

Section 34-35 Fireworks – Definitions

- A. “APA standard 87-1” means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.
- B. “Consumer fireworks” means 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 U.S. 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 does not include low-impact fireworks.
- C. “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.
- D. “Low-impact fireworks” means 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, ad 3.5.
- E. “Minor” means an individual who is less than 18 years of age.

“National holiday” means the following legal public holidays.

1. New Years’ Day, January 1
2. Birthday of Martin Luther King, Jr. the third Monday in January
3. Washington’s Birthday, the third Monday in February.
4. Memorial Day, the last Monday in May.
5. Independence Day, July 4.
6. Labor Day, the first Monday in September.
7. Columbus Day, the second Monday in October.
8. Veteran’s Day, November 11.
9. Thanksgiving Day, the fourth Thursday in November.
10. Christmas Day, December 25.

Sec. 34-36. Ignition, Discharge and Use of Consumer Fireworks.

A person shall not ignite, discharge or use consumer fireworks, except on the day preceding, the day of, or the day after a national holiday.

Sec. 34-37 Fireworks safety.

No person shall recklessly endanger the life, health, safety, or well being of any person by the ignition, discharge, or use of consumer fireworks.

Sec. Possession of Consumer Fireworks by a Minor.

A minor shall not possess consumer fireworks.

Section 5. Determination of Violation; Seizure.

If a police officer determines that a violation of this ordinance has occurred, the officer may seize the consumer fireworks as evidence of the violation.

Section 6. Penalty.

- A. A violation of this ordinance is a civil infraction, punishable by a fine of up to \$500.00 (Grade D)
- B. Following final disposition of a finding of responsibility for violating this ordinance, the Village may dispose of or destroy and consumer fireworks retained as evidence in that prosecution.
- C. In addition to any other penalty, a person that is found responsible for a violation of this ordinance shall be required to reimburse the Village for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of the ordinance.

Section 7. Exceptions

The Village Council, by a majority vote, may waive the prohibition provision of this ordinance and grant a permit for fireworks on a date not previously specified, for a Village sanctioned event.

Made and passed by the Village Council of the Village of Lexington, Sanilac County, Michigan, on this 22nd day of October, 2012.

- (a) Date of Adoption by Village Council: October 22, 2012
- (b) Date of Publication: October 28, 2012
- (c) Effective Date: November 6, 2012