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**CITY OF MT. MORRIS**

**ORDINANCE 13-05**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES**, City of Mt. Morris, Michigan, by amending and restating Code Section 42-166 relative to the use of fireworks. This Ordinance sets forth definitions and provides times of the day when fireworks as herein defined may be used.

THE CITY OF MT. MORRIS ORDAINS:

Section 1. Code Section 42-166 is hereby amended and restated as follows:

Section 42-166

(A) Definition. The word PYROTECHNICS, whenever used in this code, means devices made for professional use that are similar to consumer fireworks in chemical composition and construction but 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** mean 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. Consumer fireworks do not include low-impact fireworks.

(B) *Prohibited*. No person, firm, co-partnership, or corporation shall use, explode or cause to explode, or manufacture, pyrotechnics or consumer fireworks within the City except as provided:

- (1) That the items described in the following exclusive list are deemed exempt from this section:
  - (a) 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.
  - (b) Low impact fireworks, including 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.
  - (c) Novelties 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 including 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 cap.
    - (ii) Toy pistols, toy cannons, toy canes, toy trick nosemakers, and toy guns in which toy caps as described in sub-paragraph (I) are used, that are constructed so that the

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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.

(iv) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

(2) That the City Council may issue a written permit to a properly qualified person for giving a pyrotechnic or consumer firework display/show in a suitable open place. The permits shall be on forms provided by the Michigan Department of Licensing and Regulatory Affairs. Permits so issued shall impose such restrictions as may be necessary to properly safeguard life and property. Before any such permit is issued, the applicant therefore shall furnish a bond or insurance deemed adequate by the Council, which bond or insurance shall become available in the payment of any damages to public or private property and the payment for any personal injuries resulting from said pyrotechnic or consumer firework display. All applications will have complied with the Michigan Fireworks Safety Act and other applicable laws.

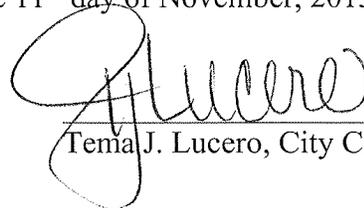
(3) This section does not pertain to the use of consumer fireworks only on the day preceding, the day or, or the day after a national holiday. However, the use of consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m. on the day preceding, the day of, or the day after a national holiday is strictly prohibited.

(4) On all other days, i.e. days other than those above specified in sub-section (B)(3), the use of consumer fireworks between the hours of 11:00 p.m. and 8:00 a.m. shall be prohibited..

(C) Violators of this section shall constitute a municipal civil infraction and subject to a fine as specified in Code Section 1-15(h).

We the undersigned Mayor and Clerk of the City of Mt. Morris do hereby certify that the above ordinance was adopted by the City Council at a regular meeting on the 11<sup>th</sup> day of November, 2013.

  
Daniel J. Lavelle, Mayor

  
Tema J. Lucero, City Clerk

APPROVED AS TO FORM  
AND LEGALITY

Charles A. Forrest, Jr.

ADOPTED: November 11, 2013  
PUBLISHED: November 13, 2013  
EFFECTIVE: November 14, 2013