

MELROSE TOWNSHIP
CONSUMER FIREWORKS ORDINANCE
Ordinance No. 1 of 2017

AN ORDINANCE PURSUANT TO ACT 256 OF THE PUBLIC ACTS OF 2011, AS AMENDED, AND PURSUANT ACT TO 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, TO PROHIBIT THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS WITHIN THE TOWNSHIP BETWEEN 1 A.M. AND 8 A.M. ON THE DAY PRECEDING, THE DAY OF, OR THE DAY AFTER A NATIONAL HOLIDAY, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

THE TOWNSHIP OF MELROSE ORDAINS:

Section 1. Findings.

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

Section 2. Title.

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

Section 3. Definitions.

This Ordinance shall be interpreted in accordance with the definitions included in Public Act 256 of 2011 , as amended, and as interpreted by the Michigan Courts.

Section 4. Prohibited Acts.

The ignition, discharge, and use of Consumer Fireworks in Melrose Township is prohibited at all times except for the day preceding, the day of, or the day after a

National Holiday. National Holidays include: New Year's Day, Martin Luther King Day, Inauguration Day, Washington's Birthday (President's Day), Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas. On these days the ignition, discharge, and use of Consumer Fireworks is prohibited between 1:00 A.M. until 8:00 A.M.

Section 5. Penalty/Civil Infraction.

- (a). 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.
- (b). Any Person who refuses to abate a fireworks violation upon the demand of an authorized local enforcement officer, interferes with the officer's complaint of a noise disturbance is guilty of a misdemeanor punishable by a maximum of 90 days in jail and/or a fine of \$500.00 plus court costs.

Section 6. Enforcement.

Any Township Zoning Official and the Charlevoix County Sheriff and his deputies are authorized as local enforcement officers of the Ordinance.

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. Severability.

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.

Ordinance No. 1 of 2017 was adopted on the 13day of June 2017, by the Melrose Township Board as follows:

Motion by: V. Goodwin

Seconded by:

L. Stephens

Yeas: 5

Nays: 0

Absent:

0

_____ Vern Goodwin, Supervisor

Robin Hissong Berry, Clerk