

GANGES TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
FIREWORKS ORDINANCE

ORDINANCE NO. 59

ADOPTED: NOVEMBER 12, 2019

EFFECTIVE: DECEMBER 21, 2019

An ordinance to protect the public health, safety and general welfare of persons and property within Ganges Township, Allegan County, Michigan, by regulating ignition, discharge and use of consumer fireworks, the use of articles pyrotechnic, display fireworks and special effects, and to provide penalties for the violations thereof within said township; to repeal any ordinances or parts of ordinances in conflict therewith, and to provide an effective date of this ordinance

SECTION 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.

SECTION 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.

SECTION 3: POSSESSION OF CONSUMER FIREWORKS BY A MINOR

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

SECTION 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.

SECTION 5: DETERMINATION OF VIOLATION; SEIZURE

Authorized Township Officials, including the Township Supervisor, the Township Zoning Administrator, and any appointed Ordinance Enforcement Officer, are hereby designated as the Township Constable, as provided by the Ordinance Establishing Office of Ordinance Enforcement Officer No. 18. Said individuals, as well as the County Sheriff, any deputy sheriff, and any State trooper are hereby authorized to investigate all complaints of violations of this Ordinance and to issue municipal civil infraction citations (directing alleged violators to appear in court) as provided by the Municipal Civil Infractions Ordinance No. 19.

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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 9: VIOLATIONS

A violation of this Ordinance shall include any act which is prohibited or made or declared to be an offense by the Ordinance and shall be a “municipal civil infraction” as defined by the Municipal Civil Infractions Ordinance No. 19, and the terms, provisions, procedures, contents, penalties, fines, sanctions, and relief of the Municipal Civil Infractions Ordinance shall apply to all complaints and violations of the Ganges Township Fireworks Ordinance.

SECTION 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.

SECTION 11: EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board on November 12, 2019. This Ordinance shall take effect 30 days after its publication following adoption.

John Hebert,
Township Supervisor

Robin Phelps
Township Clerk

CERTIFICATE

I, Robin Phelps, the Clerk for the Township of Ganges, Allegan County, Michigan, certify that the foregoing Ganges Township Fireworks Ordinance was adopted at a regular meeting of the Township Board held on _____, 2019. The following members of the Township Board were present at that meeting: _____. The following members of the Township Board were absent: _____. The Ordinance was adopted by the Township Board with members of the Board _____ voting in favor and _____ members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the Allegan County News on _____, 2019.

Robin Phelps, Clerk
Ganges Township