

EAST BAY CHARTER TOWNSHIP
CONSUMER FIREWORKS ORDINANCE
ORDINANCE NO: 2013-02 as amended

An Ordinance to secure the public health, safety and general welfare of the citizens of East Bay Charter Township, Grand Traverse County, Michigan, by regulating the use of Consumer Fireworks in East Bay Charter Township, as provided in Public Act 256 of 2011, as amended (MCL 28.451, *et seq.*).

East Bay Charter Township ORDAINS:

Section 1. Purpose

Public Act 246 of 1945 (MCL 41.181, *et seq.*) authorizes East Bay Charter Township, to enact ordinances that regulate the public health, safety and general welfare of persons and property. Public Act 256 of 2011, as amended (MCL 28.451, *et seq.*) authorizes East Bay Charter Township to enact an ordinance regulating the ignition, discharge, and use of Consumer Fireworks, to the extent allowed by Public Act 256 of 2011, as amended, in the interest of public health, safety and general welfare of the citizens of East Bay Charter Township.

Section 2. Title

This ordinance shall be known as the East Bay Charter Township Consumer Fireworks Ordinance.

Section 3. Interpretation

This ordinance shall be interpreted in accordance with the definitions included in Public Act 256 of 2011, as amended, and as interpreted by the Michigan Court of Appeals.

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

- (a) No person shall ignite, discharge, or use Consumer Fireworks within East Bay Charter Township on any day that is not the day preceding, the day of, or the day after a National Holiday. National Holidays include: 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); and Christmas Day(December 25).
- (b) No person shall ignite, discharge, and/or use Consumer Fireworks within East Bay Charter Township between the hours of 1:00 AM through 8: 00 AM on the day preceding, the day of, and the day after a National Holiday, as specified in subparagraph (a) above.

Section 5. Severability

This Ordinance shall be deemed severable and if any word, sentence, clause, section, or provision is declared invalid or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of this Ordinance and the remaining portions of this Ordinance shall remain valid and enforceable.

Section 6. Penalties

Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction, subject to a maximum fine of \$500.00 plus court costs.

Misdemeanor. Any person who refuses to abate a fireworks violation upon the demand of an authorized local enforcement officer, interferes with the officer's enforcement of the ordinance, or retaliates against another who had made complain of a noise disturbance is guilty of a misdemeanor punishable by a maximum of 90 days in jail and/or a fine of \$500.00 plus court costs.

Section 7. Enforcement

Any Township Zoning Officials and the Grand Traverse County Sheriff and his deputies are authorized as local enforcement officers of this Ordinance.

Section 8. Non-exclusive Remedy

Nothing in this ordinance impairs or precludes a separate cause of action, civil or criminal, provided by statute or common law for conduct prohibited herein.

Section 9. Effective Date

This Ordinance shall take effect 30 days following publication.

Adopted: August 12, 2013

Published: August 16, 2013

Effective: September 15, 2013