

Village of Lake Isabella Codified Ordinances

Article VI – General Nuisance Regulations

Chapter 616 - Fireworks

Originally adopted; July 15, 2008, by Ordinance 2008-03

Last amended; August 20, 2019, by Ordinance 2019-03

Chapter 616.01	Definitions
Chapter 616.03	Regulations
Chapter 616.05	Permits
Chapter 616.07	Penalties & Violations

616.01 Definitions

For the purposes of Chapter 616 of the codified ordinances of the Village of Lake Isabella the following definitions shall apply;

1. **Agricultural and Wildlife Fireworks** means fireworks devices distributed to farmers, ranchers, and outdoor growers through a wildlife management program administrated by the United States Department of the Interior or the Michigan Department of Natural Resources.
2. **Consumer Fireworks** means a fireworks device that is designed to produce visual 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.
3. **Display Fireworks** means a large fireworks device that is explosive material intended for use in fireworks displays and designed to produce a visual or audible effect by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.
4. **Firework or Fireworks** means any composition or device, except for a starting pistol, flare gun, or flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of Consumer Fireworks, Display Fireworks, Low-impact Fireworks, articles of pyrotechnic, and special effects.

5. **Low-impact Fireworks** means ground and handheld sparkling devices as that phrase is defined by APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.
6. **Novelty Fireworks** 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 includes items such as toy plastic or paper caps, toy pistols, sparklers, and toy snakes.

616.03 Regulations

No person shall ignite, discharge, or use any fireworks within the Village of Lake Isabella except as specifically allowed by the exceptions listed below in this chapter.

A. Prohibition on Use of Agricultural and Wildlife Fireworks and Display Fireworks; Exception

No person shall ignite, discharge or use Agricultural and Wildlife Fireworks or Display Fireworks within the Village at any time without a license or permit issued by the Village of Lake Isabella per Section 616.05 of the Codified Ordinances of the Village of Lake Isabella.

B. Prohibition on Use of Consumer Fireworks; Exception

1. No person shall ignite; discharge or use consumer fireworks within the Village of Lake Isabella except during the dates and local times specified below:
 - a) December 31st from 11:00 AM until 1:00 AM on January 1st.
 - b) The Saturday and Sunday immediately preceding Memorial Day from 11:00 AM until 11:45 PM on each of these days.
 - c) June 29th to July 4th from 11:00 AM until 11:45 PM on each of these days.
 - d) July 5th, if that date is a Friday or Saturday, from 11:00 AM until 11:45 PM.
 - e) The Saturday and Sunday immediately preceding Labor Day from 11:00 AM until 11:45 PM on each of these days.
2. No person shall ignite; discharge or use consumer fireworks at any time from any public street, road, or highway.

C. Use of Low-Impact or Novelty Fireworks.

Low-impact fireworks shall be ignited, discharged, or used so as to not cause injury or damage to any person or property but shall not be ignited, discharged, or used inside any building or structure at any time without a license or permit issued by the Village of Lake Isabella. Novelty fireworks may be ignited, discharged, or used without restriction but such shall only occur in a manner so as to not cause injury or damage to any person or property.

616.05 Permits

The Village of Lake Isabella may issue a non-transferable permit to any legal age resident, firm, or corporation to use for display fireworks under the following circumstances.

1. All applications shall be in writing on forms supplied by the Michigan State Police Department. [MCL 750.243b (1)]
2. Before a permit may be issued the legal age resident, firm, or corporation requesting the permit must furnish in written documentation evidence of a security bond or insurance policy covering damages to property and persons arising out of an act or omission on the part of the legal age resident, firm, or corporation or agent or employee thereof in the minimum amount of one million dollars (\$1,000,000) or additionally as may be required by the size and scope of the fireworks being used in requested permit. [MCL 750.243b (3)]
3. The Village of Lake Isabella may require any additional safety requirements as the Village Council deems fit based on the time, place, and materials requested on the permit application form. [MCL 750.243b (5)]
4. All applications must be submitted to the Village office in completion no less than twenty-five (25) business days before the requested date of use.

616.07 Penalties & Violations

1. Any person who disobeys, neglects, or refuses to comply with any provision of this Chapter or who causes, allows, or consents to any of the same shall be deemed to be responsible for the violation of this Chapter. A violation of this Chapter is deemed to be a nuisance per se.
2. A violation of this Chapter is a municipal civil infraction, for which the fines shall be one thousand dollars (\$1,000) with five hundred dollars (\$500) due to the agency issuing the Municipal Civil Infraction. The foregoing sanctions shall be in addition to the rights of the Village to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village incurs in connection with the municipal civil infraction.

Chapter 616 - Fireworks

3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Village may seek injunctive relief against persons alleged to be in violation of this Chapter, and such other relief as may be provided by law. If the Village abates a nuisance as defined herein, the cost of any abatement, including legal expenses and the authorized administrative fee will be billed to the property owner. The cost and fee will be a debt of the property owner to the Village, which may be assessed as a single lot assessment in accordance with Chapter 214 of the codified ordinances of the Village of Lake Isabella, and shall constitute a lien against the property, including interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.
5. This Chapter shall be administered and enforced by a Code Enforcement Officer of the Village of Lake Isabella, a duly sworn law enforcement officer approved through the Michigan Commission on Law Enforcement Standards (MCOLES) employed by an agency having jurisdiction in the Village of Lake Isabella including the Isabella County Sheriff's Department, the Michigan State Police, and the Michigan Department of Natural Resources, or by such other person(s) as designated by the Village Council from time to time.