

**PENINSULA TOWNSHIP
CONSUMER FIREWORKS ORDINANCE
Ordinance No. 50 of 2012**

AN ORDINANCE PURSUANT TO ACT 256 OF THE PUBLIC ACTS OF 2011 AND PURSUANT ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO PROHIBIT THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS WITHIN THE TOWNSHIP ON DAYS OTHER THAN THE DAY PRECEDING, THE DAY OF, OR THE DAY AFTER A NATIONAL HOLIDAY AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

THE TOWNSHIP OF PENINSULA ORDAINS:

Section 1. Findings.

The Peninsula Township Board makes the following findings: Public Act 246 of 1945 (MCL 41.181, *et seq.*) authorizes Peninsula 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 Peninsula Township to enact an ordinance regulating the ignition, discharge, and use of consumer fireworks. The Peninsula Township Board hereby finds that 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 of persons and property within Peninsula Township.

Section 2. Title.

This Ordinance shall be known as the Peninsula Township Consumer Fireworks Ordinance.

Section 3. Definitions. As used in this Ordinance,

“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 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.

“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.

“National holiday” means those days specified as a national holiday in 5 USC 6103, being: 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).

“Person” means an individual, agent, association, charitable organization, company, 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.

No person shall ignite, discharge, or use consumer fireworks within Peninsula Township at any time, except on the day preceding, the day of, or the day after a national holiday.

Section 5. 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. Each day this Ordinance is violated shall be considered as a separate violation.

Section 6. Enforcement.

The Township Supervisor, other persons designated by the Township Board, and deputies of the Grand Traverse 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 7. Nuisance.

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 8. Injunctive Relief.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 9. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 10. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

TOWNSHIP OF PENINSULA

By: _____
Robert K. Manigold, Supervisor

By: _____
Monica A. Hoffman, Clerk