



**TEXAS CHARTER TOWNSHIP
ORDINANCE NO. 362**

**ORDINANCE REGULATING THE IGNITION, DISCHARGE, AND USE OF
CONSUMER FIREWORKS IN THE TOWNSHIP**

The Charter Township of Texas ordains:

Section 1. Amend Chapter 12 of Township Code of Ordinances

Chapter 12 of the Texas Charter Township Code of Ordinances entitled "Fire Prevention and Protection" is hereby amended to add Article VII entitled "Fireworks" to read in its entirety as follows:

Sec. 12-180 - Purpose.

The purpose of this Article is to provide for the regulation of the ignition, discharge, and use of consumer fireworks within the Charter Township of Texas, as permitted under the Michigan Fireworks Safety Act, Public Act 256 of 2011, as amended.

Sec. 12-181 - Definitions.

As used in this Article, the following definitions shall apply:

1. *Act* means Michigan Public Act 256 of 2011, being MCL 28.451, *et seq.*, as it may be amended from time to time. (The Michigan Fireworks Safety Act.)
2. *APA* means American Pyrotechnics Association.
3. *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 United States 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 as defined in the Act. Consumer fireworks does not include low-impact fireworks.
4. *Public property* means any public park, school, street right-of-way (including the unimproved portions), Township owned property, or any other property owned by local or state government that is open to the public.

5. *Firework* or *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 as defined in the Act.
6. *Low-impact fireworks* means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1.1.1 to 3.1.1.8, and 3.5.
7. *Minor* means an individual who is less than 18 years of age.
8. *Person* means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.
9. *Property of another person* includes hotel and motel property, apartment property, and condominium property, where an owner, management company, or association has or retains authority and control over the use of the property or common areas.

Sec.12-182 – Permitted days of use.

No person shall ignite, discharge, or use consumer fireworks within the Township, except on the following days, after 11:00 a.m. as described in the Act:

1. December 31 until 1 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 is 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.

Sec. 12-183 – Prohibited uses of fireworks.

1. A person shall not ignite, discharge, or use consumer fireworks on public property as defined herein or the property of another person without that person's express permission.
2. No person shall recklessly endanger the life, health, safety, or well-being of any person by the ignition, discharge, or use of consumer fireworks.

3. A minor shall not possess consumer fireworks. Age verification shall be made by checking a driver's license or another form of acceptable identification, permitted by the Act.
4. Consumer and low-impact fireworks shall not be ignited, discharged, or used by a person while under the influence of alcoholic liquor or a controlled substance or a combination of both as those terms are defined by the Act.

Sec.12-184 - Penalties.

1. Any person that violates any provision of this Article shall be deemed responsible for a municipal civil infraction and fined \$1,000.00 for each violation with \$500.00 of the fine being paid to local law enforcement responsible for enforcing the Article.
2. The Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Article. Each day that a violation of this Article continues to exist shall constitute a separate violation.
3. All fireworks possessed, used, discharged and/or ignited in violation of this Article are subject to seizure. A person who is found responsible for violation of this Article shall be required to reimburse the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this Article.
4. No provision of this Article shall prevent a prosecution or a civil infraction under state law for violation of the provisions of the Act.

Sec.12-185 – 190 Reserved.

Section 2. Severability.

Should any section, clause, or provision of this Article be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Article as a whole or any other part thereof other than the parts declared to be invalid.

Section 3. Repealer

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date.

This Ordinance shall take immediate effect as provided by law.