

**TOWNSHIP OF DEXTER  
COUNTY OF WASHTENAW, STATE OF MICHIGAN**

**ORDINANCE NO. 41**

**AN ORDINANCE TO REGULATE THE USE OF FIREWORKS TO THE EXTENT PERMITTED BY THE MICHIGAN FIREWORKS SAFETY ACT, MCL 28.451 ET SEQ.**

**THE TOWNSHIP OF DEXTER ORDAINS:**

**Section 1. Definitions.**

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

**ALCOHOLIC LIQUOR**

That term as defined in section 1d of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).

**APA STANDARD 87-1**

2001 APA Standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, as published by the American Pyrotechnics Association of Bethesda, Maryland.

**CONSUMER FIREWORKS**

Fireworks 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, as amended, 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.

**CONTROLLED SUBSTANCE**

That term as defined in section 8b of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).

**FIREWORKS**

Any composition or device, except a starting pistol, a flare gun, or a flare, designed for the purpose of producing visible or audible effect by combustion, deflagration, or detonation.

**LOW-IMPACT FIREWORKS**

Ground and handheld sparkling devices as that phrase is defined in APA standard 87-1: 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

**Section 2. Ignition, discharge, and use of consumer fireworks.**

- A. Except as provided in this Section, a person shall not ignite, discharge, or use consumer fireworks at any time.
- B. A person may ignite, discharge, or use consumer fireworks on the following days during the following hours:
  - 1. Between 11:00 a.m. on December 31 and 1:00 a.m. on the immediately following January 1.
  - 2. Between 11:00 a.m. and 11:45 p.m. on the Saturday immediately preceding Memorial Day.

3. Between 11:00 a.m. and 11:45 p.m. on the Sunday immediately preceding Memorial Day.
  4. Between 11:00 a.m. and 11:45 p.m. on June 29, June 30, July 1, July 2, July 3 and July 4.
  5. Between 11:00 a.m. and 11:45 p.m. on July 5, if that date is a Friday or a Saturday.
  6. Between 11:00 a.m. and 11:45 p.m. on the Saturday immediately preceding Labor Day.
  7. Between 11:00 a.m. and 11:45 p.m. on the Sunday immediately preceding Labor Day.
- C. A person shall not ignite, discharge, or use consumer fireworks if the environmental concerns based on the department of natural resources fire division criteria are elevated to extreme fire conditions or if the environmental concerns based on the department of natural resources, fire division criteria are elevated to very high for 72 consecutive hours and the commanding officer of the fire department, in consultation with the department of natural resources, enforces a no burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks. If a no burning restriction is instituted under this section, the commanding officer of the fire department enforcing the restriction shall ensure that adequate notice of the restriction is provided to the public.

**Section 3. Prohibited conduct.**

- A. A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of any another person without that organization's or person's express permission to use those consumer fireworks on those premises.
- B. A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination thereof.

**Section 4. Determination of violation; seizure.**

- A. If a law enforcement officer determines that a violation of this chapter has occurred, the officer may seize the consumer fireworks as evidence of the violation. The evidence seized shall be stored pending disposition of any proceedings arising from the violation.
- B. Following a final disposition of an appeal of a finding of responsibility under this Ordinance that affirms the finding, the Township may dispose of or destroy any fireworks retained as evidence in that proceeding.
- C. A person from whom fireworks are seized under this Ordinance shall pay the actual costs of storage and disposal of the seized fireworks if found responsible for a violation of this article.

**Section 5. Local, state, and federal requirements.**

Nothing contained within this chapter shall be construed to relieve a person of any duties and obligations imposed under any local, state, or federal laws, rules, regulations, licenses, or permit requirements.

**Section 6. Penalty.**

Any person violating the provisions of this chapter shall be responsible for a municipal civil infraction with a civil fine of \$1,000.00 for each violation of the article.

**Section 7. Severability.**

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is

hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

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**Certification Of Adoption**

STATE OF MICHIGAN  
COUNTY OF WASHTENAW

I, Debra A. Ceo, Clerk of the Township of Dexter, do hereby certify that the forgoing Ordinance was adopted by a roll call vote of the Township Board on the 21<sup>st</sup> day of July, 2020, and the members thereof voted as follows:

AYES            Rider, Ceo, Brushaber, Compton, Drolett, Gajewski, Mesko  
NAYES          None

and that upon order of the Township Board, I have caused the same to be published and enrolled in the Ordinances of the Township of Dexter, as provided by law, and published in a newspaper of general circulation in Washtenaw County as stated below:

ADOPTED:     JULY 21, 2020

PUBLISHED:   AUGUST 2, 2020

EFFECTIVE:    AUGUST 3, 2020



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DEBRA A, CEO  
Clerk of the Township of Dexter