

PART I. That Chapter 22, "Offenses and Miscellaneous Provisions," is hereby amended to add Article VI "Fireworks," to reads as follows:

ARTICLE VI. - FIREWORKS

Sec. 22-135. - Title.

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

Sec. 22-136. - Purpose.

The purpose of this article is to promote the public health, safety, comfort and general welfare of the community through the proper regulation of the ignition, discharge and use of fireworks within Hamburg Township.

Sec. 22-137. - Definitions.

Act means the Michigan Fireworks Safety Act, Public Act No. 256 of 2011, MCL 28.451 et seq., as amended.

Alcoholic beverage means any spirituous, malted or fermented liquor, liquid or compound containing 0.05 percent or more alcohol by volume fit for consumption as a beverage. The percentage of alcohol by volume shall be determined in accordance with the provisions of

Michigan the Michigan Liquor Control Code of 1998 being Public Act No. 58 of 1998 (MCL 436.1101 et seq.), as the same may be amended from time to time.

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 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.

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 APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

Controlled substance means any drug, substance or immediate precursor as defined or enumerated in the Michigan Public Health Code, Public Act No. 368 of 1978 (MCL 333.1101 et seq.), as amended.

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.

Fire Official means a full-time firefighter of the Township who possess a certification in NFPA Fire Inspector I and has been designated by the Director of Public Safety to review and process fireworks permit applications.

Fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed 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 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 under 18 years of age.

NFPA means the National Fire Protection Association.

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:

- (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 subparagraph (a) 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 one-eighth inch in diameter.
- (d) 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.

Sec. 22-138. – General prohibitions on ignition, discharge, and use of fireworks.

No person shall ignite, discharge, or use fireworks within the Township at any time, except that:

- (a) Fireworks may be discharged in strict compliance with a permit issued by the Township in accordance with the Act.
- (b) Consumer fireworks may be discharged on the following dates and times:
 - (1) Before 11:00 a.m. or after 11:45 p.m. June 29th through July 4th;
 - (2) Before 11:00 a.m. or after 11:45 p.m. on July 5th only if that date is a Friday or Saturday;
 - (3) Before 11:00 a.m. or after 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day and Memorial Day;
 - (4) Before 11:00 a.m. on December 31st or after 1:00 a.m. on January 1st;
 - (5) Before 11:00 a.m. or after 10:00 p.m. on any other day of the year not specifically cited in this Ordinance.
- (c) This section shall not apply to low impact fireworks and novelties.

Sec. 22-139. – Additional prohibitions.

- (a) Consumer fireworks shall not be ignited, discharged, or used on public property, including streets and rights-of-way, or on school property, church property, or the private property of another, without the express written permission from the person or entity legally in possession and control of that property to undertake such action.
- (b) No fireworks shall be ignited, discharged, used, stored or sold on Township property without a permit authorized by the Township Board of Trustees.
- (c) Fireworks shall not be ignited, discharged, or used by a person under the influence of alcoholic liquor or a controlled substance or a combination of both.
- (d) No minor shall use, ignite or possess any consumer fireworks.

- (e) A parent, guardian, or other person having legal care and custody of a minor under the age of 18 years shall not permit such minor to ignite, discharge or use any consumer fireworks.
- (f) No person shall ignite, discharge, or use consumer fireworks or low-impact fireworks if a "no burning" restriction has been implemented by the Fire Department.

Sec. 22-140. – Permit required; permit process.

- (a) No person shall discharge any display fireworks or articles pyrotechnic devices without a permit issued by the Township Board of Trustees.
- (b) Except during the dates and times specified in section 22-138, no person shall discharge any consumer fireworks without a permit issued by the Township Board of Trustees if either one of the following are applicable:
 - (1) Notice of the consumer fireworks display is advertised or posted on a public medium or forum accessible to the general public and attendance is open to the general public.
 - (2) More than 50 persons are in attendance while the consumer fireworks are being discharged.
- (c) Applicants for a permit under this section must file with the Township's designated Fire Official an application in writing on a form to be provided by the Department of Licensing and Regulatory Affairs, as set forth in MCL 28.466, at least 30 days in advance of the event.
- (d) The person, firm, or corporation applying for the permit shall include with their permit application materials proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the Township Board of Trustees 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.
- (e) A permit granted under this section is not transferable and shall not be issued to a minor.
- (f) Upon receipt of the application required by this section, the Fire Official shall review the application and shall make a recommendation to the Township Board of Trustees on whether the permit should be granted. This recommendation shall be based on the competency and qualifications of the articles pyrotechnic and display fireworks operator, as furnished by the operator on the operator's application form, in accordance with the requirements provided under NFPA 1123, and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks.
- (g) The Township Board of Trustees shall review the application form and recommendation of the Fire Official and may issue a permit after ruling on the competency and qualifications of the permit applicant.
- (h) The fees for the permit required by this section shall be charged by the Fire Official in an amount to be established by the Township Board of Trustees.

Sec. 22-141. – Penalties.

- (a) In accordance with MCL 28.457, any person found to be in violation of the provisions of section 22-138 of this Ordinance shall be responsible for a municipal civil infraction with a civil fine of \$1,000.00 for each violation. \$500.00 of the fine collected under the section shall be remitted to the local law enforcement agency responsible for enforcing this Ordinance.
- (b) Any person found in violation of any other provision of this Ordinance, except section 22-138, shall be responsible for a Class B municipal civil infraction with a civil fine as outlined in section 1-45(b) of this code.

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Hamburg Township Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Hamburg Township Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by Hamburg Township.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Hamburg Township Board of Trustees in a meeting thereof duly held and called on the ____ day of _____, 2025, in order to be given publication in the manner prescribed by Hamburg Township.

Moved by _____ and supported by _____.

Mike Dolan, Hamburg Township Clerk

Certificate of Adoption

I, (Clerk), the duly qualified Clerk for the Township of Hamburg, Livingston County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board at a meeting held on (date). The original is on file in the Office of the Township Clerk.

By: _____
Mike Dolan, Hamburg Township Clerk

Introduced:

Adopted:

Effective:

Published: