

## Ordinance Amendment

State of Michigan County of Wayne Charter Township of Canton chapter 46 an ordinance to amend chapter 46, article iv, of the Canton Code of ordinances entitled "offenses involving public safety," division 3 entitled "fireworks" to revise to bring it into compliance with public act no. 635 of 2018. The Charter Township of Canton ordains: section 1. Amendment to Code. Chapter 46 of the Charter Township of Canton Code ordinance, article iv, entitled "offenses involving public safety," sections 46-261, 46-264, 46-266 and 46-269 are hereby amended to read as follows: division 3. - fireworks sec. 46-261. - definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: act 256 shall mean act 256 of the public acts of 2011, being mcl 28.451. Articles pyrotechnic shall mean pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction, but are 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 shall mean firework devices that are designed to provide 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 are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks. Consumer fireworks certificate or certificate shall mean a certificate issued under section 28.467a of act 256. Department shall mean the Michigan department of licensing and regulatory affairs. Display fireworks shall mean large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1. Fireworks shall mean 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 pyrotechnic, display fireworks, and special effects. Low-impact fireworks shall mean ground and handheld sparking 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. Novelties shall mean the term 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 all of the following: (1) 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. (2) 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. (3) flutter sparklers in paper tubes not exceeding 1/8 inch in diameter. Person shall include an individual, agent, association charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated association, or any other legal or commercial entity. Special effects shall mean a combination of chemical elements or chemical compounds cAPABLE of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment. Sec. 46-264. - discharge of novelties, low-impact fireworks and consumer fireworks. (a) except in the case of a permit issued by the Township under section 46-266, consumer fireworks shall not be ignited, discharged, or used by any person at any time, except after 11:00 a.m. On the following dates and times: (1) December 31 until 1:00 a.m. On January 1. (2) the Saturday and Sunday immediately preceding memorial day until 11:45 p.m. On each of those days. (3) June 29 to July 4 until 11:45 p.m. On each of those days. (4) July 5, if that date it a Friday or Saturday, until 11:45 p.m. (5) the Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. On each of those days. (b) - (e) [unchanged.] Sec. 46-266. - permit for discharge of consumer fireworks. (a) persons wishing to discharge consumer fireworks on a day and time other than those listed in §46-264(a) may do so only after paying a fee and obtaining a permit from the Township. (b) application for a permit to discharge consumer fireworks under this section shall be made on forms available from the Township Clerk. (c) - (f) [unchanged.] Sec. 46-269. - penalty. A violation of this ordinance shall be a municipal civil infraction, punishable by a civil fine of \$1,000. In accordance with mcl §28.457(3), \$500 of this fine is payable directly to the Township. Section 2. Severability if any clause, sentence, section, paragraph or part of this ordinance, or the application of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance. It is hereby declared to the legislative intent of this body that the ordinance is severable, and that the ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this ordinance. Section 3. Repeal of conflicting ordinances all ordinance or parts of ordinance in conflict herewith is hereby repealed only to the extent necessary to give this ordinance full force and effect. Section 4. Savings clause all rights and duties which have matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance. Section 5. Publication the Clerk for the Charter Township of Canton shall cause this ordinance to be published in the manner required by law. Section 6. Effective date this ordinance, as amended, shall be effective upon publication as required by law. Certification the foregoing ordinance was duly adopted by the Township board of Trustees of the Charter Township of Canton at its regular meeting called and held on the 27th day of August, 2019, and was ordered to be given publication in the manner required by law. Michael Siegrist, Clerk introduced: August 13, 2019 adopted: August 27, 2019 published: September 5, 2019 effective: September 5, 2019. All ordinances can be reviewed in full at [www.Canton-mi.org](http://www.Canton-mi.org) or in person at the Canton Township administration building.