

# **Fireworks Ordinance for Washington Township**

**If you believe someone is not following the regulations listed in this ordinance, please contact the Macomb County Sheriff's Department immediately and report the incident.**

## **Regulations:**

No person shall discharge, ignite or use any fireworks within the Charter Township of Washington between the hours of 11:00 p.m. and 10:00 a.m. This shall not apply to discharge, ignition or use of fireworks on the day before, day of and day after a National Holiday.

National Holiday as used in this Ordinance means those holidays listed in 5 U.S.C. 6103, as it may be amended; currently, those are the following:

**New Year's Day (January 1)**

**Martin Luther King Jr. Day (third Monday in January)**

**Washington's Birthday (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)**

No person shall discharge consumer or low impact fireworks other than in the manner prescribed by the manufacturer's directions. No person shall discharge consumer or low impact fireworks:

- Within 25 feet of a property line, building, structure or playscape
- Within any public roadway or public right-of-way
- Within, upon or from a motor vehicle
- At a person, vehicle or animal
- Within 500 feet of a gasoline service station
- During weather conditions involving wind speeds in excess of 10 mph
- Within a building or enclosed space within fifty (50) feet of a flame or flammable surface
- From or upon any type of container or other object that could reasonably be foreseen to impede the aerial of progress of the firework or to cause a fire or explosion after ignition
- Without an adequate water source located in the immediate vicinity

Minors are prohibited from:

(a) Igniting, discharging or using any consumer fireworks, at any time, on any day, including national holidays, the day before and after a national holiday.

(b) Igniting, discharging or using any low impact fireworks or novelty fireworks unless under the direct supervision of a parent, guardian or responsible adult.

No person shall at any time, discharge, ignite or use any fireworks in any way that would cause them to land on someone else's private property without the express consent of the property owner. The person, partnership, firm or corporation shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person without the organization or person's express written consent to ignite, discharge or use the fireworks on the premises.

A person shall not use, ignite or discharge fireworks while impaired by or under the influence of alcohol, controlled substance(s) or a combination thereof as these terms are defined by the Michigan Vehicle Code, MCL 257.601 et seq.

### **Drought; fire risk.**

A person shall not use, ignite or discharge fireworks during a drought, or on any day or during any time that the Michigan DNR has identified the Fire Danger Rating as "high", "very high" and/or "extreme conditions exist." Such information may be obtained by viewing the Township's website, the Michigan DNR website, contacting the Fire Department or Township Clerk's office.

### **Definitions.**

The following words, terms and phrases when used in this ordinance shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Michigan Fireworks Safety Act, Act 256 of 2011, and any subsequent amendments to the Act.

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.

Articles Pyrotechnic means 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 UN0431 or UN0432 under 49 CFR 172.101.

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 or novelties.

Display Fireworks means 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, 49 CFR 162 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, designed 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. Novelties are excluded from this definition.

Low-Impact Firework 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 3.5p.

Minor means an individual who is less than 18 years of age.

NFPA means the National Fire Protection Association.

Novelties means the 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:

- 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 cap.
- Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in the above paragraph, 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.
- Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

Person means any individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity. An individual shall include a Minor as defined in this Ordinance.