

Ordinance No. _____ Consumer Fireworks Ordinance

DRYDEN TOWNSHIP
COUNTY OF LAPEER
STATE OF MICHIGAN

An ordinance to regulate the ignition and discharge of consumer fireworks
near properties where equine animals are kept.

THE TOWNSHIP OF DRYDEN, MICHIGAN ORDAINS:

Section 1: Definitions:

- A. “consumer firework(s)”** means firework(s) device(s) 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 (American Pyrotechnics Association) Standard 87-1, 3.1.2, 3.1.3, or 3.5. The term Consumer fireworks does not include low-impact fireworks.
- B.** Fireworks defined as “consumer fireworks” under the APA Standard 87-1 are as follows:

*** 3.1.2 Aerial Devices**

*** 3.1.2.1 Sky Rockets and Bottle Rockets**

Cylindrical tube containing not more than 20 g of chemical composition with a wooden stick attached for guidance and stability. Rockets rise into the air upon ignition. A burst of color and/or sound may be produced at or near the height of flight.

*** 3.1.2.2 Missile-Type Rocket**

A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability. Missiles shall contain not more than 20 g of total chemical composition.

*** 3.1.2.3 Helicopter, Aerial Spinner**

A tube containing not more than 20 g of chemical composition, with a propeller or blade attached. Upon ignition the rapidly spinning device rises into the air. A visible or audible effect may be produced at or near the height of flight.

*** 3.1.2.4 Roman Candle**

Heavy paper or cardboard tube containing not more than 20 g of chemical composition. Upon ignition, stars (see section 2.14) are individually expelled.

*** 3.1.2.5 Mine and Shell Devices**

Heavy cardboard or paper tube usually attached to a wooden or plastic base and containing not more than 60 g of total chemical composition (lift charge, burst charge, and visible/audible effect composition.) Upon ignition stars, components producing reports containing up to 130 mg of explosive composition per report, or other devices are propelled into the air. The term mine refers to a device with no internal components containing a bursting charge, and the term shell refers to a device that propels a component that subsequently bursts open in the air. A mine or shell device may contain more than 1 tube provided the tubes fire in sequence upon ignition of 1 external fuse. The term cake refers to a dense-packed collection of mine/shell tubes. Total chemical composition including lift charges of any multiple tube devices may not exceed 200 g. (See section 3.5) The maximum quantity of lift charge in any one tube of a mine or shell device shall not exceed 20 g, and the maximum quantity of break or bursting charge in any component shall not exceed 25% of the total weight of chemical composition in the component.

*** 3.1.3 Audible Ground Devices**

*** 3.1.3.1 Firecracker**

Small, paper-wrapped or cardboard tube containing not more than 50 mg of explosive composition, those used in aerial devices may contain not more than 130 mg of explosive composition per report. Upon ignition, noise and a flash of light are produced. Note: Firecrackers are not subject to the requirements of fuse in section 3.5.1 and chemicals in section 3.6.1.

*** 3.1.3.2 Chaser**

Paper or cardboard tube venting out the fuse end of the tube containing not more than 20 g of chemical composition. The device travels along the ground upon ignition. A whistling effect, or other noise, is often produced. Explosive composition may be included to produce a report but may not exceed 50 mg

3.5 Multiple Tube Fireworks Devices and Pyrotechnic Articles

- * 3.5.1 Multiple tube devices contain more than one cardboard tube. The ignition of one external fuse causes all of the tubes to function in sequence. The tubes are either individually attached to a wood or plastic base, or are dense-packed and are held together by glue, wire, string, or other means that securely holds the tubes together during operation.

- * 3.5.2 Multiple tube devices are normally limited to a maximum of 200 g of total pyrotechnic composition for approval as Fireworks, UN0336, 1.4G or Article, Pyrotechnic, UN0431, 1.4G under this Standard. (See 3.5.4 for exceptions.) The weight of chemical composition per tube is limited to the weight limit for the specific type of device in the tube. (See section 3.1 for the weight limits per tube, based on type of effect.)
- * 3.5.3 The connecting fuses on multiple tube devices must be fused in sequence so that the tubes fire sequentially rather than all at once.
- * 3.5.4 When the tubes are securely attached to a wood or plastic base, and the tubes are separated from each other on the base by a distance of at least 0.50 inch (12.7 mm), a maximum total weight of 500 g of pyrotechnic composition shall be permitted for approval as 1.4G.

C. “low-impact fireworks” means ground and handheld sparkling devices as that phrase is defined under APA 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5 (for 3.5. see above).

D. Low Impact Fireworks/Ground and Handheld Sparkling Devices are defined under the APA Standard 87-1 are as follows:

*** 3.1.1 Ground and Hand-held Sparkling Devices (“Sparklers”)**

These devices are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (a mild audible crackling-type effect is not considered to be a report.) Ground-based or handheld devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

*** 3.1.1.1 Cylindrical Fountain**

Cylindrical tube containing not more than 75 g of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (Spike Fountain), a wood or plastic base for placing on the ground (Base Fountain), or a wood or cardboard handle to be hand held (Handle Fountain). When more than 1 tube is mounted on a common base, total pyrotechnic composition may not exceed 200 g. (See section 3.5 for exceptions, above.)

*** 3.1.1.2 Cone Fountain**

Cardboard or heavy paper cone containing not more than 50 g of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than 1 cone is mounted on a common base, total pyrotechnic composition may not exceed 200 g. (See section 3.5 for exceptions, above.)

*** 3.1.1.3 Illuminating Torch**

Cylindrical tube containing not more than 100 g of pyrotechnic composition that produces a colored flame upon ignition. May be spike, base, or hand held. When more than 1 tube is mounted on a common base, total pyrotechnic composition may not exceed 200 g. (See section 3.5 for exceptions, above.)

*** 3.1.1.4 Wheel**

Pyrotechnic device intended to be attached to a post or tree by means of a nail or string. May have one or more drivers, each of which may contain not more than 60 g of pyrotechnic composition. No wheel may contain more than 200 g total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

*** 3.1.1.5 Ground Spinner**

Small device containing not more than 20 g of pyrotechnic composition, venting out an orifice usually on the side of the tube. Similar in operation to a wheel but intended to be placed flat on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

*** 3.1.1.6 Flitter Sparkler**

Narrow paper tube attached to a stick or wire and filled with not more than 5 g of pyrotechnic composition that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function. * 3.1.1.7 Toy Smoke Device Small plastic or paper item containing not more than 100 g of pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect. (For devices containing less than 5 g of pyrotechnic composition, see Section 3.2, Novelties.) Toy smoke devices, when complying with the provisions of this section, are classed as Fireworks, 1.4G unless classed as 1.4S or not regulated as an explosive on the basis of examination and testing as specified in Title 49 CFR, § 173.56.

*** 3.1.1.8 Wire Sparkler/Dipped Stick**

These devices consist of a metal wire or wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower

of sparks is produced. Sparklers may contain up to 100 g of pyrotechnic composition per item. However, certain wire sparklers and dipped sticks are considered as Novelties under this Standard, as stated in Section 3.2 of Standard 87-1.

Section 2: Prohibited Activity:

- A. It is a violation of this ordinance for a person to ignite or discharge a consumer firework(s) at any time except for those days and times specifically designated in Section 3: Excepted Activity below.
- B. Pursuant to MCL 28.457, as amended, a violation of this ordinance is a civil infraction that is subject to no less than a one thousand dollar (\$1,000.00) fine, five hundred dollars (\$500.00) of which shall be allocated to the enforcement agency responsible for the enforcement of this ordinance.

Section 3: Excepted Activity:

- A. Also pursuant to MCL 28.457, as amended, this ordinance shall not regulate the ignition, discharge, or use of consumer fireworks on the following days after 11:00 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.
- B. If State law changes after the effective date of this ordinance to expand the time periods during which consumer fireworks may not be regulated, this ordinance shall not prohibit the ignition or discharge of consumer fireworks during these expanded time periods.
- C. This ordinance shall not prohibit fireworks displays approved by the Township Board under the Township's Fireworks Ordinance, Ordinance No. 31.

Section 4: Severability:

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5: Effective Date:

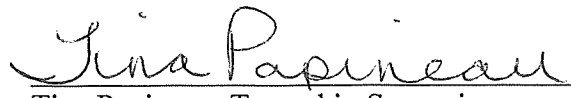
This Ordinance shall take effect 30 days after its publication.

Certification of Adoption

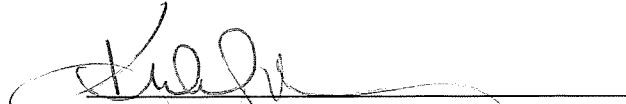
We certify that the above-described Civil Infraction Ordinance was duly adopted by the Township Board for the Township of Dryden, Michigan at its regular meeting on the 9th day of July, 2019.

Ayes 3 Nays 1

Dated July 9, 2019


Tina Papineau, Township Supervisor

Dated July 9, 2019


Kim Diefenbach, Township Clerk