

Ordinance NO. 12

FIREWORKS ORDINANCE

VILLAGE OF CONCORD
JACKSON COUNTY

An ordinance to readopt regulations controlling the use of fireworks within the Village.

THE VILLAGE OF CONCORD, JACKSON COUNTY, MICHIGAN, ORDAINS:

Section 1. Definitions:

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

- A. ALCOHOLIC LIQUOR: That term as defined in section 1d of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).
- B. APA STANDARD 87-1: 2001 APA Standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, as published by the American Pyrotechnics Association of Bethesda, Maryland.
- C. CONSUMER FIREWORKS: Fireworks 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, as amended, 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.
- D. CONTROLLED SUBSTANCE: That term as defined in section 8b of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).
- E. FIREWORKS: Any composition or device, except a starting pistol, a flare gun, or a flare, designed for the purpose of producing visible or audible effect by combustion, deflagration, or detonation.
- F. LOW-IMPACT FIREWORKS: Ground and handheld sparkling devices as that phrase is defined in APA standard 87-1: 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.
- G. MINOR: An individual who is less than 18 years of age.

Section 2. Ignition, discharge, and use of consumer fireworks.

- A. A person shall not ignite, discharge, or use consumer fireworks except on the following days after 11 a.m.

- (1) December 31 11 a.m. until 1 a.m. on January 1.
- (2) January 2 from 11 a.m. until 11:30 p.m. if January 2 falls on a Friday or Saturday.
- (3) The Saturday and Sunday immediately preceding Memorial Day until 11:30 p.m. on each of those days.
- (4) June 29 to July 4 until 11:30 p.m. on each of those days.
- (5) July 5, if that date is a Friday or Saturday, until 11:30 p.m.
- (6) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
- (7) Any other day of the year from 11 a.m. until 11:30 p.m. if the event has received prior Village of Concord Council approval.

B. A person shall not ignite, discharge, or use consumer fireworks if the environmental concerns based on the department of natural resources fire division criteria are elevated to extreme fire conditions or if the environmental concerns based on the department of natural resources, fire division criteria are elevated to very high for 72 consecutive hours and the commanding officer of the fire department, in consultation with the department of natural resources, enforces a no burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks. If a no burning restriction is instituted under this section, the commanding officer of the fire department enforcing the restriction shall ensure that adequate notice of the restriction is provided to the public.

A person is only permitted to ignite, discharge, or use consumer fireworks outdoors at least 25 feet away from any structures.

Section 3. Possession of consumer fireworks by a minor.

A minor shall not possess, ignite, discharge, or use consumer fireworks.

Section 4. Prohibited conduct.

A. A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of any other person without that organization's or person's express permission to use those consumer fireworks on those premises.

B. A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination thereof.

Section 5. Determination of violation; seizure.

If a law enforcement officer determines that a violation of this chapter has occurred, the officer may seize the consumer fireworks as evidence of the violation.

Section 6. Local, state, and federal requirements.

Nothing contained within this chapter shall be construed to relieve a person of any duties and obligations imposed under any local, state, or federal laws, rules, regulations, licenses, or permit requirements.

Section 7. Penalty.

Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed in fines as follows:

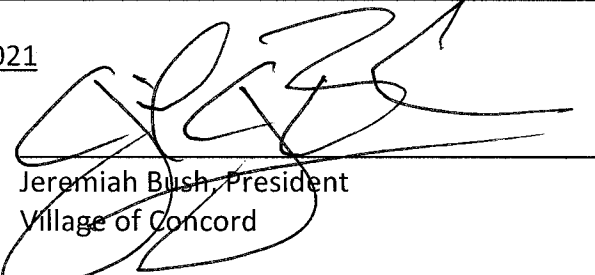
- (1) first violation \$100.
- (2) second violation within a 4-year period \$125.
- (3) third violation within a 4-year period \$250.
- (4) fourth or subsequent violation within a 4-year period \$400. plus, the costs of prosecution.

Section 8. Effective Date.

This Ordinance shall be effective the date of its publication.

YEAS: J. Bush, J. Jackson, T. Norris, A. Meeks, M. Lovitt, K. George
 NAYS: None
 ABSENT/ ABSTAIN: T. Casey

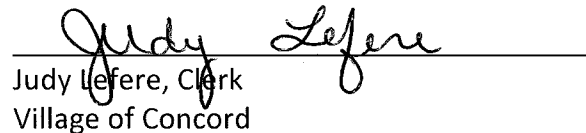
ORDINANCE DECLARED ADOPTED ON April 11, 2021



Jeremiah Bush, President
 Village of Concord

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Judy Lefere, the duly appointed Clerk of the Village of Concord certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Village Council of the Village of Concord on March 23, 2021 and published in the Salesman, a newspaper circulated in the Village of Concord on April 11, 2021.



Judy Lefere, Clerk
 Village of Concord