

VIENNA TOWNSHIP ORDINANCE

Fireworks Ordinance

No:

ADOPTED:

EFFECTIVE:

Article I - Statement of Purpose

1.01 Purpose of Ordinance: The purpose of this Ordinance is to define and regulate the display and discharge of fireworks, the requirement of permits and liability insurance for their use and prescribing penalties for violation.

Article II – Definitions

2.01 “Fireworks” shall mean and include any combustible, explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, or detonation, and shall include firecrackers, torpedoes, skyrockets, roman candles or other devices of like construction and any device containing any explosive substance.

2.02 “Consumer Fireworks” shall mean fireworks so defined by the U.S. Department of Transportation and which were formally known as Class C Fireworks.

2.03 “Display Fireworks” shall mean fireworks so defined by the U.S. Department of Transportation and which were formally known as Class B Fireworks.

Article III – Permits

3.01 Permit Requirements:

- A.** A permit shall be obtained from the Township office for the display or discharge of display fireworks. Fee for permit will be set by resolution of the board.
- B.** No permit is required for any otherwise permitted business to sell Consumer Fireworks provided for that business, and the selling of such fireworks at the business, is compliant with Vienna Township ordinance.
- C.** No permit is required for the home use and display of Consumer Grade Fireworks unless igniting on a day other than the day preceding, the day of, or the day after a National Holiday, according to Michigan State Law.

3.02 Permit Applications: Applications for permits shall be made in writing at least 14 days in advance of the date of the display or discharge of fireworks. The possession, use and distribution of fireworks for such display shall be lawful under the terms and the conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set therein.

Permit applications shall contain the name and address of the operator, a site plan showing the location of the discharge area, the location where the viewers will be situated, and any other information deemed necessary by Vienna Township codes.

Article IV – Manufacture, Display and Discharge

4.01 General: It shall be a violation of this ordinance for any person to store, use or explode any fireworks, except as provided herein.

4.02 Manufacture: The manufacture of fireworks is prohibited within the Township of Vienna. The display or discharge of fireworks shall comply with the requirements of this ordinance.

4.03 Consumers Fireworks: No permit is required for any otherwise permitted business to sell Consumer Fireworks provided for that business, and the selling of such fireworks at the business, is compliant with Vienna Township ordinance.

- A. **Days and Hours Allowed:** 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, according to Michigan State Law. No display shall take place between the hours of 1:00 am and 8:00 am.

4.04 Display Fireworks: Every such display shall be handled by an ATF licensed operator over the age of 21. The fireworks shall be arranged, located, discharged and fired in a manner that will not be a hazard to property or endanger any persons.

- A. Prior to applying for a permit the operator shall contact the Clio Area Fire Department to inform them of the time and place of the display, and determine the fire and safety concerns. The operator shall adequately address the fire department concerns prior to the display taking place.
- B. No permit will be issued during times which a burning ban or other fire emergency has been declared by federal, state, or local officials.
- C. The Fire Chief, or his designee, or Code Enforcement Officer is empowered to revoke or modify the permit should a burning ban or fire emergency be issued between permit issuance and the time of the display. In modifying the permit, the Fire Chief, his designee, or Code Enforcement officer may require the operator have one or more pieces of firefighting equipment and firefighting personnel be on site during the display. At a cost of up to \$500.00.

4.05 Insurance for display: The permittee shall provide proof of liability of insurance in the amount \$1,000,000 listing Vienna Township as additionally insured. The permittee will be responsible for any and all cost incurred for damages caused by any fireworks display, including costs incurred for the Clio Area Fire department to respond.

4.06 Disposal of unfired fireworks: Unfired fireworks and trash that remain after the display is concluded shall be immediately disposed of in a safe manner. The permittee will be responsible for the cleanup of any property affected by your display.

4.07 Seizure of Fireworks: The Code Enforcement Officer/County Sheriff may seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for display, stored, or held in violation of this ordinance.

4.08 Storage: Display Firework storage must meet all ATF rules and regulations.

Article V - Penalties

5.01 Penalties: Any person, firm, business, or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00); and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this ordinance continues shall constitute a separate offense.

Article VI - Severability

6.01 Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Article VII - Repealer

7.01 Repealer: All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

Article VIII – Effective Date

8.01 Effective Date: This ordinance becomes effective upon the _____ day of _____, 2017, immediately following publication of its final passage. A summary of this ordinance must be published in a newspaper circulated within the Charter Township of Vienna, Genesee County, Michigan and the entire ordinance will be published on the Charter Township of Vienna’s website, www.viennatwp.com, and available at the Charter Township of Vienna’s offices located at 3400 West Vienna Road, Clio, MI 48420.

CERTIFICATION:

We, the undersigned, being respectively the Township Supervisor and Township Clerk of Vienna Charter Township, Genesee County, Michigan, do hereby certify that the above Vienna Township Ordinance was duly adopted by the Township Board of the Charter Township of Vienna, at which meeting a quorum was present.

Joseph A. Rizk, Supervisor

Cynthia J. Bryan, Clerk