

CHAPTER 692  
Weapons and Explosives

692.01	Fireworks.	692.99	Penalty.
692.02	Discharging firearms or pellet guns.		

CROSS REFERENCES

Storage and transportation of explosives - see M.C.L.A. Sec. 29.3a

Construction or possession of explosive devices - see M.C.L.A. Sec. 750.211a

Arson - see M.C.L.A. Secs. 750.71 et seq.

**692.01 FIREWORKS.**

(a) Definitions. As used in this section:

- (1) "Fireworks" means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration or detonation. "Fireworks" includes Class B fireworks and Class C fireworks.
- (2) "Class B fireworks" means toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as Class C fireworks, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powder in inner units not exceeding two ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than seventy-two grains of flash powder each and other similar devices.

- (3) "Class C fireworks" means toy smoke devices, toy caps containing not more than .25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, signal cartridges, sparklers, explosive auto alarms and other similar devices.

(b) Prohibitions. Except as provided in subsections (c) and (d) hereof, no person shall offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode or cause to explode any of the following:

- (1) A blank cartridge, blank cartridge pistol, toy cannon, toy cane or toy gun in which explosives are used;
- (2) An unmanned balloon which requires fire underneath to propel it and is not moored to the ground while aloft;
- (3) Firecrackers, torpedoes, skyrockets, roman candles, day-go bombs, bottle rockets, whistling chasers, rockets on sticks or other fireworks of like construction; or
- (4) Fireworks containing an explosive or inflammable compound of a tablet or other device commonly used and sold as fireworks containing nitrates, fulminates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or a compound containing these or other modern explosives.

(c) Exceptions to Permit Requirements. No permit is required for the following:

- (1) Flat paper caps containing not more than .25 grains of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap;
- (2) Toy pistols, toy cannons, toy canes and toy guns of a type approved by the Director of the Department of State Police in which paper caps are used, which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion;
- (3) Sparklers containing not more than .0125 pounds of burning portion per sparkler;

- (4) Filter sparklers in paper tubes not exceeding one-eighth inch in diameter, cone fountains and cylinder fountains;
  - (5) Toy snakes not containing mercury, if packed in cardboard boxes with not more than twelve pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed thereon, and toy smoke devices; and
  - (6) The possession, transportation, sale or use of signal flares, of a type approved by the Director of the Department of State Police, blank cartridges or blank cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports or for the use by military organizations, and all items described in subsection (b) hereof used by railroads, trucks or vehicles for emergency signal purposes.
- (d) Permit Procedure.
- (1) Council, upon application, in writing, on forms provided by the Director of the Department of State Police, may grant a permit for the use of fireworks otherwise prohibited by this section in the City, manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks or other organizations or groups of individuals approved by the City, if applicable provisions of this section are complied with. The permit shall be on forms provided by the Director. After a permit has been granted, the sale, possession or transportation of fireworks for only the purposes described in the permit may be made. A permit granted under this subsection shall not be transferable nor shall a permit be issued to a person under eighteen years of age.
  - (2) Council, upon application, in writing, on forms provided by the Director, may grant a permit to a resident wholesale dealer or jobber to have in his or her possession in the City fireworks otherwise prohibited by this section for sale only to holders of permits as provided in this subsection. A permit granted under this subsection is not transferable nor shall a permit be issued to a person under eighteen years of age.

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- (3) Before a permit for a pyrotechnic display is issued, the person making application therefor shall furnish proof of financial responsibility by a bond or insurance in an amount deemed necessary by the City to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, or an agent or employee thereof, in the amount, character and form the City determines necessary for the protection of the public.
  - (4) The City shall rule on the competency and qualifications of operators of pyrotechnic displays, as the operator has furnished in his or her application form, and on the time, place and safety aspects of the displays before granting permits.  
(Ord. 167. Passed 6-5-79.)
- (e) Sale of Class "C" Fireworks.
- (1) The sale of Class "C" fireworks only shall occur wholly within permanent buildings and permanent structures as defined by the BOCA Basic National Building Code, which shall have been deemed safe and proper by the appropriate Code official(s). It shall be unlawful to sell fireworks within temporary facilities, tents or air-supported structures.
  - (2) It shall be unlawful for any person, firm, corporation, business or organization to offer for sale, or sell, furnish, give or cause to be sold, furnished, or given any fireworks to a person under the age of eighteen years except as follows:
    - A. Flat paper caps which do not contain more than 0.25 grains of explosive content per cap.
    - B. Packages must be labeled to indicate the maximum explosive content per cap.
  - (3) Any person, firm, corporation, business or organization which shall offer for sale or cause to be sold any type of fireworks shall, prior to any such sale, furnish proper evidence to the City Clerk annually prior to June 1 of each year, that said person, firm, corporation, business or organization maintains a minimum of five hundred thousand dollars (\$500,000) premises insurance and a minimum of one million dollars (\$1,000,000) liability insurance.  
(Ord. 262. Passed 10-16-01.)

**692.02 DISCHARGING FIREARMS OR PELLET GUNS.**

(a) No person shall fire any firearm or pellet gun, except police officers in the course of their duty and except as provided for in subsection (b) hereof, within the City of Perry.  
(Ord. 100. Passed 4-5-66.)

(b) Controlled target shooting may be allowed to organizations, upon approval of the City Council, for a designated area in the City and with a qualified instructor present.  
(Ord. 165. Passed 9-19-78.)

**692.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

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