

# FIRE PREVENTION AND PROTECTION

## ARTICLE IV. FIREWORKS CONTROL

### DIVISION 1. GENERALLY

#### **Sec. 9.71. 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:

*Class B fireworks* means toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as Class C fireworks, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding two (2) ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than seventy-two (72) grains of flash powder each, and other similar devices.

*Class C fireworks* means toy smoke devices, toy caps containing not more than .25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, Very signal cartridges, sparklers, explosive auto alarms, and other similar devices.

*Fireworks* means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. Fireworks includes Class B fireworks and Class C fireworks.

(Ord. No. 349, § I, 4-8-87)

#### **Sec. 9.72. Zoning districts.**

(a) All fireworks sales sites shall be located within CB 1, 2 and 3 zoning districts.

(b) Fireworks shall not be sold from temporary roadside stands, trailers, trucks, recreational vehicles, or other structures not meeting the requirements of the township building and zoning ordinances for the zoning district within which they are located.

(Ord. No. 349, § XIV, 4-8-87)

#### **Sec. 9.73. Structure requirements.**

Structures within which fireworks are kept, stored, sold or furnished shall meet the following requirements:

- (1) The sales structure shall be a building which is weather resistant, well ventilated, and equipped with a strong door kept securely locked except when open for business.
- (2) The interior of the building used for the sale or storage of fireworks shall be kept clean and free of debris and empty containers.
- (3) A building used for the sale or storage of fireworks shall be inspected by the township fire official and the township zoning and building administrator to ensure that fireworks are stored and displayed for sale in a manner consistent with the intent of this chapter.

(Ord. No. 349, § XX, 4-8-87)

**Sec. 9.74. Age requirements.**

(a) Fireworks shall not be sold, stored, kept for sale, or furnished by any person under the age of eighteen (18).

(b) Fireworks shall not be sold, given or furnished to any person under the age of eighteen (18).

(c) A building used for the sale or storage of fireworks shall be under the supervision of a competent person, who shall be not less than eighteen (18) years of age.

(Ord. No. 349, §§ XV-XVII, 4-8-87)

**Secs. 9.75-9.85. Reserved.**

DIVISION 2. PERMITS

**Sec. 9.86. Required.**

(a) No person shall sell, store, keep with intent to sell or furnish at retail or wholesale fireworks, unless such person has in their possession the permits required by this article.

(b) Each sales permit holder shall keep the sales permit issued pursuant to the terms of this article on their person and available for inspection by township officials without advance notice.

(Ord. No. 349, § VII, 4-8-87)

*Cross reference-Offenses against public safety, § 15-166 et seq.*

**Sec. 9.87. Sales permit-Required.**

Except as otherwise provided in this article a person shall not offer for sale, expose for sale, keep with intent to sell, or furnish at retail or wholesale, Class B fireworks within the township without being issued a sales permit by the township board. A permit granted under this article shall not be transferable.

(Ord. No. 349, § II, 4-8-87)

**Sec. 9.88. Same-Application.**

Sales permit applicants shall provide the following information on forms furnished by the township clerk:

- (1) Name;
- (2) Address;
- (3) Date of birth;
- (4) Driver's license number;
- (5) Social security number;
- (6) Criminal record, if any;

- (7) Name of company for which applicant will work;
- (8) Address of company for which applicant will work;
- (9) Sales location;
- (10) Resident agent of corporation for whom applicant will work (for purposes of accepting service of process);
- (11) Principal place of business of corporation for which applicant will work.

(Ord. No. 349, § III, 4-8-87)

**Sec. 9-89. Same-Denial.**

(a) Sales permit shall not be issued to persons that furnish incomplete or false information on the application form required pursuant to this division.

(b) Sales permit shall not be issued under this division to any person under the age of eighteen (18) or who does not meet the standards of good moral character set out in the following section.

(Ord. No. 349, §§ IV, V, 4-8-87)

**Sec. 9-90. Standards for good moral character.**

(a) The phrase "good moral character," when used in this chapter for the purpose of permitting, means the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.

(b) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, as proof of a person's lack of good moral character. It may be used as evidence in the determination, and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he has the ability to, and is likely to serve the public in a fair, honest and open manner, that he is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he seeks to be licensed.

(c) The following criminal records shall not be used, examined or requested by the township in a determination of good moral character:

- (1) Records of an arrest not followed by a conviction;
- (2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction;
- (3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest and open manner;
- (4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jailor prison.

(d) When a person is found to be unqualified for a permit because of a lack of good moral character, or similar criteria, the person shall be furnished by the township clerk with a statement to this effect. The statement shall contain a complete record of the evidence upon which the determination was based. The person shall be entitled, as of right, to a rehearing on the issue before the township board if he has relevant evidence not previously considered regarding his qualifications.

*State law reference-Similar provisions, MCL 338.41 et seq., MSA 18.1208(1) et seq.*

**Sec. 9.91. Location permit-Required.**

A person selling, exposing for sale, keeping with intent to sell, possessing, giving, or furnishing fireworks within the township shall be required to obtain a location permit for each sales location within the township. Location permits shall not be transferable.

(Ord. No. 349, § VIII, 4-8-87)

**Sec. 9.92. Same-Application.**

Location permit applicants shall furnish the following information for each sales site on forms provided by the township clerk:

- (1) Name of applicant;
- (2) Address of applicant;
- (3) Name and address of -resident agent of applicant for purposes of accepting service of process;
- (4) Telephone numbers for which applicant can be reached on a twenty-four-hour basis;
- (5) Complete inventory of fireworks to be sold, stored, possessed at the site, including brand names, manufacturer, number and specification of each product to be kept on site including net weight of each product;
- (6) Name, home address, date of birth and occupation of each person that will be working at each sales location;
- (7) A certificate of insurance attesting to the issuance of one million dollars (\$1,000,000.00) bodily injury protection insurance, and five hundred thousand dollars (\$500,000.00) property protection insurance;
- (8) Zoning classification of the proposed sales location;
- (9) Certificate from the township building and zoning administrator stating that all structures located on the sales site comply with applicable state and local building codes. .

(Ord. No. 349, § IX, 4-8-87)

**Sec. 9.93. Same-Denial.**

(a) A location permit shall not be issued to any person who furnishes incomplete or false information on the location permit application.

(b) Location permits shall not be issued to any person who does not have a sales permit issued under this article.

(Ord. No. 349, § X, 4-8-87)

**Sec. 9.94. Same-Revocation.**

Location permits shall be revoked and inventory seized, at the expense of the permit holder, if permit holders sell, give, keep, or furnish products not included in the application form for the location for which a permit is issued or if inventory exceeds the maximum allowed by section 9-95.

(Ord. No. 349, § XI, 4-8-87)

**Sec. 9.95. Same-Weight and distance requirements.**

Location permits shall not be issued unless the net weight of fireworks to be sold, stored, kept, or furnished on the premises bears a relationship in distance to occupied buildings and public highways within the following parameters.

<i>Net Weight of Fireworks in Pounds</i>	<i>Distance From Public Highways Measured in Feet</i>	<i>Distance From Occupied Buildings Measured in Feet</i>
100 or less	200	200
101 to 200	200	200
201 to 400	200	200
401 to 600	200	208
601' to 800	200	252
801' to 1000	200	292
1,001' to 2,000	230	459
2,001' to 3,000	296	592
3,001' to 4,000	352	704
4,001' to 5,000	400	800
5,001' to 6,000	441	882
6001' to 8,000	509	1,018
8,001' to 10,000	565	1,129
10,001' to 15,000	668	1,335
15,001' to 20,000	745	1,490
20,001' to 30,000	863	1,725
30,001' to 40,000	953	1,906
40,001' to 50,000	1,030	2,080
50,001' to 60,000	1,095	2,190
60,001' to 80,000	1,205	2,410
80,001' to 100,000	1,300	2,600
100,001' to 150,000	1,488	2,975
150,001' to 200,000	1,638	3,275
200,001' or more	1,765	3,530

(Ord. No. 349, § XIII, 4-8-87)

**Sec. 9.96. Issuance; fee.**

(a) The township clerk shall upon approval by the fire chief issue sales and location permits to each person meeting the requirements of this article.

(b) The township clerk shall collect the sum of forty-five dollars (\$45.00) for each sales permit and each location permit issued pursuant to this article.

(Ord. No. 349, § VI, 4-8-87)

**Sec. 9.97. Hours of operation.**

Sales or location permit holders shall not conduct business before sunrise or after sunset.

(Ord. No. 349, § XVIII, 4-8-87)

**Sec. 9.98. Display.**

Location permits issued pursuant to the terms of this article shall be prominently posted at each sales location.

(Ord. No. 349, § XIX, 4-8-87)

**Sec. 9.99. Revocation; term.**

(a) Any sale or location permit issued under this article shall be revoked and inventory seized, at the expense of the permit holder, if at any time during the term of the permit the terms and conditions of this article are violated.

(b) The term of any sale or location permit issued pursuant to the terms of this article shall not exceed ninety (90) days.

(Ord. No. 349, § XII) 4-8-87)

**Sec. 9-100. Storage, sale area.**

(a) A sale or location permit holder shall not cause or allow smoking, matches, open flames, spark-producing devices or firearms inside of or within fifty (50) feet of the area used for the sale or storage of fireworks.

(b) A person shall not store combustible materials within fifty (50) feet of an area used for the sale or storage of fireworks.

(Ord. No. 349, § XXI, 4-8-87)

**Secs. 9.101-9.115. Reserved.**