

**GREEN OAK CHARTER TOWNSHIP
ORDINANCE NUMBER 02-2019
FIREWORKS ORDINANCE AMENDMENT**

AN ORDINANCE TO AMEND CHAPTER 22, "OFFENSES," ARTICLE VI, "OFFENSES AGAINST PUBLIC SAFETY," SECTION 22-223, "FIREWORKS," IN ORDER TO AMEND REGULATIONS OF THE TIMES DURING WHICH CONSUMER FIREWORKS MAY BE DISCHARGED, INCLUDE ADDITIONAL RESTRICTIONS ON THE DISCHARGE OF FIREWORKS, AND AMEND THE PENALTIES FOR VIOLATIONS OF THIS SECTION.

GREEN OAK CHARTER TOWNSHIP ORDAINS:

Section 1. Amendment.

Chapter 22 "Offenses," Article VI, "Offenses Against Public Safety," Section 22-223, "Fireworks," of the Green Oak Charter Township Code of Ordinances is hereby amended to read in its entirety as follows:

A. Definitions.

As used in this Section, the following words and phrases have the meanings set forth herein:

Act means the Michigan Fireworks Safety Act, Public Act No. 256 of 2011, MCL 28.451 *et seq.*, as amended.

Alcoholic liquor means that term as defined in Section 1d of the Michigan Vehicle Code, 1949 PA 300, MCL 257.1d.

Articles pyrotechnic means pyrotechnic devices for professional use that are similar to consumer *fireworks* in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer *fireworks* but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

Consumer fireworks means *fireworks* devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. *Consumer fireworks* does not include low-impact *fireworks*.

Controlled substance means that term as defined in Section 8b of the Michigan Vehicle Code, 1949 PA 300, MCL 257.8b.

Display fireworks means large *fireworks* devices that are explosive materials intended for use in *fireworks* displays and designed to produce visible or audible effects by combustion,

deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

Firework or fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. *Fireworks* consist of consumer *fireworks* low-impact *fireworks*, articles pyrotechnic, display *fireworks*, and special effects.

Livestock means those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats.

Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

Minor means an individual under eighteen (18) years of age.

Novelties means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- (1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- (2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- (3) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- (4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

B. General prohibition on ignition, discharge, and use of consumer fireworks; exception.

No person shall ignite, discharge, or use fireworks within the Township at any time, except that:

- (1) Fireworks may be discharged in strict compliance with any permit issued by the Township in accordance with the Act.

(2) Consumer fireworks may be discharged on the following dates after 11:00 a.m. on that date:

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

(3) An individual in violation of this subsection (b) shall be responsible for a civil fine of not more than \$1,000.00 for each violation. \$500.00 of this fine will be remitted to the Green Oak Police Department.

(4) This subsection B shall not apply to low impact fireworks.

C. Additional prohibitions; Penalties.

(1) Consumer fireworks shall not be ignited, discharged, or used on public property, including streets and rights-of-way, or on school property, church property, or the private property of another, without the express written permission from the person or entity legally in possession and control of that property to undertake such action.

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

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

(4) No minor shall use, ignite or possess any consumer fireworks unless under the direct supervision of an adult at all times.

(5) 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.

(6) A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks if a no burning restriction has been implemented by the Fire Chief.

(7) An individual in violation of this subsection (c) shall be responsible for a civil fine of not more than \$1,000.00 for each violation.

D. Novelties not regulated.

This Section does not apply to novelties.

E. Enforcement.

This Section may be enforced by the Fire Chief and Police Chief, their designees, and any sworn law enforcement officers, or an ordinance enforcement officer.

F. Determination of Violation; seizure of fireworks.

If an enforcing official determines that a violation of this Section has occurred, the official may seize the fireworks as evidence of such violation. Upon a finding of responsibility or guilt for violation of this Section, the Township may dispose of or destroy any consumer fireworks or low impact fireworks retained as evidence for prosecution of the violation.

In addition to any other penalty provided herein, a person found responsible or guilty for violation of this Section shall reimburse the Township for the costs of storing, disposing of, or destroying any consumer or low impact fireworks seized as provided for herein.

Section 2. Savings Clause.

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3. Severability.

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 4. Adoption.

This Ordinance is hereby declared to have been adopted by the Green Oak Charter Township Board at a meeting thereof duly called and held on the 20th day of March, 2019, and ordered to be given effect upon publication as mandated by charter and statute.

GREEN OAK CHARTER TOWNSHIP

Michael H. Sedlak, CMC Township Clerk

Introduction Date: February 20, 2019

First Publication Date: March 25, 2019

Adoption Date: April 17, 2019

Second Publication Date: April 24, 2019

Effective Date: April 24, 2018

CERTIFICATION

I, Michael H. Sedlak, the Clerk for the Green Oak Charter Township, Livingston County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance Number 02-2019, adopted by the Green Oak Charter Township Board at a regular meeting held on April 17, 2019. The following members of the Township Board were present at that meeting: Tracey Edry, Dan Rainko, Jim Tuthill, Michael Sedlak and Mark St. Charles.

The Ordinance was adopted by the Township Board with five members of the Board voting in favor and no members voting in opposition. Notice of introduction and publication of the Ordinance was published in the Livingston County Community News on April 24, 2019. The Ordinance shall be effective April 24, 2019.

Michael H. Sedlak, Township Clerk