

ORDINANCE NO. 188-A-4

AN ORDINANCE TO AMEND CHAPTER 50, ARTICLE IV, DIVISIONS I, SECTIONS 50-102 THROUGH 50-102a OF THE WESTLAND CITY CODE TO PROVIDE FOR THE MANNER IN WHICH CONSUMER FIREWORKS MAY BE USED AND DISPLAYED

Section 1. That Chapter 50, Article IV, Division I, Sections 50-102 – 50-102a of the Westland City Code are hereby adopted to provide as follows:

“Sec. 50-102. - Use of consumer fireworks.

(a) Except as provided in paragraph (b), below, it shall be unlawful for any person to ignite, discharge or use consumer fireworks, as such term is defined in section 50-101.

(b) A person may ignite, discharge or use consumer fireworks only on each of the following days during the following hours:

(1) Between 11:00 am on December 31 and 1:00 am on the immediately following January 1;

(2) The Saturday and Sunday immediately preceding Memorial Day between 11:00 am and 11:45 pm on each of those days;

(3) June 29 to July 4 between 11:00 am and 11:45 pm on each of those days;

(4) July 5 between 11:00 am and 11:45 pm, but only if that date is a Friday or Saturday;

(5) The Saturday and Sunday immediately preceding Labor Day between 11:00 am and 11:45 pm on each of those days.

(c) Each violation of paragraph (b) shall be punishable by a civil infraction with a fine of \$1,000. \$500 of the fine collected shall be remitted to the Westland Police Department.

(d) 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 organization's or person's express permission to use those fireworks on those premises. Except as otherwise provided in this subsection, a person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(e) A person shall not ignite, discharge or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor or a controlled substance or a combination of both. A person who violates this subsection is responsible for a civil infraction punishable by a fine of not more than \$1,000.

(f) As used in subsection (e), alcoholic liquor means that term as defined in Section 1d of the Michigan vehicle code, MCL 257.1d, as amended, and controlled substance means that term as defined in the Michigan vehicle code, MCL 257.8b, as amended.

(g) Unmanned free-floating devices. Any unmanned free-floating device (sky lantern) which requires fire underneath to propel it and is not moored to the ground while aloft, have an uncontrolled and unpredictable flight path and descent area so as to pose a potential fire risk and are therefore prohibited.

(h) Novelties. This section does not apply to novelties.

(i) Unless otherwise provided in this section, if a person knowingly, intentionally, or recklessly violates this section, the person is guilty of a crime as follows:

(1) Except as otherwise provided in this section, a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$500.00, or both.

(2) If the violation causes damage to the property of another person, a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

Sec. 50-102a. – Display and articles pyrotechnic fireworks.

(a) Pursuant to MCL 28.451 et seq., (the "Act") the city may grant a permit, upon application in writing on forms provided by the department of licensing and regulatory affairs, for the use of the following:

(1) Agricultural or wildlife fireworks (as defined in the Act);

(2) Articles pyrotechnic;

(3) Display fireworks;

(4) Consumer fireworks; or

(5) Special effects manufactured for outdoor pest control or agricultural purposes.

(b) Such a permit granted by the city shall be subject to payment of a fee 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 a permit for display fireworks or articles pyrotechnic firework ignition is granted, 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 city 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 of the person, firm, or corporation, and to protect the public.

(d) The city shall not approve or otherwise grant a permit 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 permits.”

Section 2. That all other provisions of Chapter 50 of the Westland City Code shall remain in full force and effect.

Section 3. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

Section 5. Publication. The City Clerk shall cause this Ordinance to be published in the manner required by law.

Section 6. Effective Date. This Ordinance shall become effective upon publication.

Adopted: March 18, 2019
Effective: March 28, 2019
Published: March 28, 2019