

ST. CLAIR TOWNSHIP
1539 S. Bartlett Rd. St. Clair, MI 48079
Phone (810) 329-9042 Fax (810) 329-1198
www.stclairtp.org

ORDINANCE NO. 193
ST. CLAIR TOWNSHIP FIREWORKS ORDINANCE

An Ordinance to amend Ordinance 186 of St Clair Township by the amendment of the following:

The Township of St Clair ordains:

The current section of 3F & Section 4 and 7A be deleted and replaced with the following language.

Section 1. Short Title.

This ordinance shall be known and may be sighted as the “2019 Fireworks Ordinance”.

Section 2. Purpose.

This is an ordinance to provide for the regulation of the ignition, discharge, and use of consumer fireworks as allowed under the Michigan Fireworks Safety Act, MCL28.451 ET SEQ.

Section 3. Definitions.

As used in this ordinance, the following terms shall be defined as follows:

- A. “APA standard 87-1” means 2001 APA standards 87-1, standard for the construction and Approval for transportation of fireworks, novelties and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, MD.
- B. “Consumer fireworks” means fireworks devices that are designed to comply with the construction, Chemical composition and labeling regulations promulgated by the United States Consumer Protection 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 do not include low-impact fireworks.
- C. “Fireworks” means any composition or device, except for the purpose of producing a visible or audible effect by combustion, deflagration or detonation.
- D. “Low Impact Fireworks” means ground and handheld sparkling devices as that phrase is defined Under APA standard 87-1, 3.1.1.1 to 3.1.1.8 and 3.5.
- E. “Minor” means an individual who is less than 18 years of age.
- F.
 - 11:00 a.m. on December 31 – 1:00 a.m. on January 1
 - 11:00 a.m. – 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day
 - 11:00 a.m. – 11:45 p.m. on June 29 and 30 and July 1,2,3 and 4.
 - 11:00 a.m. – 11:45 p.m. on July 5, if that date is a Friday or Saturday
 - 11:00 a.m. – 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day

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

A person shall not ignite, discharge, or use consumer fireworks except as listed in Section 3F.

Section 5. Possession of consumer fireworks by a minor.

A minor shall not possess consumer fireworks.

Section 6. Determination of Violation: Seizure.

If an enforcement officer determines that a violation of this ordinance has occurred, the officer may seize the Fireworks as evidence of the violation.

Section 7. Penalty

- A. Civil Infraction. All violations of this ordinance shall be civil infractions, and upon conviction Thereof, shall be punishable by a fine of not less than Five hundred (\$500.00) dollar nor more than One thousand (\$1000.00) dollars. With \$500 of the fine remitted to the local law enforcement agency responsible for enforcing the ordinance.

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- B. Disposal of Evidence. Following the final disposition of a finding of responsibility for violating This ordinance, the Township may dispose of, or destroy, any consumer fireworks retained as evidence in that prosecution.
- C. Costs of Storage and Disposal. In addition to any other penalty, a person found responsible for a violation of this ordinance shall be required to reimburse the Township for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this ordinance.

Section 8. Severability.

This ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be valid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 9. Repeal.

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

Section 10. Effective Date.

This Ordinance shall become effective 30 days after publication.

Section 11. Inspection of Ordinance.

A copy of this Ordinance may be inspected or purchases at the Township Hall, 1539 S. Bartlett Rd, St. Clair, MI 48079 during regular office hours.

Section 12. CERTIFICATION.

The foregoing is a true and complete copy of an Ordinance adopted by the Township Board of St. Clair Township, County of St. Clair, State of Michigan, at a regular meeting held on the 18th day of March, 2019 and public notice of said meeting was given pursuant to and in accordance with the requirements of the Michigan Zoning Enabling Act, Act NO. 110 of 2006 and Act No. 110 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

JOYCE A. SKONIECZNY
ST. CLAIR TOWNSHIP CLERK

ADOPTED: March 18, 2019
PUBLISHED: March 27, 2019
EFFECTIVE: April 27, 2019