

35.0700

**FIREWORKS ORDINANCE
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. 515 eff. July 7, 2013**

An Ordinance to regulate the ignition, discharge, and use of consumer fireworks in Grand Haven Charter Township; to establish penalties and sanctions for violations of this ordinance; and to establish an effective date.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN,
ORDAINS:

35.0701

Sec. 1 DEFINITIONS

The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning.

1. "Alcoholic Liquor" means that term as defined in section 1d of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).
2. "APA Standard 87-1" means 2001 APA Standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, as published by the American Pyrotechnics Association of Bethesda, Maryland.
3. "Consumer Fireworks" means Fireworks 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, as amended, and that are listed in APA Standard 87-1: 3.1.2, 3.1.3, or 3.5. Consumer Fireworks do not include Low-Impact Fireworks.
4. "Controlled Substance" means that term as defined in section 8b of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).
5. "Fireworks" means any composition or device, except a starting pistol, a flare gun, or a flare, designed for the purpose of producing visible or audible effect by combustion, deflagration, or detonation.
6. "Holiday" means any of the following:
 - A. New Year's Day, January 1;

- B. Birthday of Martin Luther King, Jr., the third Monday in January;
 - C. President's Day, the third Monday in February;
 - D. Memorial Day, the last Monday in May;
 - E. Independence Day, July 4;
 - F. Labor Day, the first Monday in September;
 - G. Columbus Day, the second Monday in October;
 - H. Veteran's Day, November 11;
 - I. Thanksgiving Day, the fourth Thursday in November; and
 - J. Christmas Day, December 25.
7. "Low-Impact Fireworks" means ground and handheld sparkling devices as that phrase is defined in APA standard 87-1: 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.
 8. "Minor" means an individual who is less than 18 years of age.
 9. "Person" means any individual, corporation, business, or any other entity.

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Sec. 2 IGNITION, DISCHARGE AND USE OF FIREWORKS

1. Except on the day preceding, the day of, or the day after a Holiday, in accordance with state and federal laws and applicable Township ordinances, and except on the first Saturday in August each year (Coast Guard Festival), a Person shall not ignite, discharge, or use Consumer Fireworks.
2. A Person shall not ignite, discharge, or use Consumer Fireworks on any day the State, through the Department of Natural Resources or any successor agency, has determined that an "Extreme Fire Danger" exists, including the day preceding, the day of, or the day after, a Holiday.

35.0703

Sec. 3 POSSESSION OF CONSUMER FIREWORKS BY A MINOR

A Minor shall not possess, ignite, discharge, or use Consumer Fireworks.

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Sec. 4 PROHIBITED CONDUCT

1. A Person shall not ignite, discharge, or use Consumer Fireworks on public property, school property, church property, or the property of any another Person without that Person's express permission to use those Consumer Fireworks on those premises.
2. A Person shall not use Consumer Fireworks or Low-Impact Fireworks while under the influence of Alcoholic Liquor, a Controlled Substance, or a combination thereof.

35.0705

**Sec. 5 DETERMINATION OF VIOLATION;
SEIZURE**

If an Authorized Township Official, as defined in Section 2 of the Code/Ordinance Enforcement Ordinance, Ordinance Number 243, determines that a violation of this Ordinance has occurred, the Authorized Township Official may seize the Consumer Fireworks as evidence of the violation.

35.0706

**Sec. 6 LOCAL, STATE, AND FEDERAL
REQUIREMENTS**

Nothing contained within this Ordinance shall be construed to relieve a Person of any duties and obligations imposed under any local, state or federal laws, rules, regulations, licenses, or permit requirements.

35.0707

Sec. 7 SEVERABILITY AND CAPTIONS

This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered as part of this Ordinance.

35.0708

Sec. 8 ADMINISTRATIVE LIABILITY

No officer, agent, employee, or member of the Township Board shall be personally liable for any damage that may accrue to any Person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

35.0709

Sec. 9 VIOLATIONS

Any Person violating the provisions of this Ordinance shall be responsible for a

municipal civil infraction. The penalty for a violation of this Ordinance shall be a civil fine of not less than \$50.00, plus costs and other sanctions. Increased civil fines may be imposed for repeat violations of this Ordinance by a Person. A "repeat violation" of this Ordinance is a second or subsequent violation of this Ordinance committed by a Person within six months of a prior violation of this Ordinance, and for which the Person admits responsibility or is determined to be responsible. The penalty for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than \$250.00, plus costs and other sanctions. The penalty for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than \$500.00, plus costs and other sanctions. The Township Supervisor, Township Superintendent (Township Manager), an authorized Township official, any law enforcement officer of the Ottawa County Sheriff's Department or the Michigan State Police, and the Township Attorney are authorized to issue municipal civil infraction citations for violations of this Ordinance.

35.0710 Sec. 10 REPEAL

All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of the date of this Ordinance are repealed to the extent of such conflict.

35.0711 Sec. 11 EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board on May 28, 2013, after its introduction and first reading on May 13, 2013, and after its publication in the manner provided by Public Act 359 of 1947, as amended. This Ordinance shall take effect 30 days after its publication following adoption.

Adopted: July 7, 2013