

VILLAGE OF DANSVILLE
INGHAM COUNTY, MICHIGAN

FIREWORKS ORDINANCE
ORDINANCE NO. 50

PREAMBLE

AN ORDINANCE TO DEFINE FIREWORKS; TO PROHIBIT CERTAIN FIREWORKS SALES AND RELATED CONDUCT; TO REQUIRE PERMITS FOR USE OR SALE OF FIREWORKS AND FOR EXCEPTIONS; TO PROVIDE FOR PERMITTED STORAGE OF FIREWORKS AT SITES OF WHOLESALERS, DEALERS AND JOBBERS; TO PROVIDE A PENALTY FOR VIOLATION; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

The Village of Dansville, Ingham County, Michigan, ordains:

Section 1. Title.

This Ordinance shall be known as the Village of Dansville Fireworks Ordinance.

Section 2. Definitions.

(a) "Fireworks" means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. "Fireworks" includes Class B fireworks and Class C fireworks.

(b) "Class B fireworks" means toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as Class C fireworks, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceed two (2) ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than seventy-two (72) grains of flash powder each, and other similar devices.

(c) "Class C fireworks" means toy smoke devices, toy caps containing not more than .25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, very signal cartridges, sparklers, explosive auto alarms, and other similar devices.

Section 3. Prohibited Sales and Use.

Except as provided herein, a person, firm, partnership, or corporation shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode, or cause to explode any of the following:

(a) A blank cartridge, blank cartridge pistol, toy cannon, toy cane, or toy gun in which explosives are used.

(b) An unmanned balloon which requires fire underneath to propel it and is not moored to the ground while aloft.

(c) Firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, bottle rockets, whistling chasers, rockets on sticks, or other fireworks of like construction.

(d) Fireworks containing an explosive or inflammable compound or a tablet or other device commonly used and sold as fireworks containing nitrates, fulminates, chlorates, oxalates, sulphides or lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus, or a compound containing these or other modern explosives.

Section 4. Permits Not Required.

A permit is not required for the following:

(a) Flat paper 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.

(b) Toy pistols, toy cannons, toy canes, toy trick noise makers, and toy guns of a type approved by the Director of the Department of State Police in which paper caps as described in subsection (a) are used and which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion.

(c) Sparklers containing not more than 0.125 pounds of burning portion per sparkler.

(d) Flitter sparklers in paper tubes not exceeding (one-eighth inch) 1/8" in diameter, cone fountains, and cylinder fountains.

(e) Toy snakes not containing mercury, if packed in cardboard boxes with not more than twelve (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.

(f) Possession, transportation, sale, or use of signal flares of a type approved by the Director of the Department of State Police, blank cartridges, or blank cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for use by military organizations, and all items described in subsection (3) used by railroads for emergency signal purposes.

Section 5. Permit for Use or Sale of Fireworks.

(1) The Village Council of the Village of Dansville, upon application in writing, on forms provided by the State of Michigan Bureau of Fire Services (established pursuant to the Fire Prevention Code, 1941 PA 207; MCL 29.1b, as amended) may grant a permit for the use of fireworks within the Village, otherwise prohibited by Section 3 of this Ordinance, manufactured for outdoor pest control or agricultural purposes, or for public display by the Village, fair associations, amusement parks, or other organizations or groups of individuals approved by the Village, if the applicable provisions of this Act are complied with. The permits shall be on forms provided by the Bureau of Fire Services. After a permit has been granted, sales, possession or transportation of fireworks for the purpose described in the permit only may be made. A permit granted under this subsection is not transferable and shall not be issued to a person under the age of eighteen (18) years.

(2) The Village Council of the Village of Dansville, upon application in writing, may grant a permit, on forms provided by the Bureau of Fire Services, to a resident wholesale dealer or jobber to have in his possession within the Village, fireworks otherwise prohibited by Section 3 of this Ordinance, for sale only to holders of permits as provided in this section. A permit granted under this subsection is not transferable, nor shall a permit be issued to a person under the age of eighteen (18) years.

(3) Before a permit for a pyrotechnic display is issued, the person, firm, or corporation applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the Village of Dansville to satisfy 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 thereof, and to protect the public.

(4) A permit shall not be issued to a non-Michigan resident, person, firm or corporation for conduct of a pyrotechnic display in this State 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.

(5) The Village of Dansville shall rule on the competency and qualifications of operators of pyrotechnic displays, as the operator has furnished in his application form, and on the time, place and safety aspects of the display before granting permits.

Section 6. Storage of Fireworks.

The storage of fireworks at the site of a wholesaler, dealer, or jobber, except for a retailer who has goods on hand for sale to the public in a supervised display area, shall be as follows:

(a) In a one (1) story, non-combustible building without a basement, which building is weather resistant, well ventilated, and equipped with a strong door kept securely locked except when open for business.

(b) The location of the storage building shall be approved by the Village of Dansville, and shall be located not less than the following distances from inhabited buildings, passenger railroads, and public highways according to the number of pounds of fireworks stored, rounded to the nearest pound:

Net Wt. of Fireworks	Distance From Passenger Railways and Public Highways		Distance From Inhabited Buildings	
	Class C (In Feet)	Class B (In Feet)	Class C (In Feet)	Class B (In Feet)
In Pounds				
100 or less	25	200	50	200
101 to 200	30	200	60	200
201 to 400	35	200	70	200
401 to 600	40	200	80	208
601 to 800	45	200	90	252
801 to 1,000	50	200	100	292
1,001 to 2,000	58	230	115	459
2,001 to 3,000	62	296	124	592
3,001 to 4,000	65	352	130	704
4,001 to 5,000	68	400	135	800
5,001 to 6,000	70	441	139	882
6,001 to 8,000	73	509	140	1,018
8,001 to 10,000	75	565	150	1,129
10,001 to 15,000	80	668	159	1,335
15,001 to 20,000	83	745	165	1,490
20,001 to 30,000	87	863	174	1,725
30,001 to 40,000	90	953	180	1,906
40,001 to 50,000	93	1,030	185	2,060
50,001 to 60,000	95	1,095	189	2,190
60,001 to 80,000	98	1,205	195	2,410
80,001 to 100,000	100	1,300	200	2,600
100,001 to 150,000	105	1,488	209	2,975

151,001 to 200,000	108	1,638	215	3,275
200,001 or more	110	1,765	220	3,530

(c) A person shall not cause or allow smoking, matches, open flames, spark producing devices, or firearms inside of or within fifty (50) feet of a building used for the storage of fireworks. A person shall not store combustible materials within 50 feet of a building used for the storage of fireworks.

(d) The interior of a building used for the storage of fireworks shall be kept clean and free from debris and empty containers. A person shall not use a building used for the storage of fireworks for the storage of any metal tools or any commodity other than fireworks.

(e) A person shall not provide a building used for the storage of fireworks with heat or lights, except that if lights are necessary, an electric safety flashlight or safety lantern shall be used.

(f) A building used for the storage of fireworks shall bear lettering on each side and top in letters, not less than four inches (4”) high, the words “explosives – keep fire away.”

(g) A building used for the storage of fireworks shall be under the supervision of a competent person, who shall not be less than eighteen (18) years of age.

(h) In addition to the requirements of this section, salutes that do not qualify as Class C fireworks shall be considered to be hazardous material and shall be stored in accordance with rules for the storage and handling of hazardous material promulgated pursuant to Act No. 207 of the Public Acts of 1941, as amended.

Section 7. Violation of Section; Penalty; Misdemeanor.

Any person, firm, co-partnership or corporation who violates any of the provisions of this Ordinance or who violates the terms of any permit issued hereunder is guilty of a misdemeanor.

Section 8. Conflict with State Statute.

Chapter XXXIX, “Fireworks,” of the Michigan Penal Code, Act 328 of 1931, being MCL 750.243a to 750.243e, inclusive, as amended, is hereby adopted by reference, and, in the event of conflict with any provision of this Ordinance, the state statute shall govern.

Section 9. Severability.

The various parts, sentences, paragraphs, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this Ordinance.

Section 10. Effective Date.

This Ordinance shall become effective immediately after its adoption and publication as required by law.

VILLAGE OF DANSVILLE

By: Carol L. Colburn
Carol L. Colburn, President

And: Cheri Foster
Cheri Foster, Clerk

I, Cheri Foster, Clerk of the Village of Dansville, hereby certify that the foregoing is a true and complete copy of Ordinance No. 42, which Ordinance was duly adopted by the Village Council of the Village of Dansville at a meeting held on the 11th day of September, 2006, and was published in the Community News on the 17th day of September, 2006 as required by law.

Cheri Foster
Cheri Foster, Clerk