

Councilman Browning moved, seconded by Councilman Kloc to introduce and adopt with immediate enactment an amended Ordinance entitled and reading as follows:

O-136

AN ORDINANCE TO AMEND § 92.09, "PYROTECHNICS AND CONSUMER FIREWORKS," § 92.20 (H) "ADOPTED FIRE CODE AMENDMENTS," OF CHAPTER 92, "FIRE PROTECTION AND PUBLIC SAFETY," AND § 99.14 "APPROVAL OF EVENTS," OF CHAPTER 99, "SPECIAL EVENTS REGULATIONS," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. § 92.09, "Pyrotechnics," § 92.20 "Adopted Fire Code Amendments," of Chapter 92, "Pyrotechnics," and § 99.14 "Approval of Events," "Special Events Regulations," of Chapter 99 of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-1, are hereby amended to read as follows:

§ 92.09 PYROTECHNICS AND CONSUMER FIREWORKS

(A) *Definition.* The word **PYROTECHNICS**, whenever used in this code, means devices made 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** mean 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.

(B) *Prohibited.* No person, firm, co-partnership, or corporation shall use, explode or cause to explode, or manufacture, pyrotechnics or consumer fireworks within the City except as provided:

(1) That the items described in the following exclusive list are deemed exempt from this section:

(a) A starting pistol, a flare gun, or a flare designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.

(b) Low impact fireworks, including 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.

(c) Novelties 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 including 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.

(iv) 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.

(2) That the City Council may issue a written permit to a properly qualified person for giving a pyrotechnic or consumer firework display/show in a suitable open place. The permits shall be on forms provided by the Michigan Department of Licensing and Regulatory Affairs. Permits so issued shall impose such restrictions as may be necessary to properly safeguard life and property. Before any such permit is issued, the applicant therefor shall furnish a bond or insurance deemed adequate by the Council, which bond or insurance shall become available in the payment of any damages to public or private property and the payment for any personal injuries resulting from said pyrotechnic or consumer firework display.

(a) All applicants will have complied with the Michigan Fireworks Safety Act and other applicable laws.

(b) This section does not pertain to the use of consumer fireworks *only* on the day preceding, the day of, or the day after a national holiday.

§92.20 ADOPTED FIRE CODE AMENDMENTS

(H) Section 202, Fireworks, Chapter 2 Definitions and Abbreviations (page 15) of this Code is hereby amended to read as follows:

FIREWORKS means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles of pyrotechnic, display fireworks, and special effects.

§99.14 APPROVAL OF EVENTS

Certain events require the approval of City Council such as any events sponsored or co-sponsored by the City.

Section 2. This ordinance shall become effective June 11, 2012.
Enacted: June 11, 2012.

Gregory L. Branch
Mayor

Janet Santos, CMC/MMC
City Clerk