

**FRENCHTOWN CHARTER TOWNSHIP
FIREWORKS ORDINANCE
Ord. No. 223; Date of Adoption: October 11, 2016**

An Ordinance to regulate the ignition, discharge and use of consumer fireworks within Frenchtown Charter Township as permitted by the Michigan Fireworks Safety Act, Act 256 of 2011.

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Title.

This Ordinance shall be known as “Frenchtown Charter Township Fireworks Ordinance No. 223.”

Section 2. Intent.

To regulate the ignition, discharge, and use of consumer fireworks within Frenchtown Charter Township in accordance with the rules and regulations of the Michigan Fireworks Safety Act, Act 256 of the Public Acts of Michigan of 2011 (MCL 28.451 et. seq.), as it may be amended from time to time.

Section 3. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. “Act” means the Michigan Fireworks Safety Act, Act 256 of the Public Acts of Michigan of 2011 (MCL 28.451 et. seq.), as it may be amended from time to time.

B. “Articles Pyrotechnic” means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use and are identified as such in the Act.

C. “Consumer Fireworks” means 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 and are identified as set forth in the Act. Consumer fireworks do not include low-impact fireworks.

D. “Firework or Fireworks: as defined by the Act means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing visible

or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low impact fireworks, articles pyrotechnic, display fireworks, and special effects.

E. "Low-Impact Fireworks" means ground and handheld sparkling devices a identified in the Act.

F. "National Holiday" means any of the following legal public holidays:

- New Year's Day, January 1
- Birthday of Martin Luther King, Jr., the third Monday in January
- Washington's Birthday, the third Monday in February
- Memorial Day, the last Monday in May
- Independence Day, July 4th
- Labor Day, the first Monday in September
- Columbus Day, the second Monday in October
- Veterans Day, November 11
- Thanksgiving Day, the fourth Thursday in November
- Christmas Day, December 25

G. "Person" means an individual, agent, association, charitable organization, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

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

A. A person may ignite, discharge, or use consumer fireworks in Frenchtown Charter Township on the day preceding, the day of and the day after a national holiday, in accordance with the Act and state and federal laws and applicable Township ordinances except between the hours of One O'Clock (1:00) AM and Eight O'Clock (8:00) AM on such days.

B. On any other day, a person may not ignite, discharge, or use consumer fireworks in Frenchtown Charter Township.

Section 5. Rubbish Resulting from the Ignition, Discharge, and Use of Fireworks.

Rubbish resulting from the ignition, discharge, and use of fireworks shall be contained on the property in which the fireworks are ignited, discharged, or used and shall be properly disposed of. If rubbish resulting from the ignition, discharge, and use of fireworks is deposited onto neighboring properties, road right-of-ways, or other areas, it shall be promptly removed and properly disposed of.

Section 6. Prohibited Conduct.

A person shall not recklessly endanger the life, health, safety, or well-being of any person or property by the ignition, discharge, or use of consumer fireworks. Furthermore, a person shall not ignite, discharge, or use consumer fireworks under the following circumstances during periods of drought or other hazardous conditions as determined by the Township's Fire Chief, or other designated fire official.

Section 7. Penalty.

Pursuant to Section 7(3) of the Act, a violation of this Ordinance shall constitute a municipal civil infraction punishable by a civil fine in the amount of \$500.00.

Amended by Ordinance No. 223-1 on May 8, 2018.

Section 8. Severability.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 9. Effective Date.

This Ordinance shall become effective thirty (30) days after adoption and publication in a newspaper having general circulation in the Charter Township of Frenchtown, Monroe County, Michigan.