

**TOWNSHIP OF GLEN ARBOR
ORDINANCE # 1-2020**

CONSUMER FIREWORKS ORDINANCE

PLEASE TAKE NOTICE that the GLEN ARBOR TOWNSHIP BOARD OF TRUSTEES, at a meeting on October 20, 2020 at 7:30 p.m. in the Glen Arbor Township Hall, 6394 W Western Ave, Glen Arbor, Michigan 49636, adopted the Glen Arbor Township Consumer Fireworks Ordinance #1-2020. The full text of the ordinance is as follows:

An Ordinance to secure the public health, safety and general welfare of the citizens of and visitors to Glen Arbor Township, Leelanau County, Michigan, by regulating the use of Consumer Fireworks in Glen Arbor Township, as provided in Public Act 256 of 2011, as amended (MCL 28.457, *et seq.*).

GLEN ARBOR TOWNSHIP ORDAINS:

Section 1: Findings

The Township Board makes the following findings:

Public Act 246 of 1945 (MCL 41.181, *et seq.*) authorizes Glen Arbor Township to enact ordinances that regulate the public health, safety and general welfare of persons and property. Public Act 256 of 2011, as amended (MCL 28.457, *et seq.*) authorizes Glen Arbor Township to enact an ordinance regulating the ignition, discharge, and use of Consumer Fireworks. The Township Board believes an ordinance prohibiting the ignition, discharge, and use of Consumer Fireworks, to the extent allowed by Public Act 256 of 2011, as amended, is in the interest of public health, safety and general welfare.

Section 2: Title

This Ordinance shall be known and cited as the Glen Arbor Township Consumer Fireworks Ordinance.

Section 3: Definitions

The following definitions apply for purposes of this Ordinance:

- a. Consumer Fireworks: 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.

b. 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.

Section 4: Ignition, Discharge, and Use of Consumer Fireworks

- a. General rules for ignition, discharge, and use of Consumer Fireworks in Glen Arbor Township:
 1. 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 person or organization's express permission to use the consumer fireworks on those premises.
 2. A person shall not use consumer fireworks or low impact fireworks while under the influence of alcoholic beverage, a controlled substance, a combination of alcoholic beverage and a controlled substance, or other intoxicating substance.
 3. Consumer fireworks shall only be used in accordance with all applicable local, state and federal laws.
- b. The ignition, discharge, and use of Consumer Fireworks in Glen Arbor Township is prohibited at all times except for the following days, after 11:00 a.m.:
 1. December 31 until 1:00 a.m. on January 1.
 2. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
 3. June 29 to July 4 until 11:45 p.m. each of those days.
 4. July 5, if that date is a Friday or Saturday until 11:45 p.m.
 5. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

Section 5: Severability

This Ordinance shall be deemed severable. If any word, sentence, clause, section, or provision is declared invalid or unenforceable for any reason by any court of competent

jurisdiction, it shall not affect any other portion of this Ordinance and the remaining portions of this Ordinance shall remain valid and enforceable.

Section 6: Penalty/ Civil Infraction.

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars, plus cost and assessments as provided in MCL 600.8727. Each day this Ordinance is violated shall be considered as a separate violation.

Section 7: Enforcement.

Deputies of the Leelanau County Sheriff are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 8: Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9: Effective Date.

This Ordinance shall take effect 30 days following publication.

Motion by Laureto, support Peppler to approve Glen Arbor Township Ordinance # 1-2020. Roll call vote; Houtteman, aye; Laureto, aye; Lewis aye; Peppler, aye; and Van Nort, aye. Motion carried unanimously.

The Supervisor declared the ordinance duly adopted.

Peter Van Nort, Township Supervisor

CERTIFICATION

Dated: _____

I, Pamela J. Laureto, Glen Arbor Township Clerk, do hereby certify that the foregoing Ordinance No. 1-2020 was duly adopted by the Glen Arbor Township Board of Trustees at a regular meeting of said board held on the 20th day of October, 2020 at which a quorum was present.

GLEN ARBOR TOWNSHIP
Pamela J. Laureto, Clerk

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