

Ordinance No. 211

City of Grosse Pointe Park

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GROSSE POINTE PARK BY REVISING AND AMENDING CHAPTER SIXTEEN, SECTION 16-125, OF THE CODE OF THE CITY OF GROSSE POINTE PARK TO REGULATE THE USE OF FIREWORKS IN THE CITY OF GROSSE POINTE PARK.

THE CITY OF GROSSE POINTE PARK ORDAINS:

Section I. The City of Grosse Pointe Park Code of Ordinance, Chapter 16, Section 16-125, Fireworks, is amended as follows:

Sec. 16-125.

(a) Definitions.

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, as defined below.

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, 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 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:

- (i) 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 cup.
- (ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) of Section 16-125(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.

(iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

(b) Prohibition on use of consumer fireworks.

1. Except as provided in this Section, a person shall not ignite, discharge, or use consumer fireworks at any time.
2. A person may ignite, discharge, or use consumer fireworks on the following days during the following hours:
 1. Between 11:00 am on December 31 and 1:00 am on the immediately following January 1.
 2. Between 11:00 am and 11:45 pm on the Saturday immediately preceding Memorial Day.
 3. Between 11:00 am and 11:45 pm on the Sunday immediately preceding Memorial Day.
 4. Between 11:00 am and 11:45 pm on June 29, June 30, July 1, July 2, July 3 and July 4.
 5. Between 11:00 am and 11:45 pm on July 5, if that day is a Friday or a Saturday.
 6. Between 11:00 am and 11:45 pm on the Saturday immediately preceding Labor Day.
 7. Between 11:00 am and 11:45 pm on the Sunday immediately preceding Labor Day.
3. A minor shall not possess consumer fireworks.
4. A violation of this Section is a civil infraction, punishable by a fine of \$1,000.

(c) Public Displays.

Upon application in writing by any individual, association or entity for the public display of fireworks, the City Council may grant permission for such display on any day, subject to such conditions as the City Council may impose to properly safeguard the public, all in accordance with MCL 28.466.

(d) Enforcement.

The Chief of the City's Department of Public Safety, his/her designee(s), public safety and sworn officers are authorized to enforce the provisions of this Ordinance.

(e) Violations, Fines and Penalties.

Each violation of Section 16-125(b) shall result in a civil fine of \$1,000 and \$500 of said fine shall be remitted to the Grosse Pointe Park Department of Public Safety. The fines described in this Section shall be in addition to cost assessments, expenses and/or damages assessed under the law.