

ORDINANCE 14-006

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, SECTION 58-112, OF CHAPTER 58, FIREWORKS.

Section 58-112 of Chapter 58 of the Adrian Code is hereby amended to read as follows:

58-112 Fireworks:

A. Definitions.

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 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 detonation, as provided in 27 CFR 555.11, 49 CFR 172, 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, 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.

Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.18, and 3.5.

Novelties means that 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:

- (i) 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.
- (ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, 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.
- (iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

B. Prohibition on use of consumer fireworks.

1. No person shall ignite, discharge or use consumer fireworks within the city, except this prohibition shall not preclude any person from the ignition, discharge and use of consumer fireworks on the day preceding, the day of, or the day after a national holiday consistent with Sec. 7(2) of Public Act 256 of 2011.
2. **No person shall ignite, discharge or use consumer fireworks between the hours of 12:00am and 8:00am of the day preceding, the day of, or the day after a national holiday consistent with Sec. 7(2) of Public Act 256 of 2011, except that on New Year's Day no person shall ignite, discharge or use consumer fireworks between the hours of 1:00am and 8:00am.**
3. No Person shall ignite, discharge or use consumer fireworks within the city

while under the influence of alcohol, a controlled substance, or a combination of alcohol and a controlled substance at any time.

4. No person under the age of 18 shall ignite, discharge or use consumer fireworks within the city at any time.

C. Enforcement.

The Fire Chief, his designees and sworn law enforcement officers are authorized to enforce the provisions of this ordinance.

INTRODUCTION..... May 5, 2014
SUMMARY PUBLISHED.....May 12, 2014
ADOPTION.....May 19, 2014
COMPLETE PUBLICATION.....May 27, 2014
EFFECTIVE DATE.....June 3, 2014

On motion by Commissioner Rising, seconded by Commissioner Berryman Adams, this ordinance was adopted by a unanimous vote.