

**CITY OF NORWAY**

**ORDINANCE NO. 399**

**AN ORDINANCE REGULATING THE SALE AND USE OF FIREWORKS WITHIN THE CITY OF NORWAY**

**THE CITY OF NORWAY ORDAINS:**

**Definitions.**

*Consumer fireworks* means fireworks devices that are designed to produce visible efforts 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.

Consumer fireworks do not include low-impact fireworks.

*Display fireworks* means 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.

*Firework or fireworks* means any composition or device, except for a starting pistol, a flare gun, or a flare, designated 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* 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, and 3.5.

*Novelties* means that term as 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:

- (i) 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 cup. 2
- (ii) 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.
- (iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

**Prohibition on use of consumer fireworks.**

No person shall ignite, discharge or use consumer fireworks within the city, except this prohibition shall not preclude any person from the ignition, discharge and use of consumer fireworks on the day preceding, the day of, or the day after a national holiday consistent with Sec. 7 (2) of Public Act 256 of 2011:

**Exemptions**

- New Years Day
- Washington's birthday
- Martin Luther King, Jr. Day
- Easter
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.

**Liability and Responsibility of Property Owner.**

An owner of property who knowingly allows his property to be used in violation of this Ordinance shall be subject to the penalties provided for under this Ordinance.

**Permits.**

Vendors or Exhibitors shall complete and submit a special events fireworks permit in compliance with state law and local ordinance. Violation of these provisions shall subject the violator to a fine of not less than \$1,500 along with the cost of prosecution.

**Inspection Fees.**

The City of Norway shall charge a vendor an Inspection Fee as set forth in the schedule of fees adopted, from time to time, by the Norway City Council.

**Enforcement.**

The City Manager, his designees and sworn law enforcement officers are authorized to enforce the provisions of this ordinance.

**Violations, Fines and Penalties.**

Any person, firm, or corporation violating the provisions of this law shall be responsible for a Civil Infraction, punishable by a fine of not more than \$500.

**Savings Clause.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

**Severability.**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the ordinance shall not be affected.

**Repeal.**

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

**Effective Date; Publication.**

This ordinance shall become effective upon publication of a notice in a newspaper circulated in the city, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the city clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the city clerk.

**Adoption:**

The City of Norway has adopted Ordinance No. 399, Fire Prevention and Protection. This Ordinance shall be effective upon publication. A true copy of the ordinance may be inspected or obtained at the office of the City Clerk.

**EFFECTIVE DATE**

This ordinance shall become effective no earlier than 15 days after enactment nor before publication thereof, as set forth in the city charter.

***ENACTED:***            *August 6, 2012*

***PUBLISHED:***        *August 22, 2012*

***EFFECTIVE:***         *August 23, 2012*

**Ayes:** Oja, Meneghini, Hayes, Gotstein, Buboni

**Nays:**

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Jeremy Oja  
Mayor, City of Norway

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Trisha Plante  
Clerk, City of Norway

I, Trisha Plante, City Clerk of the City of Norway do hereby certify that the above Ordinance was published in the Norway Current, Norway, Michigan, on the 22<sup>nd</sup> day of August, A.D., 2012.

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Trisha Plante  
City of Norway Clerk