

SUBDIVISION C. FIREWORKS AND PYROTECHNIC DISPLAYS

20-115. 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 punishable as provided in Chapter 1 of the City Code. A person who receives a municipal 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, punishable as provided in Chapter 1 of the City Code.

(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 responsible for a municipal civil infraction punishable as provided in Chapter 1 of the City Code.

(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) or who does not post signage regarding the smoking prohibition that satisfies the requirements of NFPA 1124 is responsible for a municipal civil infraction punishable as provided in Chapter 1 of the City Code.

(D) A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks in a manner that is intended to harass, scare, or injure livestock. A person who violates this subsection is guilty of a misdemeanor punishable as provided in Chapter 1 of the City Code.

(E) (1) Consumer fireworks shall not be ignited, discharged, or used in the city. An individual who violates this subsection is responsible for a municipal civil infraction punishable by a fine of \$1,000 for each violation. The amount of \$500 from each fine collected for a violation of this division shall be remitted to the Police Department.

(2) ***Exceptions.*** Consumer fireworks may be ignited, discharged, or used in the city:

- (a) Between 11:00 a.m. on December 31 until 1:00 a.m. on January 1;
- (b) Between 11:00 a.m. and 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day;
- (c) Between 11:00 a.m. and 11:45 p.m. on June 29 to July 4;
- (d) Between 11:00 a.m. and 11:45 p.m. on July 5, if that date is a Friday or Saturday; and
- (e) Between 11:00 a.m. and 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day.

(F) (1) State law prohibits any ordinance enacted under the Fireworks Safety Act from regulating the ignition, discharge, or use of consumer fireworks on the days and during the times set forth in division (E). However, state law does not prohibit enforcement of other ordinances not adopted under the Fireworks Safety Act, nor does state law provide immunity for noise and community disturbances committed as a result of igniting, discharging, or using consumer fireworks. Therefore, other violations of the City Code committed during or as a result of the ignition, discharge, or use of consumer fireworks may still be enforced, including but not limited to:

- (a) Disturbing the public peace;
- (b) Violating the city's noise ordinances;
- (c) Violating the city's nuisance ordinances; or
- (d) Creating or depositing litter in violation of the city's littering ordinances.

(2) All other city ordinances not adopted pursuant to the Act and not directly or specifically targeted at the use of consumer fireworks shall continue to apply and may be enforced at any time of the year.

(G) No adult person other than the person igniting, discharging, or using a consumer firework shall be within 25 feet of a consumer firework that is being ignited, discharged, or used, and no minor shall be within 50 feet of a consumer firework that is being ignited, discharged, or used, unless such adult or minor is on his or her own neighboring property. Any person with control over the property who allows any adult or minor to violate this division shall also be in violation of this division. The City Council hereby finds that a motivating factor for the use of consumer fireworks is the presence and reaction of spectators, and the purpose of this subsection is to discourage family members, neighbors, guests, onlookers, and spectators from too closely gathering around the use of consumer fireworks, thereby subjecting themselves to potential injury by a person who is allowed under state law to ignite consumer fireworks without any regulation of such activity. This division shall be liberally construed to achieve the goal of protecting spectators from potential harm.

(H) It shall be a misdemeanor punishable as provided by Chapter 1 of the City Code if, as a result of having ignited, discharged, or used a consumer firework, any harm or damage is caused to any person or the property of another.

(I) Every fireworks vendor advertising consumer fireworks for sale within the city shall provide notice, as set forth in this subsection, to every purchaser of consumer fireworks by including an 8½" x 11" flyer with every purchase and by displaying a sign affixed to each side of any display area or temporary facility or consumer fireworks retail stand, as both are defined by the Michigan Administrative Code, where fireworks are sold at retail. To be in compliance with this subsection, the font on a

flyer shall be no smaller than 14 point boldface type, and the lettering on a sign shall be visible and discernible from every point of sale and, for temporary facilities, from a distance of at least 20 feet outside the footprint or boundaries of the facility. Each day that a vendor remains out of compliance with the requirements of this subsection shall be chargeable as a separate offense. At a minimum, each flyer and/or sign shall contain any information required by the City Manager, the Police Chief, or the Fire Chief, as well as all of the following information:

NOTICE OF CITY AND STATE LAWS

1. STATE LAW PERMITS, UNDER MCL 28.457, THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS (IN GENERAL, THE TYPE THAT LEAVE THE GROUND) AT THE FOLLOWING TIMES, AND SUCH ACTIVITIES ARE PROHIBITED IN STERLING HEIGHTS ON ANY DAYS AND TIMES OTHER THAN THE FOLLOWING TIMES: BETWEEN 11:00 A.M. AND 11:45 P.M. ON THE SATURDAY AND SUNDAY IMMEDIATELY BEFORE MEMORIAL DAY AND LABOR DAY, JUNE 29TH TO JULY 4TH, AND JULY 5TH IF THAT DATE IS A FRIDAY OR SATURDAY, AND BETWEEN 11:00 A.M. ON DECEMBER 31ST UNTIL 1:00 A.M. ON JANUARY 1ST (A TOTAL OF 12 OR 13 CALENDAR DAYS PER YEAR).

2. FIREWORKS THAT MAKE NOISE THAT CAN BE HEARD FROM ANY PUBLIC PLACE MAY NOT BE USED AFTER 11:00 P.M.

3. FOR FIREWORKS THAT LEAVE THE GROUND, ONLY THE PERSON IGNITING THE FIREWORKS MAY BE WITHIN 25 FEET, AND MINORS MAY NOT BE WITHIN 50 FEET.

4. FIREWORKS THAT LEAVE THE GROUND MAY NOT BE DISCHARGED ON GOVERNMENT PROPERTY, INCLUDING PARKING AREAS, STREETS, AND SIDEWALKS, OR ON PROPERTY OWNED BY ANOTHER UNLESS YOU HAVE EXPRESS PERMISSION FROM THE GOVERNMENT OR THE PROPERTY OWNER TO DISCHARGE FIREWORKS.

5. FIREWORKS THAT LEAVE THE GROUND MAY NOT BE USED BY A PERSON WHO IS UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR AND/OR ANY CONTROLLED SUBSTANCE (INCLUDING PRESCRIPTIONS).

6. DISTURBING THE PEACE, NOISE AND NUISANCE VIOLATIONS, AND LITTERING ARE MISDEMEANORS. YOU ARE RESPONSIBLE FOR CLEANING UP ANY FIREWORKS DEBRIS THAT ENDS UP ON PROPERTY THAT IS NOT YOUR OWN.

7. POLICE AND FIRE OFFICIALS MAY CITE YOU FOR MISDEMEANOR OR CIVIL INFRACTION VIOLATIONS OF STATE LAWS AND CITY ORDINANCES, WITH FINES RANGING FROM \$150 TO \$1,000 FOR EACH CIVIL INFRACTION VIOLATION. OFFICIALS MAY ALSO CONFISCATE ILLEGAL FIREWORKS AND FIREWORKS BEING USED UNLAWFULLY. YOU WILL BE RESPONSIBLE FOR THE COST OF DISPOSING OF THOSE FIREWORKS.

The reverse side of every flyer shall depict a standard calendar for the applicable year, with each day on which consumer fireworks may be used highlighted for easy reference. The title on the calendar side of the flyer shall read: "Consumer fireworks may only be used on 12 or 13 calendar days each year, subject to the rules on the reverse side. Permitted days are highlighted on the calendar below."

(J) Any individual who violates the restrictions in divisions (E), (G), or (I), or who aids, abets, perpetuates, participates in, or otherwise promotes the actions of the individual that violate said restrictions, may be cited and prosecuted for the applicable ordinance violation(s) and/or shall be responsible for a municipal civil infraction, punishable as provided in Chapter 1 of the City Code. 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, punishable as provided in Chapter 1 of the City Code.

(K) Any city police officer or official who identifies a firework that is in violation of the Act or this article shall secure the firework and immediately notify the department of the alleged violation. The Police Department shall investigate the alleged violation and, if it determines that a violation has occurred, except for a violation of section 20-101(G), may seize the firework as evidence of the violation. The Police Department shall store, or cause to be stored, the evidence seized under this subsection pending disposition of any criminal or civil proceedings arising from the violation. If the person subject to criminal or civil proceedings is found guilty, responsible, or liable for the violation, the person shall be required to pay the storage expense for the evidence seized. Following a final disposition of an appeal of a conviction under the Act or this article that affirms the conviction or finding of responsibility, the police department may dispose of or destroy any fireworks retained as evidence in that prosecution.

(L) A law enforcement officer and/or fire official may confiscate and impound all fireworks and fireworks paraphernalia involved in causing a misdemeanor 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.

(M) Unless otherwise specified herein, novelties are not subject to any of the regulations in this article, except that they may not be utilized in such a manner as to cause, create, or perpetuate a violation of any other section of the City Code of Ordinances.

(N) (1) Sky lanterns shall not be used, ignited, launched, offered for sale, exposed for sale, sold at retail, or kept with intent to sell at retail.

(2) Exception: Upon approval of the Fire Marshal, sky lanterns may be used when necessary for religious ceremonies and the Fire Marshal is satisfied, after reviewing a completed application for an operational permit, that adequate safeguards will be implemented. However, all such sky lanterns must be tethered in a manner that prevents them from leaving the immediate area, must be used in the manner and with the safeguards approved by the Fire Marshal, and must be constantly attended until extinguished and collected by the applicant.

(Ord. No. 419, § 1, 6-19-12; Ord. No. 430, § 1, 8-6-13; Ord. No. 442, § 2, 8-18-15; Ord. No. 463, § 3, 4-16-19)

State law reference:

MCL 28.451 et seq.

Administrative rules:

R 29.2901 et seq.

20-116. DISPLAY FIREWORKS; 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 §§ 20-121 through 20-125 of this article. Permits are not transferable and shall not be issued to a minor.

(Ord. No. 361, § 1, 5-7-02; Ord. No. 366, § 1, 11-6-02; Ord. No. 374, § 1, 12-21-04; Ord. No. 393, § 3, 1-2-08; Ord. No. 419, § 1, 6-19-12) Penalty, see § 1-9

State law reference:

MCL 28.466

20-117. 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) In addition to the penalty provided in Chapter 1, 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 clean up, 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, punishable as provided in Chapter 1 of the City Code. 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, punishable as provided in Chapter 1 of the City Code.

(Ord. No. 407, § 5, 7-21-09; Ord. No. 419, § 1, 6-19-12)

20-118-20-120. RESERVED.

SUBDIVISION D. PROCEDURES

20-121. APPLICATION; RENEWAL.

(A) Every applicant for a permit to use or discharge Display Fireworks and/or pyrotechnic special effects shall submit to the Fire Department, with a nonrefundable application fee, a current and fully completed application on a form provided by the Department.

(B) The fees shall be set by the city's annual appropriations ordinance in an amount to cover the cost of investigation, review, and inspection by the city of the premises which will be used for the use or discharge of Display Fireworks and/or pyrotechnic special effects.

(C) A permit shall not be issued to a nonresident person, firm, or corporation for ignition of articles pyrotechnic or Display

Fireworks until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.

(D) All applications shall contain the following information:

(1) The name, residence address, and telephone number of a resident agent who is a natural person (no post office boxes will be accepted as legal addresses);

(2) The name, residence address, and telephone number of the applicant:

(a) If the applicant is a corporation, the name, residence address, and telephone number of each of the officers and directors of the corporation and of each stockholder owning more than 10% of the stock of the corporation if that individual is or will be involved in the management and/or operation of the business. The applicant shall also provide the name, residence address, and telephone number of each individual who will be involved in the management and/or operation of the business, as well as documentation that the corporation is in good standing in the state of incorporation;

(b) If the applicant is a partnership, the name of the partnership and the name, residence address, and telephone number of each of the partners having at least a 10% ownership interest, as well as any individual who is or will be involved in the management and/or operation of the business;

(c) If the applicant owns stock or has a financial interest in any other business which sells or manufactures fireworks, the name, address, and telephone number of the corporation and the name, address, and telephone number of each such business;

(3) The address and legal description of the property where the fireworks will be displayed, or where pyrotechnic special effects will be displayed;

(4) Authorization for the city, its agents and employees to seek information and conduct a safety inspection of the premises where fireworks will be displayed, or where pyrotechnic special effects will be displayed. The applicant shall give such additional information and identification necessary to discover the truth of the matters required to be set forth in the application; and

(5) The application shall be signed and sworn to by the applicant.

(E) Permits. In addition to the other conditions set forth in this section, permit applications shall be subject to background investigations to determine whether the applicant has ever been involved in criminal or fraudulent activities, or has ever had a license or permit suspended or revoked for cause.

(1) If, as a result of the investigation, the Fire Marshal or Chief of Police has reasonable cause to believe that the applicant may cause or present a danger to public safety if granted a fireworks display permit, the City Council may deny the application.

(2) If, as a result of the investigation, the Fire Marshal or Chief of Police has reasonable cause to believe that the applicant may cause or present a danger to public safety if granted a pyrotechnic special effects display permit, the Fire Marshal may deny the application.

(F) Applicants for a permit to use, discharge, or display fireworks or pyrotechnic special effects must demonstrate financial responsibility in the form of a bond or insurance policy in an amount, character, and form deemed necessary by the City Council for the protection of the public.

(G) Before granting a permit to use, discharge, or display fireworks, the City Council shall rule on the competency and qualifications of the operator of the display as required under NFPA 1123, and the time, place, and safety aspects of the display.

(H) Cost of policing. Fireworks displays vary in size and scope, and displays of large magnitude cause the city to incur significant additional expenses for police, fire, and emergency services. Therefore, in addition to the nonrefundable application fee, an applicant for a permit to use, discharge, or display fireworks shall deposit with the city, as a condition of enjoying the privileges inherent in receipt of a permit, an amount reasonably calculated to reimburse the city for the cost of additional police and emergency services. The city shall hold such amount, to be determined by the City Council at the time the permit application is considered, in escrow until after the fireworks display. In determining the amount, the City Council may utilize its past experiences and the experiences of other communities. The city shall itemize its additional police and emergency services expenses incurred as a result of the fireworks display and may draw from the escrowed funds to achieve full reimbursement. Remaining funds shall be returned to the permit applicant. In the event that the escrowed funds are insufficient to cover the city's actual costs under this division (H), the city shall serve an invoice upon the permit applicant with a demand for payment. Failure of a permit applicant to comply with any of the provisions of this division (H) shall be a misdemeanor, punishable as provided in Chapter 1 of this code.

(I) Term.

(1) Permits for the use or discharge of Display Fireworks or pyrotechnic special effects are valid only for the date(s) and time(s) stated on the permit itself. Each subsequent use or discharge of Display Fireworks or pyrotechnic special effects shall require a new permit, and the applicant shall follow the application process set forth in this article.

(J) Display permit conditions. The issuance of a permit for the use or discharge of Display Fireworks or pyrotechnic

special effects shall be conditioned upon compliance with all of the terms and conditions of this article, as well as the provisions of Chapter 33 of the International Fire Code. In addition, the issuance of such a permit shall be conditioned upon the following:

(1) The applicant and property owner must execute a written agreement, in a form approved by the City Attorney, to allow police, fire, and emergency personnel designated by the city to be present on the premises before, during, and after the fireworks or pyrotechnic special effects display for purposes of supervising and inspecting the display and surrounding conditions for public safety hazards and violations of city codes and ordinances; and

(2) The applicant and property owner must execute an indemnification agreement, in a form approved by the City Attorney, to indemnify the city for any and all liability or damages incurred by any person or entity as a result of the fireworks or pyrotechnic special effects display.

(Ord. No. 361, § 1, 5-7-02; Ord. No. 366, § 1, 11-6-02; Ord. No. 374, § 1, 12-21-04; Ord. No. 393, § 4, 1-2-08; Ord. No. 419, § 1, 6-19-12)

State law reference:

MCL 28.451 et seq.

20-122 INVESTIGATION.

(A) Upon receipt of the fully completed application, fees, and such other information as may be required or requested by the Fire Department, the Fire Marshal shall schedule a safety inspection to examine the premises where fireworks will be displayed, or where pyrotechnic special effects will be displayed.

(B) If the Fire Marshal finds reasonable cause to believe that other code violations exist which are not fire safety related, the Fire Marshal may refer the application to the Building Official, or his or her designated representative, who shall cause a thorough inspection of the premises to be made to ensure that the premises are in compliance with all pertinent provisions of state law and local ordinances. The results of such inspections shall be returned to the Fire Marshal within 30 days of the date the application was referred.

(C) For fireworks display permits, the Fire Marshal shall forward his or her recommendation to the City Council for consideration of the permit application within 120 days of receipt of the properly completed application. For pyrotechnic special effects display permits, the Fire Marshal shall issue a decision to grant or deny the permit within 60 days of receipt of the properly completed application.

(Ord. No. 361, § 1, 5-7-02; Ord. No. 366, § 1, 11-6-02; Ord. No. 374, § 1, 12-21-04; Ord. No. 393, § 4, 1-2-08; Ord. No. 419, § 1, 6-19-12)

20-123. CERTIFICATE OR PERMIT; REFUSAL, SUSPENSION, REVOCATION, OR NONRENEWAL.

A permit issued under this article may be refused by the Fire Marshal or suspended, revoked, or not renewed by the City Council for cause. The term CAUSE as used in this Article, shall include the doing or omitting of any act or permitting any condition to exist on the premises for which a permit is issued, which act, omission, or condition is contrary to the health, safety, and welfare of the public, is unlawful, irregular, or fraudulent in nature, is unauthorized or beyond the scope of the permit issued, or is forbidden by this Article or any applicable law. Cause shall include but not be limited to:

(A) Fraud or material misrepresentation in the application;

(B) Fraud or material misrepresentation in the operation of the business or during a safety inspection;

(C) Any material violation of this article or of the regulations authorized herein;

(D) Any violation of federal or state law or local ordinance which creates a risk to the health, safety, or welfare of the community;

(E) Conducting the business in an unlawful manner or in such a manner as to constitute a maintenance of a nuisance upon or in connection with the premises for which a permit is issued. For purposes of this Article, NUISANCE shall be given its normal and customary meaning and shall include the nuisances found within Chapter 33 of this code as well as, but not be limited to, the following:

(1) Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire, or other applicable regulatory codes;

(2) A pattern or practice of patron conduct which is in violation of the law and/or interferes with the health, safety, and welfare of the properties in the area.

(F) Failure by the owner or operator to permit inspection of the premises by the city's agents or employees in connection with the enforcement of this Article;

(G) Failure to pay personal property taxes, other city obligations and real property taxes by February 14 of each year.

(Ord. No. 361, § 1, 5-7-02; Ord. No. 366, § 1, 11-6-02; Ord. No. 374, § 1, 12-21-04; Ord. No. 419, § 1, 6-19-12)

20-124. PROCEDURE FOR NONRENEWAL, REVOCATION, OR SUSPENSION.

(A) Before any action is taken concerning revocation or suspension of a permit, the city shall serve the holder of the permit by personal service or first class mail, served or mailed at least ten days prior to a hearing, with notice of hearing before the City Council or a hearing panel designated by the City Council to conduct a hearing and forward a recommendation to the City Council, which notice shall contain the following:

- (1) Date, time, and place of the hearing;
- (2) Notice of the proposed action;
- (3) Reasons for the proposed action;
- (4) Names of witnesses known at the time who will testify;
- (5) A statement that the holder of the permit may be represented by legal counsel, present evidence and testimony, and confront and cross-examine adverse witnesses;
- (6) A statement requiring the holder of the permit to notify the City Attorney's office at least three days prior to the hearing date if he, she, or it intends to contest the proposed action and to provide the names of witnesses known at that time who will testify on his, her, or its behalf.

(B) Upon completion of the hearing, and after a decision by the City Council, the city shall submit to the holder of a permit a written statement of the findings and determination of the City Council within 30 days.

(Ord. No. 361, § 1, 5-7-02; Ord. No. 366, § 1, 11-6-02; Ord. No. 374, § 1, 12-21-04; Ord. No. 419, § 1, 6-19-12)

20-125. DENIAL; HEARING.

(A) Any person whose initial request for a pyrotechnic special effects display permit, is denied by the Fire Marshal shall have a right to a hearing before the City Council, provided a written request for such a hearing is filed with the City Manager within ten days following such denial. The City Council shall have the right to affirm and sustain any refusal to issue a permit or the City Council may grant any such permit.

(B) In addition to the information required in this article, an applicant whose permit under this article was denied by the Fire Marshal should be prepared to submit and discuss any additional information required by the City Council for the appeal hearing.

(Ord. No. 361, § 1, 5-7-02; Ord. No. 366, § 1, 11-6-02; Ord. No. 374, § 1, 12-21-04; Ord. No. 393, § 4, 1-2-08; Ord. No. 419, § 1, 6-19-12)

20-126 - 20-130. RESERVED.

SUBDIVISION E. PENALTIES

20-131. VIOLATIONS AND PENALTIES.

(A) Unless otherwise provided in this Article, if a person knowingly, intentionally, or recklessly violates this Article, the person is guilty of a crime as follows:

- (1) Except as otherwise provided in this section, a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$500.00, or both.
- (2) If the violation causes damage to the property of another person, a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.
- (3) If the violation causes serious impairment of a body function of another person, or death to another person, the violations shall be prosecuted as felonies pursuant to the Act.

(B) In addition to any other penalty imposed for the violation of the Act or this Article, a person who tenders a plea of guilty, no contest, or responsible to a violation of this Article shall be required to reimburse the city for the costs of storing and disposing of seized fireworks that the city confiscated for a violation of the Act or this Article.

(Ord. No. 419, § 1, 6-19-12)