

ORDINANCE NO. 71519-1

**AN ORDINANCE TO RESTATE THE CASCO TOWNSHIP
FIREWORKS ORDINANCE IN ITS ENTIRETY TO
REGULATE THE DISCHARGE OF CONSUMER
FIREWORKS IN CASCO TOWNSHIP**

CASCO TOWNSHIP, COUNTY OF ALLEGAN, STATE OF MICHIGAN, ORDAINS:

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. "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.
7. "Minor" means an individual who is less than 18 years of age.

8. "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.

**Sec. 2 IGNITION, DISCHARGE, AND USE OF
FIREWORKS**

1. A Person shall not ignite, discharge, or use Consumer Fireworks except on the following days after 11 a.m.:
- 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, if that date is a Friday or Saturday, until 11:45 p.m.
 - E. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
2. A Person shall not ignite, discharge, or use Consumer Fireworks if the environmental concerns based on the department of natural resources fire division criteria are elevated to extreme fire conditions or if the environmental concerns based on the department of natural resources fire division criteria are elevated to very high for 72 consecutive hours and the commanding officer of the fire department, in consultation with the department of natural resources enforces a no burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks. If a no burning restriction is instituted under this Section, the commanding officer of the fire department enforcing the restriction shall ensure that adequate notice of the restriction is provided to the public.

**Sec. 3 POSSESSION OF CONSUMER FIREWORKS
BY A MINOR**

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

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.

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

If an Authorized Township Official, as defined in an ordinance by the Township, determines that a violation of this Ordinance has occurred, the Authorized Township Official may seize the Consumer Fireworks as evidence of the violation.

**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.

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.

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.

Sec. 9 VIOLATIONS


Any person violating the provisions of this ordinance shall be responsible for a municipal civil infraction with a civil fine of \$1,000.00 for each violation of the ordinance. \$500.00 of the fine collected under the ordinance shall be remitted to the local law enforcement agency responsible for enforcing the ordinance. The Township Supervisor, an authorized Township official, any law enforcement officer of the Allegan 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.


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.

Sec. 11 EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board on 7/15/2019. This Ordinance shall take effect 30 days after its publication following adoption.


Allan Overhiser,
Township Supervisor


Cheryl Brenner
Township Clerk

CERTIFICATE

I, Cheryl Brenner, the Clerk for the Casco Township of Casco, Allegan County, Michigan, certify that the foregoing Casco Township Fireworks Ordinance was adopted at a regular meeting of the Township Board held on July 15, 2019. The following members of the Township Board were present at that meeting: see below. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board Names listed below voting in favor and 0 members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *South Haven Tribune* on _____, 2019.

Cheryl Brenner
Cheryl Brenner, Clerk
Casco Township

Overhiser
Brenner
WinFrey
Macjarski
Graff