



Contact: City of Wayne Fire Department for more information, 734-722-1111

Fireworks
Sale of Fireworks
FIRE PREVENTION CODE
ORDINANCE 1610.02(B)
Article #13 Fire Prevention Code 1976 A.I.A.

Section 13.1. Scope

This article shall apply to fireworks as hereinafter defined, except as provided by the provisions of Section 13.1(b).

2. Nothing in this Article shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks provided the same are to be shipped directly out of state, in accordance with the Department of Transportation (DOT) Regulations covering the transportation of explosives and other dangerous articles by motor, rail, and water; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, military organizations, or use of fireworks for agricultural purposes under conditions approved by the Chief of the Bureau of Fire Prevention. Such wholesalers, dealers, and jobbers shall store their supplies of fireworks in accordance with provisions of Article 12.

Section 13.2 Definition

The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of the like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include model rockets and model rocket engines, designed, sold and used for the purpose of propelling recoverable aero models and shall not include toy pistols, toy canes, toy guns or other devices in which paper and/or plastic caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy paper and/or plastic caps are used and toy paper and/or plastic caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy paper and/or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap.

Section 13.3 Manufacture, Sale and Discharge of Fireworks

- a. The manufacture and storage of fireworks is prohibited within the limits established by law as the limits of the district in which such manufacture and storage is prohibited.
 - 1) A permit shall be obtained from the Chief of the Bureau of Fire Prevention for the manufacture and storage of fireworks. The Chief of the Bureau of Fire Prevention may restrict the quantity of fireworks that can be manufactured or stored.

- 2) The manufacture, transportation, and storage of fireworks shall be reasonably safe to persons and property. On matters not detailed in the Code, conformance with the standard listed for this Section 13.3(a). (2) in article 31 of this Code shall be evidence that such manufacture, transportation, and storage is reasonably safe to persons and property.
2. It shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks except as provided in Sections 13.3(c) through 13.3(f).
3. The Chief of the Bureau of Fire Prevention may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or group of individuals. Such permits can be granted upon application to the Chief of the Bureau of Fire Prevention and after approval of the Chief of Police and the filing of a bond by the applicant as provided in Section 13.4. Every such display shall be of such compositions, character, and so located, discharged or fired as in the opinion of the Chief of the Bureau of Fire Prevention, after proper inspection, and of the Chief of Police, shall not be hazardous to property or endanger any person or persons.
4. Application for permits shall be in writing at least 30 days in advance of the date of the display. After such privilege has been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for the purpose only. No permit granted hereunder shall be transferrable.
5. The sale, possession, use and distribution of fireworks for display purposes shall be conducted so as to be reasonably safe to persons and property. The sale, possession, use and distribution of fireworks conforming to the provisions of this Code shall be deemed to be reasonably safe to persons and property; on matters not detailed in this code, the sale, possession, use and distribution of fireworks for display purposes conducted in accordance with applicable standard specified for this Section 13.3(e) in Article 31 of this Code shall be evidence that such sale, possession, use and distribution of fireworks for display purposes provide reasonable safety to persons and property.
6. The Chief of the Bureau of Fire Prevention may adopt reasonable rules and regulations for the use of model rockets. The design, construction, and use of model rockets shall be reasonably safe to persons and property. The design, construction, and use of model rockets conforming to the provisions of this Code shall be deemed to be reasonably safe to persons and property; on matters not detailed in this Code, the design, construction, and use of model rockets is in accordance with applicable standards specified for this Section 13.3(f) in Article 31 of this Code shall be evidence that such design, construction, and use provides reasonable safety to persons and property.

Section 13.6 Seizure of Fireworks

The Chief of the Bureau of Fire Prevention shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article.

Section 3.25 Penalties

Any person, firm or corporation violating any of the provisions of this Ordinance and Code shall be deemed guilty of a misdemeanor, and each such person, firm, or corporation shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this Ordinance and Code is committed, continued or permitted and upon the conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00 or by imprisonment of not more than 90 days or both such fine and imprisonment.