

ORDINANCE NO. 13-234

CITY OF POTTERTVILLE  
EATON COUNTY, MI

THE CITY OF POTTERTVILLE ORDAINS: □

The City of Pottertville code of ordinance, chapter 14, Fire prevention and protection to add article III, Fireworks, it amended as follows:

**Sec. 14-61.1 (Added) - Short title:** This ordinance shall be known and may be cited as the “2013 fireworks ordinance” (Ord. 13-234, 06-20-2013)

**Sec 14-61.2 (Amended) - Definitions.** As used by this ordinance, the following terms shall be defined as follows:

“**APA Standards 87-1**” means standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics as published by the American Pyrotechnics Association.

***Consumer fireworks:*** Fireworks devices that are designed to produce visible

effects by combustion and 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 is listed in APA Standard 87-1. *As defined in HB 4293 & 4294*

***Display fireworks:*** 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 16 CFR 1500 and 1507, 49 CFR 172 and APA Standard 87-1. *As defined in HB 4293 & 4294*

***Firework or firework:*** 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-grade fireworks, articles pyrotechnic, display fireworks, and special effects. As defined in HB 4293 & 4294*

***Low-impact:*** One or more of the following: (i) ground and handheld sparking devices as that phrase is defined under APA Standard 87-1 3.1; (ii) novelties as defined under APA Standard 87-1 3.2; (iii) toy plastic or paper caps for toy pistols, (iv) toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns, (v) flitter sparklers, and (vi) toy snakes. *As defined in HB 4293 & 4294*

“Minor” means any individual who is less than 18 years of age

National holiday means the following legal public holidays:

- 1) New Year’s day, January 1
  - 2) Birthday of Martin Luther King, the third Monday in January
  - 3) Washington’s birthday, the third Monday in February
  - 4) Memorial day, the last Monday in May
  - 5) Independence Day, July 4
  - 6) Labor day, the first Monday in September
  - 7) Columbus day, the second Monday in October
  - 8) Veterans day, November 11
  - 9) Thanksgiving day, the fourth Thursday in November
  - 10) Christmas day, December 25
- (Ord. 13-234, 06-20-2013)

**Sec. 14-64 (Amended) - Ignition, Discharge and Use of Consumer Fireworks**

A person shall not ignite, discharge or use consumer fireworks, except on the day preceding, the day of, or the day after a national holiday and not within the hours of 12 midnight and 8 am (Ord. 13-234, 06-20-2013)

**Sec. 14-65.2(Added) - Possession of Consumer Firework by minor:**

A minor shall not possess consumer fireworks. (Ord. 13-234, 06-20-2013)

**Sec. 14-69 (Added) – Determination of Violation; Seizure:**

If a police officer determines that a violation of this ordinance has occurred, the officer may seize the consumer fireworks as evidence of the violation

(Ord. 13-234, 06-20-2013)

**Sec. 14-70 (added) – Penalty:**

- A violation of this ordinance is a civil infraction, punishable by a fine of up to \$500.00 plus the cost of prosecution.
- Following final disposition of a finding of responsibility for violating this ordinance the City may dispose of or destroy any consumer fireworks retained as evidence in that prosecution
- In addition to any other penalty a person that is found responsible for a violation of this ordinance shall be required to reimburse the City for the cost of storing, disposing of or destroying consumer fireworks that were confiscated for a violation of this ordinance (Ord. 13-234, 06-20-2013)

**Sec. 14-71 (added) – Severability:**

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separated, distinct and independent portion of this ordinance and such holding shall not affect the validity of the remaining portions of this ordinance.

(Ord. 13-234, 06-20-2013)

The foregoing ordinance was set before City Council on June 20, 2013 during Public Hearing for Ordinance Proposals.

At the regular meeting of City Council on June 20, 2013, J. French made a motion to adopt ordinance 13-234 to take effect 45 days after adoption. L. Amey seconded. The motion passed with the following vote: (7) yes, (0) no, (0) absent:

Yeas: Bussard, French, Amey, Norman, Hartson, Antcliff, Storie  
Nays: None

Said ordinance was declared adopted and published in accordance to the provisions of the Pottertville City Charter.

Attest:

Brandi Brace, City Clerk

Date