

**ACME TOWNSHIP
CONSUMER FIREWORKS ORDINANCE
ORDINANCE NO: 2012-04
AMENDMENT NO: 2013-01
AMENDMENT NO: 2016-01
AMENDMENT NO: 2019-03**

An Ordinance to secure the public health, safety and general welfare of the citizens of Acme Township, Grand Traverse County, by regulating the use of Consumer Fireworks in Acme Township, as provided by Public Act 256 of 2011, as amended (MCL 28.451, et seq.) and pursuant to Public Act 246 of 1945 (MCL 41.181 et seq).

ACME TOWNSHIP ORDAINS:

Section 1: Findings

The Township Board makes the following findings:

Public Act 246 of 1945 (MCL 41.181, et seq.) authorizes Acme 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 Acme Township to enact an ordinance regulating the ignition, discharge, and use of Consumer Fireworks. The Township Board believes an ordinance prohibiting 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.

Section 2: Title

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

Section 3: Definitions

The following definitions apply for the purposes of this Ordinance:

Consumer Fireworks: 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 do not include low-impact fireworks.

Low Impact Fireworks: Firework devices that are ground and handheld sparkling 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.

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).

Sky Lantern: An unmanned device with a combustible fuel source that incorporates an open flame in order to make the device airborne.

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

No one is allowed to use fireworks on public properties, including schools, churches, government buildings, township streets and parks.

No one is allowed to ignite or discharge fireworks in any way that would cause them to land on someone else's private property with the express consent of the property owners.

No person shall ignite, discharge or use Consumer Fireworks within Acme Township, except this prohibition shall not preclude any person from igniting, discharging and using Consumer Fireworks on the following days after 11:00 a.m.:

1. December 31 until 1:00 a.m. on January 1;
2. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days;
3. June 29 to July 4 until 11:45 p.m. on each of those days;
4. July 5, if that date is a Friday or Saturday, until 11:45 p.m.;
5. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

Section 5: Use of Sky Lanterns

No person shall release or cause to be released an untethered sky lantern.

Section 6: 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 7: Penalty

A violation of this Ordinance is a municipal civil infraction, subject to a maximum fine of \$1000 for each violation of the Ordinance. The Ordinance provides for the remittance of \$500 of the fine being collected under the Ordinance to the local law enforcement agency responsible for the enforcing of the Ordinance.

Section 8: Effective Date

This Ordinance shall take effect 30 days following publication.

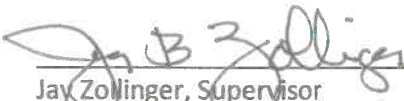
This amended ordinance was adopted at a regular Acme Township Board of Trustees Meeting on August 13, 2019. A Notice of Adoption for this ordinance was published in the Record Eagle August 20, 2019 and this ordinance became effective thirty (30) days later on September 19, 2019.

Ayes: Auckerman, Dye, Jenema, Nelson, Scott, White, Zollinger

Nays: 0

Abstain: 0

ACME TOWNSHIP


Jay Zollinger, Supervisor

CERTIFICATION

I, Cathy Dye, being the duly elected and acting Clerk of Acme Township, Grand Traverse County, Michigan, hereby certify that (1) the foregoing is a true and complete copy of an Ordinance duly adopted by the Acme Township Board of Trustees at a regular meeting held on August 13, 2019, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the Township, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.


Cathy Dye, Clerk