

**CITY OF EASTPOINTE
COUNTY OF MACOMB
STATE OF MICHIGAN**

ORDINANCE NO. 21-1214

AN ORDINANCE TEXT AMENDMENT TO CHAPTER 20, FIRE PREVENTION AND PROTECTION, ARTICLE VI, FIREWORKS, SECTIONS 20-95 AND 20-96, OF THE ORDINANCES OF THE CITY OF EASTPOINTE

The City of Eastpointe ordains:

Section 1. Sale of fireworks.

Article VI of the Codified Ordinances of the City of Eastpointe is hereby amended to read as follows:

ARTICLE VI. FIREWORKS

Sec. 20-95. Sale of fireworks.

- (a) *Consumer fireworks certificate; applicable codes and standards.*
- (1) No person, business, corporation, or other entity shall sell, offer for sale, or permit to be sold any consumer fireworks without first having obtained an annual consumer fireworks certificate as required by the Michigan fireworks safety act.
 - (2) The issuance of a consumer fireworks certificate does not itself authorize the sale of fireworks at the certified retail location within the city. Consumer fireworks shall not be sold at a retail location until the fire marshal verifies compliance with NFPA 1124 and all applicable administrative rules promulgated by the fire department. Verification can be accomplished by a site inspection of the retail location by the fire department and by submission of a notarized affidavit signed by the person filing the certificate application stating that the certified retail location will be in compliance with NFPA 1124 and the applicable administrative rules and that plans have been submitted in accordance with the administrative rules, including submission of a copy of the plans to the fire department for use in pre-incident review and planning, prior to selling consumer and low-impact fireworks.
 - (3) The holder of a consumer fireworks certificate shall prominently display the

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original or copy of the certificate in the retail location. Each day the consumer fireworks certificate is not displayed is a separate violation.

- (b) *Brick and mortar location.*
- (1) Consumer fireworks shall only be sold from a brick and mortar retail location if all of the following applicable conditions are met:
- a. A retail location satisfied the applicable requirements of NFPA 101 and NFPA 1124 not in conflict of the Michigan fireworks safety act.
 - b. A permanent building or structure shall be equipped with a fire suppression system in compliance with NFPA 1124.
 - c. All fireworks shall be stored inside the brick and mortar retail building at all times. No outside storage of fireworks at any time, in vehicles or temporary structures.
 - d. The retailer at this location is licensed under the General Sale Tax Act.
 - e. The retailer has a valid federal taxpayer identification number issued by the Federal Department of the Treasury, Internal Revenue Service. However, this requirement does not apply to a retailer that is a sole proprietorship.
- (c) During periods when consumer fireworks are sold, each retail location selling consumer fireworks either shall be added as an additional insured, or public liability and product liability insurance coverage shall be obtained and maintained, in an amount not less than \$10,000,000 per occurrence. A person that knows, or should know, that he or she is required to comply with this subsection and who fails or neglects to do so will have an immediate STOP WORK ORDER placed on the business. Proof of the insurance required by this subsection shall be in writing, be current, and available for inspection upon request.
- (d) A person shall not sell low-impact fireworks unless he or she registers with the low impact fireworks retail registry not less than ten days before selling the fireworks in each calendar year. A person who sells low-impact fireworks at retail and who fails to register shall cease the sale of low-impact fireworks until the person complies with this subsection.

- (e) Retailers, wholesalers, and manufacturers are subject to the following codes and standards that are adopted by reference in the applicable administrative rules adopted by the fire department, except as specifically amended therein: NFPA 1 (2006 edition); NFF'A 101 (2009 edition); NFPA 1123 (2010 edition); NFPA 1124 (2006 edition); NFPA 1126 (2011 edition); and APA Standard 87.1 (2001 edition).
- (f) Nothing within these requirements shall exempt retailers who have obtained a consumer fireworks certificate and/or registered online for the sale of low-impact fireworks from ensuring that the proposed site is in compliance with all property maintenance regulations and other applicable city ordinances, or from submitting to the city all applications and supporting documentation required by any other provisions of the city code of ordinances and/or the city's zoning ordinance pertaining generally, without specific reference to fireworks, to retail sales.
- (g) A retailer shall provide with every purchase of consumer fireworks a notice listing the dates and times permitted under this act for the ignition, discharge, and use of consumer fireworks. The notice shall begin with the following statement: A State law permits, under MCL 28.457, the ignition, discharge, and use of consumer fireworks at the following times. The retailer may provide the notice in a form and manner determined by the retailer, including, but not limited to, printing or stamping the notice on, or affixing the notice to, a receipt, bag, or the product being purchased, or a printed handout provided at the time of purchase. Posting the notice on a wall, window, display, or otherwise, at the retail location, does not satisfy the requirements of this subsection.
- (h) Consumer fireworks shall not be sold to persons under the age of eighteen. A person who violates this subsection shall be ordered to pay a civil fine of not more than \$1,000.00, or for a second or subsequent violation of this section, a civil fine of not more than \$2,500.00.
- (i) The fire marshal may, at any time, undertake a review of any fireworks sales or storage area for which a consumer fireworks certificate has been issued or is required, or any discharge of fireworks, to determine whether any violations of state law or local ordinance are occurring which might endanger the public health, safety and welfare, or which might warrant revocation of the certificate or permit.

Sec. 20-96. - Penalty.

- (a) Except as otherwise specifically provided herein, a violation of this article is a civil infraction, punishable by a fine of up to \$500.00, plus the costs of prosecution.

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- (b) Following final disposition of a finding of responsibility for violating this article, the city may dispose of or destroy any consumer fireworks retained as evidence in that prosecution.
- (c) In addition to any other penalty, a person that is found responsible for a violation of this article shall be required to reimburse the city for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this article.

Section 2. Severability. If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

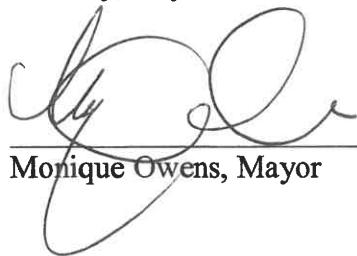
Section 3. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Publication. The Clerk shall publish this Ordinance within ten days in a newspaper printed and circulating within the City of general circulation.

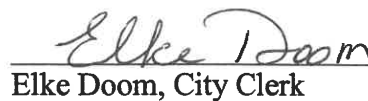
Section 5. Effective Date. This Ordinance shall become effective ten days after date of adoption by the City Council.

CERTIFICATION

We, Monique Owens, Mayor, and Elke Doom, City Clerk, for the City of Eastpointe, Macomb County, Michigan, do hereby certify that the foregoing Ordinance No. 21-1214 was duly adopted by the City Council after a second reading thereof at a regular meeting of said Council held on Tuesday, July 6, 2021.



Monique Owens, Mayor



Elke Doom, City Clerk