

Blue Lake Township

Ordinance Number _____ of 2013

An Ordinance to protect the health, safety and general welfare of Blue Lake Township through the regulation of use of fireworks.

The Township of Blue Lake Ordains:

Section 1. Name

This Ordinance shall be known and cited as the Blue Lake Township Fireworks Ordinance.

Section 2. Purpose

In the interest of maintaining public health, safety and the general welfare and the comfort and repose of Blue Lake Township residents, Blue Lake Township hereby provides for the regulation and use of fireworks in Blue Lake Township.

Section 3. Definitions

For purposes of this Ordinance, the following definitions shall apply.

1. Articles of pyrotechnic: Pyrotechnic devices for professional use that are similar to consumer fireworks in the chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN)431 under 49 CFR 172.101.
2. APA: American Pyrotechnics Association
3. Consumer fireworks: Fireworks devices that are designed to produce 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.

4. Department: Department of Licensing and Regulatory Affairs (LARA), State of Michigan.
5. Display fireworks: Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effect by combustion, deflagration, or detonation as provided in 27 CFR 555.11, 49CFR 162 and APA standard 87-1, 4.1.
6. Firework or fireworks: Any composition 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-impacted fireworks, articles of pyrotechnic, display fireworks and special effects.
7. Low-impact fireworks means ground and handheld sparkling devices and that phrase is defined under APA standard 87-1, 3.1.1.1 to 3.1.1.8 and 3.5.
8. Minor: Individual who is less than 18 years old.
9. National holiday: A national holiday is defined in 5 USC 6103 and includes: New Year's Day (January); Martin Luther King Jr. Day (third Monday in January); President's Day (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); Christmas Day (December 25)
10. NFPA: National Fire Protection Association.
11. Novelties: 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:

- a. 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.
 - b. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and guns in which toy caps as described in the above paragraph are used, that are constructed so that the head 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 explosion.
 - c. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
12. Person: Individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.
 13. Special effects: A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio television, theatrical or opera production or live entertainment.

Section 4. Novelties

This Ordinance does not apply to and does not regulate the use of Novelties in Blue Lake Township.

Section 5. Consumer Fireworks

1. Consumer fireworks may be used in Blue Lake Township on the day preceding, the day of and the day after a national holiday without restriction.

2. At any time other than the day proceeding, the day of and/or the day after a national holiday consumer fireworks may be used in Blue Lake Township subject to the following requirements and restrictions:
 - a. All days until 11:00pm.
 - b. Use of consumer fireworks must be in compliance with the Blue Lake Township Nuisance Abatement Ordinance.
 - c. Consumer fireworks shall not be used if a burn ban is in effect.
 - d. A person shall not ignite, discharge or use consumer fireworks on public property, school property, road ends, parks, public accesses or the property of another person, without that person or organization's express permission to use the consumer fireworks on those premises.
 - e. A person shall not use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of alcoholic liquor and a controlled substance.

Section 6: Severability

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid.

Section 7: Effective Date

Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Township of Blue Lake

By:

Dean McCulloch, Supervisor

Adoption date: _____

By:

Tracy Nichol, Clerk

Effective date: _____