

Moved by Council Member Scherzer, seconded by Council Member Boensch to adopt an ordinance introduced February 18, 2019, entitled and reading as follows, be taken up and enacted:

O-206

AN ORDINANCE TO AMEND §92.08, "PYROTECHNICS," OF CHAPTER 92, "FIRE PROTECTION AND PUBLIC SAFETY," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw ordains:

Section 1. §92.08, "Pyrotechnics," of Chapter 92, "Fire Protection and Public Safety," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-204, is hereby amended to read as follows:

§92.08 PYROTECHNICS

(A) *Definitions.* 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 C.F.R. §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 C.F.R. 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) 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; and
 - (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:

1. Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than one-quarter 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 division (B)(1)(c)1. above 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;
 3. Flitter sparklers in paper tubes not exceeding one-eighth inch in diameter; and
 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.
- (2) 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 State 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. All applicants will have complied with the Michigan Fireworks Safety Act and other applicable laws.
- (3) This section does not pertain to the use of consumer fireworks on the following days after 11:00 a.m.:
- (a) December 31 until 1:00 a.m. on January 1.
 - (b) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
 - (c) June 29 to July 4 until 11:45 p.m. on each of those days.
 - (d) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
 - (e) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

(C) *Violation.* A violation of this ordinance shall be deemed a municipal civil infraction subject to a civil fine of \$1,000.00. \$500.00 of the fine collected under this subsection shall be remitted to the City.

This ordinance shall become effective March 14, 2019.

Enacted: March 4, 2019.

Yeas: Seven

Nays: None

Absent: Two

Abstain: None

ORDINANCE DECLARED ADOPTED

Floyd Kloc
Mayor

Janet Santos, MMC
City Clerk

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on March 4, 2019; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, MMC
City Clerk