

Long Lake Township
Grand Traverse County
Ordinance #132

AN ORDINANCE TO REGULATE THE USE OF CONSUMER FIREWORKS IN LONG LAKE TOWNSHIP AS PROVIDED IN PUBLIC ACT 256 OF 2011, AS AMENDED.

LONG LAKE TOWNSHIP HEREBY ORDAINS:

Section 1: Findings

The Long Lake Township Board makes the following findings:

1. Public Act 256 of 2011, as amended, (ML 28.451, *et seq.*) authorizes Long Lake Township to enact an ordinance regulating the ignition, discharge, and use of Consumer Fireworks.
2. The Township Board hereby finds that 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 of persons and property within Long Lake Township.

Section 2: Title

This Ordinance shall be known and cited as the Long Lake Township Consumer Fireworks Ordinance.

Section 3: Applicability

This Ordinance, the Long Lake Township Consumer Fireworks Ordinance, applies only to the use of consumer fireworks and low-impact fireworks as defined in Section 4. All outdoor fireworks displays within the Township not defined in Section 4, including use of articles pyrotechnic, display fireworks, or special effects; and the use of agricultural or wildlife fireworks for the purposes of outdoor pest control or agricultural purposes, are regulated and defined under the Long Lake Township Fireworks Display Permit Ordinance, Ordinance No. 133.

Section 4: Definitions

The following definitions apply for purposes of this Ordinance:

1. "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.

2. "Low-impact fireworks" means ground and handheld sparking 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.
3. "National Holiday" A national holiday is defined in 5 USC 6103 and includes: New Year's Day (January 1); Martin Luther King Jr. Day (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); Christmas Day (December 25).
4. "Person" means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

Section 5: Ignition, Discharge, and use of Consumer Fireworks

1. No person shall ignite, discharge, or use consumer fireworks within Long Lake Township at any time, except on the day preceding, the day of, or the day after a national holiday.
2. No person shall ignite, discharge, or use Consumer Fireworks within Long Lake Township between the hours of 1:00 AM and 8:00 AM on the day preceding, the day of, and the day after a national holiday.

Section 6: Enforcement and Penalties

1. 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. Each day this Ordinance is violated shall be considered as a separate violation.
2. The person(s) designated by the Township Board and deputies of the Grand Traverse 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.
3. A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.
4. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 7: Severability

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 8: Repeal of Ordinance #130

Long Lake Township Ordinance #130, the Long Lake Township Consumer Fireworks Ordinance, effective February 20, 2013 is hereby repealed in its entirety.

Section 9: Effective Date

This Ordinance shall become effective 30 days after being published in a newspaper of general circulation within the Township.

LONG LAKE TOWNSHIP

Date: 9/10/13

By: Karen Rosa
Karen Rosa, Supervisor

Date: 9/10/13

By: Carol Hoffman
Carol Hoffman, Clerk

Publication Date: 9/17/13

Effective Date: 10/17/13