

ORDINANCE NO. 9-12

AN ORDINANCE TO AMEND ARTICLE IV OF
CHAPTER 34 ENTITLED "FIREWORKS"
OF THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Article IV of Chapter 34 of the Code of the City of Wyoming is hereby amended to read as follows:

Article IV

FIREWORKS

Sec. 34-101. Definitions:

Act 256 means the Michigan Fireworks Safety Act, Act 256 of the Public Acts of Michigan of 2011 as amended.

Articles pyrotechnic means 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, as defined in Act 256.

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 requirements promulgated by the United States Consumer Product Safety Commission as defined in Act 256. Consumer Fireworks do not include low-impact fireworks.

Display fireworks means 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 deterioration as defined in Act 256.

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.

Low-impact fireworks means ground and handheld sparkling devices as defined in Act 256.

Retailer means a person who sells consumer fireworks or low-impact fireworks for resale to an individual for ultimate use.

Special effects means 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.

Wholesaler means any person who sells consumer fireworks or low-impact fireworks to a retailer or any other person for resale. Wholesaler does not include a person who sells only display fireworks or special effects.

Sec. 34-102. Sale of Consumer Fireworks

A retailer or other person may not sell consumer fireworks within the City unless such person has obtained and has in effect a valid consumer fireworks certificate issued by the Michigan Department of Licensing and Regulatory Affairs and otherwise complies with the requirements of Act 256 and any rules and regulations promulgated thereto included those related to storage.

Sec. 34-103. Sale of Low-Impact Fireworks.

A retailer or other person may not sell low-impact fireworks unless such person is currently registered, in accordance with Act 256, with the low-impact fireworks retail registry maintained by the Michigan Department of Licensing and Regulatory Affairs.

Sec. 34-104. Compliance with Applicable Ordinances and Codes.

Except as provided in Act 256 and unless otherwise provided for in this article, a retailer or wholesaler of fireworks must comply with the requirements of the City's zoning code and building codes and regulations.

Sec. 34-105. Use of Consumer Fireworks.

Except as otherwise provided in this article, a person may ignite, discharge or use consumer fireworks in the city only on the date proceeding, the day of, or the day after a national holiday.

Sec. 34-106. Firework Safety.

No person shall endanger the life, health or safety of any other person by the sale, use, possession, transport, display or discharge of any fireworks.

Sec. 34-107. Location.

No person shall, at any time, ignite, discharge, use or display, except under the terms and conditions of a permit issued to this article, any fireworks upon another person's property or within 15 feet of another person's property without such property owners permission. No person shall, at any time, ignite, discharge, use or display, except under the terms and conditions of a permit issued pursuant to this article, any fireworks in a public street or right-of-way, a public park, school property or any other place of public assembly.

Sec. 34-108. Permits.

The City may issue non-transferable permits for the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks, special effects or special effects manufactured for outdoor pest control or agricultural purposes or for public display provided that the applicable provisions of Act 256 are complied with.

Sec. 34-109. Permit Application.

An application for a permit on a form prescribed by the city shall be made for the use of fireworks requiring a permit at least 15 days in advance of such use. A permit fee for fireworks permit shall be as established by the City Council.

Section 2. This ordinance shall be considered to be an emergency ordinance and shall be effective upon its publication.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a regular session of the City Council held on the 18th day of June, 2012.

Heidi A. Isakson
Wyoming City Clerk