



CITY OF ROSEVILLE FIREWORKS ORDINANCE

The purpose of this letter is to inform residents of the Ordinance and regulations of **ARTICLE IV** within the City of Roseville Michigan. Any violation of ordinance 146-15, 146-16 or 146-17 of Chapter 146 and/or section 28.457 of the Michigan Fireworks Safety Act shall impose a civil fine up to \$500 fine for each violation.

146-15 Ignition, discharge, and use of consumer fireworks

(A) 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. **"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. A person who violates this subsection is responsible for a municipal civil infraction. A person who receives a civil infraction citation for violating this subsection and who commits another violation of this subsection within 72 hours of the first violation shall be guilty of a misdemeanor.

(B) An individual who uses, ignites, or discharges consumer fireworks or low-impact fireworks while under the **influence of alcoholic liquor, a controlled substance**, or a combination of alcoholic liquor and a controlled substance is guilty of a misdemeanor.

(C) An individual who violates the smoking prohibition under NFPA 1124, 7.3.11.1 (**smoking within 50 feet** of a consumer fireworks retail sales area) is guilty of a misdemeanor.

(D) Consumer fireworks shall not be used in the City, **except on the day preceding, the day of, and the day after a national holiday.**

- Dec 31 until 1 am on Jan 1
- The Saturday and Sunday immediately preceding Memorial Day until 11:45 pm on each of those days
- June 29 to July 4 until 11:45 on each of those days

- The Saturday and Sunday immediately preceding Labor Day until 11:45 pm on each of those days.

(1) When using any fireworks within the City, a person shall not use them in a manner inconsistent with or contrary to the manufacturer's directions for use, or in a manner which could reasonably be foreseen to cause, or which actually causes, harm to another or to property, or within or upon public roads, walks, or rights-of-way, or within or upon private roads or private property of another without express permission, or which causes, creates, or perpetuates a violation of any provision of the City Code, including but not limited to:

(D) Creating or depositing litter in violation of the **City's Littering Ordinances**.

(E) No person shall ignite fireworks or novelties other than in a manner prescribed by the manufacturer's directions for use, or in the absence of directions, by the use of any ignition device other than a match, punk, or lighter. A "punk" is defined as a long, thin piece of wood covered in a substance that burns very slowly, producing only heat, with no flame. Blowtorches, open flames, bonfires, grills, and other sources of heat and fire and ignition with flames larger or stronger than those of a match or lighter are prohibited as sources of ignition for fireworks and novelties. No person under the age of 18 shall ignite consumer fireworks.

(F) No person shall discharge fireworks or novelties other than in a manner prescribed by the manufacturer's directions for use, and no person shall discharge consumer fireworks while within a building or enclosed space; **within 50 feet of a flame or flammable surface; within 20 feet of a property line; within any public roadway** or public right-of-way; within, upon, or from a motor vehicle; at any person, vehicle, or conveyance; within 500 feet of a gasoline service station; during weather conditions involving **wind speeds in excess of 10 miles per hour**; from any location not at ground level; from any surface that is not flat and level; **without keeping a bucket of water or garden hose ready to address accidents**; within 25 feet of a building; from within any type of container or other object that could reasonably be foreseen to impede the aerial progress of the firework, or to cause a fire or explosion, after its ignition; or between the **hours of 11:00 p.m. and 7:00 a.m.**

(G) An owner, occupant, or other person with control of the real property shall not allow, permit, or otherwise consent to the possession or display of fireworks on the property. An owner, occupant, or other person with control of the real property shall be presumed to have consented to the possession or display of fireworks on the property if law enforcement or fire officials observe and document the existence of unlawful fireworks on the premises, or the existence of the remnants of unlawful fireworks on the premises indicative of the use or display of such fireworks.

(H) Any individual who violates the restrictions in Subsection D, E, F, or G, or who aids, abets, perpetuates, participates in, or otherwise promotes the actions of the individual that violates said restrictions, may be cited and prosecuted for the applicable ordinance violation(s) and/or shall be responsible for a municipal civil infraction. If the unlawful activity does not cease or resumes within 72 hours after issuance of a municipal civil infraction citation, the owner, occupant, or other person with control of the real property where the violations are occurring and/or the person who has or shares control of the fireworks shall be guilty of a misdemeanor.

(I) A law enforcement officer and/or fire official may confiscate and impound all fireworks and fireworks paraphernalia involved in causing a violation of this article or which are found to be within the access and control of the violator(s). If the impounded items are lawful to possess, they may be retained as evidence until any court proceedings or citations have been adjudicated and any probationary periods have been completed. If the impounded items are unlawful to possess, the Police Department or Fire Department shall dispose of or destroy the items in accordance with evidence protocols that will still allow for effective prosecution of the charged offenses without actual retention of the items. If any fireworks are retained by the City, they shall be stored in compliance with the Act and rules promulgated under the Act. The person from whom fireworks are seized under the Act or this article shall pay the actual costs of storage and/or disposal of the seized fireworks. The Police Department may dispose of the seized fireworks by providing them to a disposal organization approved by the Chief of Police or designee, or by allowing them to be used by City police, fire, and code enforcement agencies for training purposes.

146-16 Display fireworks and pyrotechnic special effects; permit required

No person shall discharge any display fireworks without a permit issued by the City Council. Pyrotechnic special effects shall not be discharged or displayed without a permit issued by the Fire Marshal. Permit applicants shall follow the procedures set forth in §§ 146-21 through 146-125 of this chapter. Permits are not transferable and shall not be issued to a minor. 146-17 Responsibility.

146-17 Responsibility

A. An owner, occupant, or other person with control of real property shall not allow, permit, or otherwise assent to the possession or display of display fireworks on the property or an adjacent public way if such possession or display is in violation of this subdivision.

B. An owner, occupant, or other person with control of real property shall be presumed to have assented to the possession or display of display fireworks on the property or adjacent public way in violation of this subdivision if law enforcement or fire officials observe and

document the existence of unlawful fireworks on the premises or the adjoining public way, or the existence of the remnants of unlawful fireworks on the premises or adjoining public way indicative of the use or display of such fireworks.

C. A person who pleads to or is found responsible for a violation of Subsection A shall clean up any fireworks remnants on or adjoining the person's property, or pay the City's costs for such cleanup, and reimburse the City's actual costs for destruction of any unlawful fireworks and materials impounded by law enforcement or fire officials during investigation of the unlawful activity under Subsection A.

D. A violation of Subsections A or C is a municipal civil infraction. If the unlawful activity does not cease after issuance of a municipal civil infraction citation, the owner, occupant, or other person with control of the real property shall be guilty of a misdemeanor.

Respectfully
Brian Kanigowski
Fire Marshal
Roseville Fire Department
(586) 445-5401