



Township Ordinances

ORDINANCE 65 FIREWORKS

An Ordinance to regulate the ignition, discharge and use of consumer fireworks within Chocolay Township.

THE CHARTER TOWNSHIP OF CHOCOLAY ORDAINS:

Section 1 Title

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

Section 2 Purpose

The purpose of this Ordinance shall be to provide for and protect the public health, safety and welfare of persons within Chocolay Township by establishing regulations pertaining to the ignition, discharge and use of consumer fireworks; to provide for penalties for the violation of this Ordinance; to repeal all Ordinances or parts of Ordinances in conflict; and to provide an effective date.

Section 3 Definitions

For the purpose of this Ordinance, the following definitions shall be used:

Word or Phrase	Definition
APA	An acronym for the American Pyrotechnics Association Standards from the American Pyrotechnics Association are applied throughout this ordinance.
Articles pyrotechnic	Pyrotechnic devices for professional use that are similar to consumer fireworks in 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 as established by the U. S. Department of Transportation regulations under 49 CFR 172.01
Consumer fireworks	Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations circulated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, sections 3.1.2, 3.1.3 or 3.5 Consumer fireworks do not include low-impact fireworks.
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 27 CFR 555.11, 49 CFR 172 and APA standard 87-1, section 4.1
Firework or fireworks	Any composition or device, except for a starting pistol, a flame 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.





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Word or Phrase	Definition
Low-impact fireworks	Ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, sections 3.1, 3.1.1.1 to 3.1.1.8 and 3.5
Minor	An individual who is less than eighteen years old.
Novelties	The term as defined under APA standard 87-1, sections 3.2, 3.2.1, 3.2.2., 3.2.3, 3.2.4 and 3.2.5 and all of the following: <ol style="list-style-type: none"> 1. 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 cup, in packages labeled to indicate the maximum explosive content per cup 2. Toy, pistols, toy cannons, toy canes, toy trick noise makers 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 3. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter 4. Toy snakes not containing mercury, if packed in cardboard boxes with not more than twelve 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	An individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization or any other legal or commercial entity
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
Sky lantern	An unmanned device with a combustible fuel source that incorporates an open flame in order to make the device airborne
Township	Refers to the Charter Township of Chocolay when used in this ordinance





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Section 4 Prohibition

- (A) No person shall ignite, discharge or use consumer fireworks within Chocolay Township, except on the following days after 11 AM:
1. December 31 until 1 AM on January 1
 2. The Saturday and Sunday immediately preceding Memorial Day until 11:45 PM on each of those days.
 3. June 29 to July 4 until 11:45 PM on each of those days
 4. July 5, if that date is a Friday or Saturday until 11:45 PM
 5. The Saturday and Sunday immediately preceding Labor Day until 11:45 PM on each of those days.
- (B) No person shall release or cause to be released an untethered sky lantern.
- (C) No fireworks are permitted to be discharged on any date in the event of a statewide no burning restriction.
- (D) If the environmental concerns based on the Michigan Department of Natural Resources fire division criteria are elevated to extreme fire conditions or if the environmental concerns based on the Michigan Department of Natural Resources fire division criteria are elevated to very high for seventy-two consecutive hours, the Chief of the Chocolay Fire Department, in consultation with the department of natural resources, has the authority to enforce a no burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks within the Township.
- (E) No fireworks may be discharged until an official ban is officially lifted. If a no burning restriction is instituted under this subsection, the commanding officer of the fire department enforcing the restriction shall ensure that adequate notice of the restriction is provided to the public.

Section 5 Miscellaneous Requirements / Prohibitions

1. This Ordinance does not apply to and does not regulate the use of novelties in the Township.
2. A minor shall not possess consumer fireworks.
3. Consumer fireworks shall not be sold to a minor.
4. No person shall ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person without that person or organization's express permission to use these fireworks on those premises.
5. A person shall not discharge consumer fireworks in such a manner so as remnants from consumer fireworks land on public property, public beaches, public waters 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.





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6. A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcohol, controlled substances or a combination of alcohol and a controlled substance (as defined by MCL 257.1d and MCL 257.86)
7. Consumer fireworks shall not be used if a burn ban is in effect.
8. Consumer fireworks shall only be used in accordance with all applicable local, state and federal law.
9. The Township will post the dates that fireworks are permitted to be discharged on the Township web site.

Section 6 Penalty

A person who violates a provision of this Ordinance shall, upon determination of the violation or admission by the person, be responsible for a civil infraction and shall pay a civil fine of one thousand dollars (\$1,000.00) for each violation of this ordinance and no other fine or sanction. Five hundred dollars (\$500.00) of the fine collected under this ordinance will be remitted to the Chocolay Township Police Department as the responsible agency for enforcing this ordinance.

Section 7 Severability

The phrases, sentences, sections and provisions of this Ordinance are severable and the finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

Section 8 Repeal

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 9 Effective Date

This Ordinance shall take effect immediately upon publication as required by law.

