

CHAPTER 674
Fireworks

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674.01 IGNITION, DISCHARGE OR USE OF FIREWORKS.

No person shall ignite, discharge or use any fireworks except of the type and in a manner consistent with all relative laws including, without limitation, the Michigan Fireworks Safety Act, Act No. 256, of the Public Acts of Michigan of 2011.
(Ord. 2014-04. Passed 6-17-14.)

674.02 INTENT, PURPOSE AND SHORT TITLE.

(a) Intent and Purpose. The City Council recognizes that there are certain uses and activities which can have significant negative impacts upon the community, as well as adjoining and nearby properties and residences. Such uses and activities include the use of fireworks. The City Council also finds that it is in the best interests of the City and its property owners and residents to regulate fireworks uses and activities. The City Council also finds that this chapter will promote the public health, peace, safety and welfare of City residents, property owners, and visitors to the City.

(b) Short Title. This chapter shall be known and may be cited and referred to as the "City of Litchfield Fireworks chapter," and shall be referred to hereinafter as the "chapter."
(Ord. 2014-04. Passed 6-17-14.)

674.03 SCOPE AND APPLICATION.

(a) Minimum Standards. The terms and provisions of this chapter shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare, and for the public peace and preservation of natural resources and public and private property within the City.

(b) Interpretation. This chapter is intended to supplement other laws and ordinances. If this chapter imposes more stringent requirements than other laws or City ordinances, the provisions of this chapter shall govern, except as otherwise expressly herein provided.
(Ord. 2014-04. Passed 6-17-14.)

674.04 DEFINITIONS.

For the purposes of this chapter, the following definitions and meanings shall apply:

- (a) The "Act" shall mean the Michigan Fireworks Safety Act, Public Act No. 256 of the Public Acts of Michigan of 2011, as amended.
 - (b) "Agricultural and wildlife fireworks" shall mean as defined in the Act.
 - (c) "Articles pyrotechnic" shall mean as defined in the Act.
 - (d) "Consumer Fireworks" shall mean as defined in the Act.
 - (e) "Display fireworks" shall mean as defined in the Act.
 - (f) "Firework" or "fireworks" shall mean as defined in the Act.
 - (g) "Special effects" shall mean as defined in the Act.
- (Ord. 2014-04. Passed 6-17-14.)

674.05 FIREWORKS REGULATIONS.

The following shall be applicable throughout the City of Litchfield:

(a) No person shall ignite, discharge or use consumer fireworks in the City. This prohibition shall not preclude a person from igniting, discharging or using consumer fireworks within the City on the day preceding, the day of, or the day after a national holiday, consistent with the Act. Nothing herein shall be construed or interpreted to limit the authority of the City to enforce those of its ordinances violated as a result of the discharge of consumer fireworks at any time, including, without limitation, any City noise or nuisance ordinance or fire code. For purposes of this section 4.1 "national holiday" shall, in accordance with USC Section 6103, be deemed the following:

- (1) New Year's Day, January 1;
- (2) Birthday of Martin Luther King, Jr., 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; and
- (10) Christmas Day, December 25.

(b) No person shall ignite, discharge or use consumer fireworks on public property, school property, church property, or the property of another person or within 15 feet of another person's property without that organization's or person's express permission to use those fireworks on those premises.

(c) No person under the age of 18 years shall ignite, discharge or use any consumer fireworks within the City except while in the presence and under the direct control and supervision of a parent, guardian or other responsible adult.

(d) No person shall ignite, discharge or use consumer fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. As used in this subsection:

- (1) "Alcoholic liquor means that term as defined in Section 1d of the Michigan Vehicle Code, Act 300 of Public Acts of Michigan of 1949 as amended from time to time.
- (2) "Controlled substance" means that term as defined in Section 8b of the Michigan Vehicle Code, Act 300 of the Public Acts of Michigan of 1949, as amended from time to time.

(e) Regardless of the calendar date, no person shall ignite, discharge or use modified, enhanced or altered consumer fireworks not otherwise authorized by the Act.

(f) No person shall ignite, discharge or use consumer fireworks within the City of Litchfield on the day preceding, the day of, or the day after the national holidays listed, between the hours of 1:00 a.m. and 8:00 a.m.
(Ord. 2014-04. Passed 6-17-14.)

674.06 DISPLAY AND ARTICLES PYROTECHNIC FIREWORKS.

(a) Pursuant to the "Act", the City, upon application in writing on forms provided by the Department of Licensing and Regulatory Affairs may grant a permit for the use of the following:

- (1) Agricultural or wildlife fireworks;
- (2) Articles pyrotechnic;
- (3) Display fireworks; or
- (4) Special effects manufactured for outdoor pest control or agricultural purposes.

(b) Such use granted by the City shall be subject to payment of a fee, as set by resolution of the City Council, to the City, and shall be for either public or private displays within the City by the City, fair associations, amusement parks, or other organizations or individuals approved by the City, as long as the applicable conditions and requirements of the Act are complied with.

(c) Before permission for display fireworks or articles pyrotechnic firework ignition is granted, the person, firm, or corporation applying for the permission shall furnish proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the City to satisfy any claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, and to protect the public.

(d) The City shall not approve or otherwise grant permission for display fireworks or pyrotechnic fireworks ignition to a nonresident person, firm, or corporation until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.

(e) Pursuant to the Act, the City shall rule on the competency and qualification of articles pyrotechnic and display fireworks operators as required under NFPA 1123, as the operator has furnished in his or her application form, and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks before granting permission.
(Ord. 2014-04. Passed 6-17-14.)

674.99 PENALTY.

(a) Penalty. A violation of this chapter constitutes a municipal civil infraction. Any person found to be responsible for a violation shall be subject to a civil fine of not more than five hundred (\$500.00) dollars for each violation.

(b) Injunction. Any violation of this chapter is also hereby declared to be a nuisance per se. The remedies are deemed to be cumulative, not exclusive or elective. In addition to, or in lieu of, seeking to enforce this chapter as herein provided, the City or any City resident may institute an appropriate action in a court of general jurisdiction seeking injunctive or equitable relief.

(c) Enforcement and Administration. This chapter shall be enforced and administered by the Chief of Police and/or any city police officer. The City Council may designate a City official from time to time by motion of the City Council for the purpose of enforcement.
(Ord. 2014-04. Passed 6-17-14.)