

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 25-160.04

AN ORDINANCE TO AMEND CHAPTER 22, "OFFENSES," ARTICLE VI, "OFFENSES AGAINST PUBLIC SAFETY," DIVISION 1, "GENERALLY," SECTION 22-112, "FIREWORKS", TO ADD REQUIREMENTS FOR COMMERCIAL FIREWORKS PERMITS.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 22, "Offenses," Article VI, "Offenses Against Public Safety," Division 1, "Generally," of the City of Novi Code of Ordinances is hereby amended to read as follows.

Sec. 22-112. Fireworks.

(a) Definitions. As used in this section, the following words and phrases have the meanings set forth herein:

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

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.

Commercial fireworks includes display fireworks and articles pyrotechnic.

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 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, 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.

Livestock means those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats.

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.

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:

- (1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than twenty-five hundredths (.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 subparagraph (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 one-eighth inch in diameter.
 - (4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than twelve (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.
- (b) General prohibitions; exception. No person shall ignite, discharge, or use fireworks within the city at any time, except that:
- (1) Fireworks may be discharged in strict compliance with any permit issued by the city in accordance with the Act;
 - (2) Consumer fireworks may be discharged on the following dates and times:
 - a. From 11:00 a.m. on December 31, until 1 a.m. on January 1;
 - b. From 11:00 a.m. until 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day;
 - c. From 11:00 a.m. until 11:45 p.m. on June 29 to July 4;
 - d. From 11:00 a.m. until 11:45 p.m. on July 5, only if that date is a Friday or Saturday;
 - e. From 11:00 a.m. until 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day.
 - (3) An individual in violation of this subsection (b) shall be responsible for a municipal civil infraction punishable by a civil fine of one thousand dollars (\$1,000.00) for each violation, and all other available relief under section 1-11(c)(2) of this Code. Five hundred dollars (\$500.00) of the foregoing civil fine will be remitted to the Novi Police Department.

(4) This subsection (b) shall not apply to low impact fireworks.

(c) Additional prohibitions.

- (1) Consumer fireworks shall not be ignited, discharged, or used on public, school, church, or 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.
- (2) Consumer 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.
- (3) Low-impact 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.
- (4) A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks in a manner that is intended to harass, scare, or injure livestock.
- (5) A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks if a no burning restriction has been implemented by the fire chief.
- ~~(6) An individual in violation of this subsection (c) shall be responsible for a municipal civil infraction punishable by a civil fine of not more than one thousand dollars (\$1,000.00) for each violation, and all other available relief under section 1-11(c)(2) of this Code.~~

(d) Novelties not regulated. This section does not apply to novelties.

(e) Commercial fireworks. A permit is required for the discharge of commercial fireworks.

(1) Permit Application. A municipality, fair association or presenter, amusement park, or other organization or group of individuals seeking a permit to discharge commercial fireworks shall complete an application for a permit, which shall be submitted to the clerk's office at least 45 days in advance of the proposed discharge date. The application shall include:

a. Proof that the applicant is over 18 years in age.

b. A license or permit to operate commercial fireworks from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

c. A scale drawing of the site, including, but not limited to, surrounding buildings, the display site as described by NFPA 1123, the spectator viewing area and the parking areas;

d. Proof of insurance as set forth in this section;

e. Information as to the competency and qualifications of the fireworks display operators as required by NFPA 1123;

f. A completed application for fireworks display permit from the State of Michigan;

g. A statement of the purpose of the display;

- h. A description of the display, including the type and number of fireworks to be discharged;
- i. Proof to the city fire marshal or his designee, that the applicant is knowledgeable of the recommended safety requirements outlines in NFPA 1123;
- j. Payment of a fee as set forth below.

(2) Permit approval process.

- a. The city clerk or designee shall review the application for completeness.
- b. The city fire marshal or designee shall review the application and make a written recommendation to the city council.
- c. The city council may, but is not obligated to, issue a permit in consideration of whether:
 - 1. The permit application is complete and conforms to the requirements of this chapter.
 - 2. The proposed discharge of fireworks will have an adverse effect upon the public.
 - 3. The time, duration and location of the fireworks will unreasonably disturb the peace of neighboring property owners.
 - 4. Any other reason that affects the public health, safety, and welfare.

(3) Requirements of permit holders.

- a. A permit holder shall be responsible for the discharge of fireworks which shall conform to the approved permit and this chapter.
- b. A permit holder shall be responsible for all shells being fired. In the event one or more shells do not explode, the permit holder shall take appropriate measures to locate and properly dispose of the unexploded shell(s).

(4) Transfers. Permits cannot be transferred or assigned.

(5) Revocation. Permits shall be revoked and inventory seized if at any time during the term of the permit the terms and conditions of this chapter are violated.

(6) Insurance. Before a permit for a pyrotechnic display is issued, the person, firm or corporation making application therefor shall furnish proof of financial responsibility, by a bond or insurance in an amount deemed necessary by the city council, 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 any agent or employee thereof, in the amount, character, and form the city council determines necessary for the protection of the public.

(7) Frequency. No more than two (2) permits may be issued to or on behalf of any individual or entity or for any property in any calendar year.

(~~ef~~) Enforcement. This section may be enforced by the director of public safety and the fire chief, their designees, and any sworn law enforcement officers.

(~~gf~~) Determination of violation; seizure of fireworks and payment of costs.

- (1) If an enforcing official determines that a violation of this section has occurred, the official may seize the fireworks as evidence of such violation and payment of all costs incurred by the city or law enforcement personnel under the Act or this section in securing, seizing, storing, and disposing of fireworks that are in violation of the Act or this section shall be the responsibility of all persons found guilty, responsible, or liable for the violation. In recognition that the actual costs incurred by the city and/or law enforcement personnel will include having the personnel, equipment, and facilities necessary to store fireworks in compliance with the Act and other laws and regulations, costs to be paid shall be determined in accordance with rates and methods established by resolution of the city council.

(h) Fee. The city clerk shall collect a fee for each permit application. The initial permit fee shall be \$750. The second permit fee shall be \$1,000.

(i) Penalty. An individual or entity in violation of this action shall be responsible for a municipal civil infraction punishable by a civil fine of one thousand dollars (\$1,000.00) for each violation, and all other available relief under section 1-11(c)(2) 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 Novi 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 Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Justin Fischer, Mayor

Cortney Hanson, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the xx day of May, 2025.

Cortney Hanson, City Clerk

Adopted:
Published:
Effective: