

§ 67-42. Fireworks. [Amended 6-15-2017]

A. Definitions. This section references the definitions found in Act 256 of 2011, the Michigan Fireworks Safety Act.¹

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 under 49 CFR 172.101.

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 promulgated by the United States Consumer Product Safety Commission under 16 CFR 1500 and 1507, and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does 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, 4.1.

LOW-IMPACT FIREWORKS — Ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

MINOR — An individual that is less than 18 years of age.

NOVELTIES — 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:

- (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 cap, in packages labeled to indicate the maximum explosive content per cap.
- (2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in the Act, 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.

1. Editor's Note: See MCLA § 28.451 et seq.

- (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 12 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.
- B. Consumer fireworks (1.4g). Consumer fireworks are prohibited and shall not be ignited, discharged or used. Exception: Unless specifically permitted by the Michigan Fireworks Safety Act, Act 256 of 2011 as amended. The Michigan Fireworks Safety Act restricts a local unit of government from regulating the use of consumer fireworks on specific dates and times. ~~except under the following circumstances:~~
- (1) ~~Consumer fireworks may be ignited, discharged or used on the day before, the day of, and the day after the following national holidays:~~
 - (a) ~~New Year's Day (January 1).~~
 - (b) ~~Martin Luther King, Jr. Day (third Monday in January).~~
 - (c) ~~Washington's Birthday (third Monday in February).~~
 - (d) ~~Memorial Day (last Monday in May).~~
 - (e) ~~Independence Day (July 4).~~
 - (f) ~~Labor Day (first Monday in September).~~
 - (g) ~~Columbus Day (second Monday in October).~~
 - (h) ~~Veterans Day (November 11).~~
 - (i) ~~Thanksgiving Day (fourth Thursday in November).~~
 - (j) ~~Christmas Day (December 25).~~
 - (2) ~~Consumer fireworks shall not be ignited, discharged or used between the hours of 12:00 midnight and 8:00 a.m. on the day before, the day of and the day after a national holiday, except New Year's Day. On New Year's Day, they shall not be ignited, discharged or used in the Township between 1:00 a.m. and 8:00 a.m.~~
 - (3) Consumer fireworks shall not be ignited, discharged, or used on public, school, church, or the private property of another person without the express written permission from the person or entity legally in possession and control of the property.

- (4) Consumer fireworks shall not be ignited, discharged or used by a person under the influence of alcohol of a controlled substance.
 - (5) A minor shall not possess, use, discharge or ignite any consumer fireworks.
- C. Display fireworks (1.3g). Display fireworks shall be conducted in accordance with PA 256.² To conduct a fireworks display in Northville Township, the applicant must complete the Bureau of Fire Services (BFS) form BFS-417, application for fireworks other than consumer or low-impact fireworks, and must be submitted to the Township Clerk a minimum of 60 days prior to the event. A fire official may review the application and investigate the site to make a recommendation to the Board regarding the issuance of a permit. Applications must be submitted in accordance with § 79-2 and include the following:
- (1) Display fireworks applications require an application fee. Fees may increase depending on weather, venue, number of attendees, traffic, etc. The fee schedule is set by the Board of Trustees. Applications must include the following:
 - (a) Provide proof of a valid federal explosives license/permit as issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives.
 - (b) Provide proof of insurance for an amount not less than required by the Northville Township Board of Trustees.
 - (c) Listing of the Charter Township of Northville as an additional insured on the insurance policy.
 - (d) Submission of a scaled site drawing, including the shoot site and distances to any structures, power lines, parking areas, or spectator areas in compliance with NFPA 1123.
 - (e) The Fire Department shall conduct a site inspection and make a recommendation to the Township Board.
 - (f) Once the applicant has met all of the above requirements, the Northville Township Board of Trustees will approve or deny the permit application.
- D. Sky lanterns or other similar unmanned free-floating devices. Sky lanterns or other similar unmanned free-floating devices are not

2. Editor's Note: See the Michigan Fireworks Safety Act, MCLA § 28.451 et seq.

classified as fireworks and therefore are not regulated by the Michigan Fireworks Safety Act.³ These devices require an open flame to propel the device and have an uncontrolled and unpredictable flight path. In the interest of public safety, these devices are prohibited at all times.

3. Editor's Note: See MCLA § 28.451 et seq.