

**TOWNSHIP OF LELAND—NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the LELAND TOWNSHIP BOARD OF TRUSTEES, at a special meeting on May 30, 2013 at 1:00 p.m. in the Leland Township Office, 123 N. St. Joseph St., Lake Leelanau, Michigan 49653, adopted the Leland Township Consumer Fireworks Ordinance #2013-01. The full text of the ordinance is as follows:

**LELAND TOWNSHIP CONSUMER FIREWORKS ORDINANCE (ORDINANCE NO. 2013-01)**

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

LELAND TOWNSHIP ORDAINS:

**Section 1: Findings**

The Township Board makes the following findings:

Public Act 246 of 1945 (MCL 41.181, *et seq.*) authorizes Leland 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 Leland 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 Leland 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 do not include low-impact fireworks.
- b. Low-Impact Fireworks: Ground and handheld sparkling devices as defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

- c. National Holiday: As defined in 5 USC 6103 and including: New Year's Day (January 1); Martin Luther King Jr. Day (third Monday in January); Presidents' Day (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 Leland 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 be used only in accordance with all applicable local, state and federal laws.
- d. The use of consumer fireworks is prohibited in the township between the hours of 1 a.m. and 8 a.m. (as amended 8/12/2013 by Leland Township Board)

#### **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, the remaining portions of this Ordinance shall remain valid and enforceable.

#### **Section 6: Penalty/ Civil Infraction.**

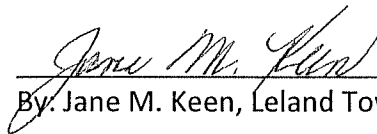
Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 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.**

This Ordinance shall take effect 30 days following publication in the Leelanau Enterprise.

  
By: Jane M. Keen, Leland Township Clerk

  
By: Calvin R. Little, Leland Township Supervisor

**CERTIFICATION**

The foregoing is a true copy of Leland Township Ordinance 2013-01, which was enacted by the Leland Township Board of Trustees at a special meeting held on May 30, 2013.

Published: June 6, 2013—Leelanau Enterprise

Effective: June 20, 2013

Amended: August 12, 2013

Amendment published: August 22, 2013—Leelanau Enterprise

Effective Date of amended ordinance: August 22, 2013

Jane M. Keen, Leland Township Clerk