

ORDINANCE NO. 90

VILLAGE OF MILLINGTON  
MILLINGTON, MI

AN ORDINANCE AMENDING CHAPTER 5, FIRE PREVENTION AND PROTECTION, TO ADD ARTICLE III, FIREWORKS, SECTIONS 5-12 THROUGH 5-15 TO THE CODE OF ORDINANCES OF THE VILLAGE OF MILLINGTON.

THE VILLAGE OF MILLINGTON ORDAINS:

Part I. The Village of Millington Code of Ordinances, Chapter 5, Fire Prevention and Protection to add Article III, Fireworks, Sections 5-12 through 5-15, is amended as follows:

**Sec. 5-12. Definitions**

*Act.* The Michigan Fireworks Safety Act, [Public Act 256 of 2011, MCL 28.451](#) et seq.

*APA Standard 87.1* means the standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American pyrotechnics association of Bethesda, Maryland.

*Consumer fireworks* means firework devices that are designed to produce visible efforts 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 do not include low-impact fireworks.

*Display fireworks* means large firework devices that are explosive materials intended for use in firework 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](#).

*National Holiday.* As used in this Article, a national holiday is any of the following: New Year's Day (January 1); Birthday of Martin Luther King Jr. (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4<sup>th</sup>), Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); and Christmas Day (December 25).

*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) 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.

#### **Sec. 5-13. Low-Impact Fireworks {see Exhibit A}.**

(a) The use of low-impact fireworks is permitted year-round in the Village of Millington with the exception of between the hours of 11 pm and 8 am.

(b) An individual under the age of 18 shall not use low impact fireworks unless under the direct supervision of an adult.

(c) An individual who uses, ignites or discharges low impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance is guilty of a misdemeanor, punishable by up to 30 days in jail and/or a fine up to \$500.00, or if the violation caused damage to the property of another person, by up to 90 days in jail and/or a fine up to \$500.00.

#### **Sec. 5-14. Prohibition of Consumer Fireworks {see Exhibit A}.**

(a) No person shall ignite; discharge or use consumer fireworks within the village, except this prohibition shall not preclude any person from the ignition, discharge and use of consumer fireworks on the day preceding, the day of, or the day after a national holiday consistent with Sec. 7 (2) of [Public Act 256 of 2011](#)

and in accordance with Sec. 7 (2b) of Public Act 256 of 2011 the use of Fireworks between the hours of 1 am and 8 am are prohibited with no exceptions.

(b) A person shall not ignite, discharge and/or use Consumer Fireworks on public property, school property, church property, or the property of owned by another person or entity without that organization's or person's express permission.

(c) A person shall not discharge Consumer Fireworks in such a manner so as remnants from consumer fireworks land on public property or the property of another, including, but not limited to, hotel and motel property, apartment property, and condominium property, without that person or organization's express permission.

(d) An individual under the age of 18 shall not use Consumer Fireworks unless under the direct supervision of an adult.

(e) An individual who uses, ignites or discharges consumer fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance is guilty of a misdemeanor, punishable by up to 30 days in jail and/or a fine up to \$500.00, or if the violation caused damage to the property of another person, by up to 90 days in jail and/or a fine up to \$500.00.

(f) An individual who violates Sections 5-14 (a-d) of this Ordinance shall be responsible for a municipal civil infraction and subject to a fine of at least \$100 and no more than \$500.

(g) An individual who owns property and/or is in charge of property that knowingly allows a violation of Sections 5-14 (a-d) to occur on his/her property shall be responsible for a municipal civil infraction and subject to a civil fine of at least \$100 and no more than \$500.

#### **Sec. 5-15. Permit for Consumer Fireworks.**

Upon application in writing by any association or group of individuals the Village Council may grant permission for the public display of Consumer Fireworks, on days other than the day before, the day of and the day after a National Holiday, subject to such conditions as deemed necessary to safeguard the welfare of the public and property. Permit forms are available at the Village of Millington Office at 8569 State St, Millington, MI 48746. Permits must be completed with adequate time to be approved by the Village Council at a Regular Council Meeting.

**Sec. 5-16. Enforcement.**

The Millington Police Chief, his designees and sworn law enforcement officers are authorized to enforce the provisions of this ordinance.

**Sec. 5-17. Violations, Fines and Penalties.**

Any person, firm, or corporation violating the provisions of this law shall be guilty of a misdemeanor, punishable by up to ninety (90) days in jail and/or a fine up to \$500.00.

**Part II. Savings Clause.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

**Part III. 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.

**Part IV. Repeal.**

All regulatory provisions contained in other village ordinances which are inconsistent with the provisions of this ordinance, are repealed.

**Part V. Effective Date; Publication.**

This ordinance shall become effective upon publication of a notice in a newspaper circulated in the village, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the village clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the village clerk.

MADE, PASSED AND ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF MILLINGTON, MILLINGTON, MI, ON THIS 13<sup>TH</sup> DAY OF October, 2014.

GAILAN REINERT, VILLAGE PRESIDENT

KAYLENE LONG, VILLAGE DEPUTY CLERK

Date of Adoption: October 13, 2014  
Date of Publication: October 17, 2014

CERTIFICATION OF ADOPTION

I certify the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Village of Millington Council held on the 13<sup>th</sup> day of October, 2014.

KAYLENE LONG, VILLAGE DEPUTY CLERK

Exhibit A

**Fireworks in Michigan**

**Legal Consumer Fireworks**

- Aerials
- Reloadable Shell Device
- Bottle Rockets/ Sky Rockets
- Roman Candles
- Firecrackers
- Missile Type Rockets
- Helicopter/ Aerial Spinners
- Single Tube Device with Report

**Legal Low Impact Fireworks**

**Ground Based or Handheld Sparklers**

- Sparklers & Sparkler Trees
- Cylindrical
- Cone
- Calif. Rocket
- Square

**Sparkling Wheel Devices**

**Ground Sparkling Devices**

- Ball & Disk
- Cylindrical

**Smoke Devices**

- Cylindrical
- Smoke Cone
- Calif. Smoke Candle

**Novelties**

- Snappers/ Drop Pops
- Snakes
- Party Poppers
- Smoke Ball
- Sparkling Devices

Novelties are not regulated in Michigan.

May Not Have More Than 500g of Explosive Mixture.

Questions Regarding Fireworks? [www.michigan.gov/bfs](http://www.michigan.gov/bfs)