



Legislation Text

File #: 13-0697, **Version:** 2

An Ordinance to Amend Section 9:266 of Chapter 115 (Weapons and Explosives) of Title IX of the Code of the City of Ann Arbor (Ordinance No. ORD-13-14)

The proposed ordinance, which is before Council for second reading, amends Chapter 115 of Title IX of the Ann Arbor City Code to prohibit the use of “consumer fireworks” to the extent permitted by state law. At the time of first reading, a bill to amend the state law was pending in the Legislature. The bill passed in the Legislature on June 12.

One substantive change has been made to the version of the ordinance amendment at first reading due a minor change by the Legislature in the original bill. One non-substantive change has also been made. These changes are explained below. The changes make the ordinance more permissive rather than prohibitive; therefore it may proceed to second reading despite the changes. Approval of this ordinance at second reading is recommended.

Originally, while state law allowed the City to prohibit the use of consumer fireworks, it excepted from that the day preceding, day of, and day after a national holiday. The original bill allowed cities to ban use also between midnight and 8:00 a.m. of the day preceding, day of, and day after a national holiday. The bill as finally passed by the Legislature only reduces the number of hours on New Year’s Day that the City may ban the use of fireworks.

Thus, subsection (2) of the first version of the ordinance amendment has been split into two subsections. Subsection (a) clarifies that on New Year’s Day use of fireworks is permitted between midnight and 1:00 a.m. and from 8:00 a.m. until 11:59 p.m. (i.e., use is prohibited for 7 hours on New Year’s Day). And, subsection (b) clarifies that use of fireworks is permitted only from 8:00 a.m. until 11:59 p.m. on all other national holidays (i.e., use is prohibited for 8 hours), as well as on the day before and day after New Year’s Day.

The non-substantive change to the first version of the ordinance amendment is to add language clarifying what days are “national holidays.”

“Consumer fireworks,” as defined by state law, are “fireworks devices that are designed to produce visible effects by combustion.” MCL 28.452(f). This includes devices such as roman candles, bottle rockets, firecrackers, and missile type rockets.

Prepared by: Kristen D. Larcom, Senior Assistant City Attorney

Reviewed by: John Seto, Safety Services Area Administrator

Approved by: Steven D. Powers, City Administrator

Sponsored by: Councilmembers Briere and Taylor

See Attached Ordinance.