TOWNSHIP OF SUTTONS BAY- NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the SUTTONS BAY TOWNSHIP BOARD OF TRUSTEES, at a meeting on June 12, 2013 at 5:15 p.m. in the Suttons Bay Township Office, 95 W. Fourth Street, Suttons Bay, Michigan, adopted the Suttons Bay Township Consumer Fireworks Ordinance #3-2013. The full text of the ordinance is as follows:

SUTTONS BAY TOWNSHIP

CONSUMER FIREWORKS ORDINANCE
ORDINANCE NO: 3-2013

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

SUTTONS BAY TOWNSHIP ORDAINS:

Section 1: Findings

The Township Board makes the following findings:

Public Act 246 of 1945 (MCL 41.181, *et seq.*) authorizes Suttons Bay 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 Suttons Bay 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, is in the interest of public health, safety and general welfare.

Section 2: Title

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

Section 3: Definitions

The following definitions apply for purposes of this Ordinance:

a. 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 does not include low-impact fireworks.

b. Low-impact fireworks means 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.

c. National Holiday: A national holiday is defined in 5 USC 6103 and includes: New Year's Day (January); 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).

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

The ignition, discharge, and use of Consumer Fireworks in Suttons Bay Township is prohibited at all times except for the day preceding, the day of, and the day after a National Holiday, and is further limited by the following:

a. A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person, without that person or organization's express permission to use the consumer fireworks on those premises.

b. A person shall not use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of alcoholic liquor and a controlled substance, or other intoxicating substance.

c. Consumer fireworks shall only be used in accordance with all applicable local, state and federal laws.

Section 5: Severability

This Ordinance shall be deemed severable. 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: Penalty/ Civil Infraction.

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be

subject to a fine of not more than Five Hundred and 00/100 ($500.00) Dollars, plus cost and assessments as provided in MCL 600.8727. Each day this Ordinance is violated shall be considered as a separate violation.

Section 7: Enforcement.

The Township Supervisor, other persons designated by the Township Board, and deputies of the Leelanau County Sheriff are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 8: Effective Date. 7-27-13

This Ordinance shall take effect 30 days following publication.

By: Sandra Van Huystee, Clerk

By: Richard Bahle, Supervisor