

CITY OF RICHMOND
COUNTIES OF MACOMB AND ST. CLAIR
STATE OF MICHIGAN

ORDINANCE NO. 166

**AN ORDINANCE TO AMEND THE RICHMOND CITY CODE BY REPEALING
SECTION 54-203 – SALE OR USE OF FIREWORKS PROHIBITION AND ADOPTING
A NEW SECTION CONSUMER FIREWORKS ORDINANCE**

THE CITY OF RICHMOND ORDAINS:

Section 1: Current Section 54-203 is hereby repealed.

Section 2: New Section 54-203 is adopted as follows:

A. Title

This section shall be known as the "City of Richmond Consumer Fireworks Ordinance" an ordinance to provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, Public Act No. 256 of 2011 as amended by Public Act No. 635 of 2018 and all future amendments.

B. Definitions

The Act means the Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451, et seq., and any amendments to the Act (the "Act"), which may from time to time be adopted.

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 identified under the Act, and that are listed as provided under the Act. Consumer fireworks do not include low-impact fireworks or novelties.

Firework or *fireworks* means any combustion 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. Articles pyrotechnic, display fireworks, and special effects are governed by the Act.

Low-impact fireworks means ground and handheld sparkling devices as provided under the Act.

Novelties means that term as defined under the Act 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 .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 (i) are used, that are constructed to 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 $\frac{1}{8}$ inch in diameter.
4. 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.

Person means an individual, agent, association, charitable organization, company, Limited Liability Company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

Except as otherwise provided, other terms in this section shall have the meaning ascribed to them in the Act.

C. Prohibited Conduct, Violations, Fines and Exceptions

(1) Prohibited conduct and Violations.

- (a) No person shall ignite, discharge or use consumer fireworks within the City, except as follows:

On the following days after 11 a.m.:

- (i) December 31 until 1 a.m. on January 1.
- (ii) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (iii) June 29 to July 4 until 11:45 p.m. on each of those days.
- (iv) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- (v) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
- (vi) The Friday and Saturday immediately following Labor Day until 11:45 p.m. on each of those days.

- (b) In accordance with the Act the following conduct is a violation of the law.

- (i) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.
- (ii) A person shall not sell consumer fireworks to an individual who is under the age of 18.
- (iii) An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor and/or a controlled substance, as those terms are defined in the Act.

(2) Fines.

Any person who violates this subsection is responsible for a municipal civil infraction, and shall be subject to a civil fine of \$1,000.00 for each violation of the ordinance and no other fine or sanction. In accordance with Michigan Public Act 635 of 2018, \$500.00 of the fine collected under this section shall be remitted to the Richmond Police Department for enforcing the ordinance.

(3) Exceptions.

Exceptions to the allowable dates for the ignition, discharge and use of consumer fireworks may be made by the Richmond City Council. The Richmond City Council shall approve a Special Event – Consumer Fireworks Application for use with this section. Residents may use this application to seek an exception to be allowed to ignite, discharge or use consumer fireworks for special events such as weddings, significant anniversaries or significant birthdays

D: Severability. This ordinance and each of the various parts, sections, sub-sections, sentences, phrases, and clauses hereof are hereby declared to be severable. If any part, section, sub-section, sentence, phrase, or clause is determined to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect

F: Publication and effective date. This ordinance shall be published in accordance with the terms, provisions, and requirements of the Charter of the City of Richmond on September 2, 2020, and shall become effective on September 17, 2020.

INTRODUCTION AND FIRST READING:	August 3, 2020
SECOND READING AND ADOPTION:	August 17, 2020
PUBLICATION DATE:	September 2, 2020
EFFECTIVE DATE:	September 17, 2020

CITY CLERK CERTIFICATION: I hereby certify that this ordinance was duly adopted at a regular session of the Richmond City Council in accordance with the provisions of Section 9.3 of the Charter of the City of Richmond.

Karen M. Stagl, CMC, City Clerk