

CHAPTER 29 FIREWORKS

Section 29.1 Definitions. The following words and terms in this Chapter are defined as follows:

- A. **Act 256** means the Michigan Fireworks Safety Act, Act 256 of 2011, as amended.
- B. **Consumer fireworks** means that term as defined in Act 256.
- C. **Display fireworks** means that term as defined in Act 256.
- D. **National holiday** means the following public holidays designated by Act 256:
 - 1. New Year's Day
 - 2. Birthday of Martin Luther King
 - 3. Washington's Birthday
 - 4. Memorial Day
 - 5. Independence Day
 - 6. Labor Day
 - 7. Columbus Day
 - 8. Veterans Day
 - 9. Thanksgiving Day
 - 10. Christmas Day
- E. **Person** means that term as defined in Act 256.

Section 29.2 Use of Consumer Fireworks Regulated.

- A. No person shall ignite, discharge, or use consumer fireworks within the Township, or allow the ignition, discharge, or use of consumer fireworks within the Township, between the hours of 1:00 a.m. and 8:00 a.m. on the day before, the day of, or the day after a National holiday. On all other days of the year, no person shall ignite, discharge, or use consumer fireworks within the Township, or allow the ignition, discharge or use of consumer fireworks within the Township at any time.
- B. Consumer fireworks shall not be used if a burn ban is in effect.
- C. A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property, or the property of another person, without that person's or organization's express permission to use the consumer fireworks on

those premises. No person shall ignite, discharge or use consumer fireworks on Township property.

- D. A person shall not use consumer fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
- E. A person shall not, at any time, use or launch an unmanned flying device, commonly known as a “sky lantern” or “flying lantern” by which a flame or other open heat source heats air within a balloon or similar envelope to achieve flight. Provided, however, that if any such devices are hereafter classified as consumer fireworks within the meaning of Act 256, they shall be subject to the same restrictions applicable to other consumer fireworks.

Section 29.3 Articles Pyrotechnic and Display Fireworks.

- A. Articles pyrotechnic, display fireworks, and special effect fireworks may be used in Courtland Township following issuance of a permit by the Township Supervisor. In the Supervisor’s discretion, the decision whether to issue a permit may be delegated to the Township Fire Chief, or referred to the Township Board.
- B. Any person wishing to conduct an articles pyrotechnic, display fireworks or special effects display shall, at least 30 days prior to any display, submit an application on a form provided by the Michigan Department of Licensing and Regulatory Affairs, pay a fee of \$200 (or such other fee subsequently established by resolution of the Township Board), and shall secure permission from the Township prior to any such fireworks display.
- C. A plan of the area where the articles pyrotechnic, display fireworks or special effects display is to be conducted shall be submitted with the application. The plan shall set forth all structures in the area and within the discharge site fallout area. The plan shall furthermore set forth the distance separating any fireworks and any spectator viewing areas. All plans shall be forwarded to the Fire Chief and/or the designated alternate for approval, including any recommended conditions.
- D. A copy of any required state or federal permit for the fireworks display shall be submitted with the application.
- E. Proof of insurance conforming with the requirements of this Chapter and Act 256 of 2011 shall be submitted with the application.
- F. The application shall include information as to the competency and qualifications of the fireworks display operators, as required by NFPA 1123.
- G. The Township shall approve an application for an articles pyrotechnic, display fireworks or special effects display if it finds that all of the following standards are satisfied:

1. The application and accompanying documentation is complete and conforms to the requirements of this Chapter.
2. The operator of the fireworks display is competent and qualified to conduct the fireworks display, per NFPA 1123.
3. The Fire Chief or his/her designated alternate has approved the application and plan.
4. The fireworks display will not have an adverse effect upon public safety.
5. The time, duration, location of the fireworks or special effects display will not, due to noise and other factors, unreasonably disturb the peace of persons residing within the vicinity.
6. The Township, in approving an application hereunder, shall have the authority to impose such conditions as it determines are necessary to assure that the fireworks display will satisfy the above standards.

Section 29.4 Additional Requirements and Restrictions for Fireworks Displays.

- A. The person conducting the fireworks display shall follow NFPA 1123 for fireworks display and/or the Township requirements set forth herein, whichever are more restrictive.
- B. The applicant shall maintain personal injury liability insurance/property damage liability insurance in the amount of \$1,000,000 for each event. The Township shall be named as an additional insured on the insurance policy.
- C. The Township Board shall not issue a permit to a non-Michigan resident, firm or corporation until the person, firm or corporation has appointed in writing a member of the state bar or a resident agent to be the person's legal representative upon whom all process in an action or proceeding against the person may be served.
- D. The applicant shall be responsible for all shells being fired. In the event one or more of the shells does not explode, the applicant shall secure the area until the unexploded shell(s) is found and properly disposed of.
- E. The consumption of alcohol or controlled substances immediately prior to and during the fireworks display by any person involved in conducting the display is prohibited.
- F. A fireworks display conducted hereunder shall conform with all specifications set forth in the approved application and plan, as well as with any conditions imposed by the Township in granting such approval.
- G. The applicant shall cause the site of the fireworks display to be cleaned up within 24 hours after the fireworks display has ended.

- H. A permit is not transferable and shall not be granted to a minor.

Section 29.5 Responsibility of Property Owner. All owners of property, or all tenants in the case of leased property, upon which a violation of this Chapter is committed, shall be responsible for violation of the Chapter in addition to the person who ignites, discharges or uses fireworks in violation of this Chapter. A property owner or tenant charged with violation pursuant to this section may avoid responsibility by proving all of the following:

- A. The owner or tenant was not present on the property at the time of the violation;
- B. The violation was committed by persons who are not residents of the property; and
- C. The owner or tenant did not have knowledge of, nor consent to, the ignition, discharge or use of consumer fireworks in violation of this Chapter.

Section 29.6 Fireworks Safety. No person shall recklessly endanger any person or property by the ignition, discharge, or use of fireworks within the Township.