

CLAY TOWNSHIP
ST. CLAIR COUNTY, MICHIGAN

FIREWORKS ORDINANCE
ORDINANCE NO. 135

THE TOWNSHIP OF CLAY ORDAINS:

SECTION 1: *Short Title*. This ordinance shall be known and may be cited as the “Clay Township Fireworks Ordinance.”

SECTION 2: *Statement of Purpose*. This is an ordinance to (repeal or amend any?) adopt a new chapter to provide for the regulation of the ignition, discharge, and use of consumer fireworks as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended.

ARTICLE VII. FIREWORKS

A. Definitions.

As used in this Article:

Act. The Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 et seq.

APA Standard 87-1. APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American pyrotechnics association of Bethesda, Maryland.

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 are often commonly known as, but not limited to, sky rockets, bottle rockets, missile-type rockets, helicopters, aerial spinners, roman candles, mine and shell devices, aerial shell kits, firecrackers, chasers, and certain multiple tube fireworks devices. Consumer fireworks does not include low-impact fireworks.

Low Impact Fireworks. Ground and handheld sparkling devices as that phrase is defined in APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5. Low impact fireworks are often commonly known as, but not limited to, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, certain toy smoke devices, certain wire sparklers/dipped sticks, and certain multiple tube fireworks devices.

National Holiday. As used in this Article, national holiday means the following legal public holidays:

- 1) New Years Day (January 1)

- 2) Birthday of Martin Luther King Jr. (third Monday in January);
- 3) Washington's Birthday (third Monday in February)
- 4) Memorial Day (last Monday in May)
- 5) Independence Day (July 4)
- 6) Labor Day (first Monday in September)
- 7) Columbus Day (second Monday in October)
- 8) Veterans Day (November 11)
- 9) Thanksgiving Day (fourth Thursday in November)
- 10) Christmas Day (December 25)

B. Low Impact Fireworks

- 1) Usage and purchases of low impact fireworks is controlled by MCL 28.451 et seq.

C. Consumer Fireworks

- 1) Consumer Fireworks may not be used, discharged and/or ignited in Clay Township except on the day before, the day of, and the day after a National Holiday between the hours of 8:00 am and Midnight.
- 2) A person shall not ignite, discharge and/or use Consumer Fireworks on public property, school property, church property, or the property of owned by another person or entity without that organization's or person's express permission.
- 3) A person shall not discharge Consumer Fireworks in such a manner so as remnants from consumer fireworks land on public property or the property of another, including, but not limited to, residential dwellings, hotel and motel property, apartment property, and condominium property, without that person or organization's express permission.
- 4) An individual who uses, ignites or discharges consumer fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance is guilty of a misdemeanor, punishable by up to 30 days in jail and/or a fine up to \$500.00, or if the violation caused damage to the property of another person, by up to 90 days in jail and/or a fine up to \$500.00.
- 5) An individual who owns property and/or is in charge of property that knowingly allows a violation of Sections C (1-4) to occur on his/her property shall be responsible for a municipal civil infraction and subject to a civil fine of at least \$100 and no more than \$500.
- 6) An individual who violates Sections C (1-3) is subject to a fine of up to \$500.00 for each violation of the ordinance.
- 7) Determination of Violation:

- a) Seizure: If a police officer determines that a violation of this ordinance has occurred, the officer may seize the consumer fireworks as evidence of the violation.
- b) Disposal of Evidence: Following final disposition of a finding of responsibility for violating this ordinance, the Township may dispose of, or destroy, any consumer fireworks retained as evidence in that prosecution.
- c) Costs of Storage and Disposal: In addition to any other penalty, a person found responsible for a violation of this ordinance shall be required to reimburse the Township for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this ordinance.

D. Permit for Consumer Fireworks

Upon application in writing by any association or group of individuals the Township Board of Trustees may grant permission for the public display of Consumer Fireworks, on days other than the day before, the day of and the day after a National Holiday, subject to such conditions as deemed necessary to safeguard the welfare of the public and property.

SECTION 3. Enforcement

The Fire Chief, his designees, and sworn law enforcement officers are authorized to enforce the provisions of this ordinance.

SECTION 4. Severability

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

SECTION 5. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

SECTION 6. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. Inspection of Ordinance

A copy of this Ordinance may be inspected or purchased at the Township Hall, 4170 Pte. Tremble Road, Clay, Michigan 48001, during regular posted office hours.

SECTION 6. Effective Date

This Ordinance shall take effect 30 days after publication.

Lisa White
Clay Township Clerk
4710 Pte. Tremble Rd
Algonac, MI 48001
(810) 794 -9303

