

CITY OF TRENTON
ORDINANCE NO. 776
SUMMARY

AN ORDINANCE TO AMEND SECTION 42-362 OF THE TRENTON CITY CODE CONCERNING THE USE OF FIREWORKS BY DELETING IT IN IS ENTIRETY AND ADDING A NEW SECTION TO LIMIT USE DURING CERTAIN HOURS OF NATIONAL HOLIDAYS, IN CONFORMITY WITH STATE LAW.
THE CITY OF TRENTON, COUNTY OF WAYNE, HEREBY ORDAINS AS FOLLOWS:

Section 1. CHAPTER 42, FIRE PREVENTION AND PROTECTION; ARTICLE V, FIREWORKS; Section 42-362, Sale, possession, transportation and use prohibited; shall be amended to read as follows:

Sec. 42-362. Sale, possession, transportation and used prohibited.

(a) A person shall not ignite, discharge or use consumer fireworks, as such term is defined in by State Law, except for the use of consumer fireworks on the day preceding, the day of, or the day after the following national holidays:

- (1) New Year's Day, but not between 1 AM and 8AM
- (2) Martin Luther King, Jr. Day, but not between 12 midnight and 8 AM
- (3) President's Day, but not between midnight and 8 AM
- (4) Memorial Day, but not between midnight and 8 AM
- (5) Independence Day, but not between midnight and 8AM
- (6) Labor Day, but not between midnight and 8AM
- (7) Columbus Day, but not between midnight and 8AM
- (8) Veterans Day, but not between midnight and 8 AM
- (9) Thanksgiving Day, but not between midnight and 8 AM
- (10) Christmas Day, but not between midnight and 8 AM

(b) 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. Except as otherwise provided in this subsection, a person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(c) Consumer fireworks shall not be ignited, discharged or used by a person under the influence of alcoholic liquor or controlled substance or a combination of both.

(d) Low-Impact fireworks shall not be ignited, discharged or used by a person under the influence of alcoholic liquor or controlled substance or a combination of both.

(e) Unmanned Free-Floating Devices. Any unmanned free-floating device (sky lantern) which requires fire underneath to propel it and is not moored to the ground while aloft, have an uncontrolled and unpredictable flight path and descent area so as to pose a potential fire risk and are therefore prohibited.

(f) Unless otherwise provided in (b) above, if a person knowingly, intentionally, or recklessly violates this Ordinance, the person is guilty of a misdemeanor as follows:

- (1) Except as otherwise provided in (2) below, 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.

Section 5. Readings. This Ordinance shall be given immediate effect as an emergency Ordinance, pursuant to Section 7.3 of the City Charter

ADOPTED, APPROVED AND PASSED by the City Council of the City of Trenton this 17th day of June, 2013.

Kyle F. Stack, Mayor

Patricia M. Gearhart, City Clerk