

Ordinance No. 247

Port Huron Township Consumer Fireworks Ordinance

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY REGULATING THE USE AND DISCHARGE OF CONSUMER FIREWORKS WITHIN THE BOUNDARIES OF PORT HURON TOWNSHIP CONSISTENT WITH THE PROVISIONS OF THE MICHIGAN FIREWORKS SAFETY ACT, PA 256 OF 2011 (MCL §28.451 *et seq.*), AS MAY BE AMENDED; TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

THE CHARTER TOWNSHIP OF PORT HURON, ST. CLAIR COUNTY, MICHIGAN, ORDAINS:

SECTION 1: TITLE

This ordinance shall be known as and may be cited as the Port Huron Township Consumer Fireworks Ordinance.

SECTION 2: DEFINITIONS

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.

Firework or **fireworks** means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, homemade fireworks, and special effects.

Low-impact fireworks means 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.

Person means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representation, partnership, unincorporated organization, or any other legal or commercial entity.

All other words and phrases applicable to this Ordinance shall have the definitions as provided for in the Michigan Fireworks Safety Act, Public Act 256 of 2011 (MCL §28.451 *et seq.*)

SECTION 3: DISCHARGE OF CONSUMER FIREWORKS

1. Consumer fireworks may be ignited, discharged and/or used in Port Huron Township only on the following days after 11 am:
 - a. December 31 until 1 a.m. on January 1.
 - b. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
 - c. June 29 to July 4 until 11:45 p.m. on each of those days.
 - d. July 5, if that date is a Friday or Saturday, until 11:45 p.m.
 - e. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
 - f. Such other dates and time that the State of Michigan designates as those on which residents are authorized to ignite, discharge, or use consumer fireworks under the Michigan Fireworks Safety Act, Public Act 256 of 2011 (MCL §28.451 *et seq.*)
2. All use of consumer fireworks must be in compliance with all other the Port Huron Township Ordinances.
3. Consumer fireworks shall not be used if a burn ban is in effect, as declared by either the Port Huron Township Fire Chief or the Michigan Department of Natural Resources.
4. 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. "Property of another person" includes hotel and motel property, apartment property, and condominium property, where an owner, management company, or association has or retains authority and control over the use of the property or common areas.

5. Consumer fireworks shall only be used in accordance with all applicable Township Ordinance and state and federal laws.

SECTION 4: EXCEPTIONS; PERMITS

1. Upon application in writing, on forms provided by the Michigan Department of Licensing and Regulatory Affairs and made available on said Department's website, and payment of a fee set by Resolution of the Township Board, and upon the Board's satisfaction that all provisions of the Michigan Fireworks Safety Act are met, the Township Board may, in its sole discretion, grant a permit for the use of consumer fireworks within the Township.
2. Any permit issued hereunder will permit the holder to display fireworks for only the purposes described in the permit. Any permit issued, hereunder, shall not be assignable or transferable and shall not be issued to a minor.

SECTION 5: VIOLATION AND PENALTY

1. A violation of this ordinance shall constitute a municipal civil infraction pursuant to MCL §42.21, and any person or entity violating this Ordinance is responsible for a municipal civil infraction and subject to the fines and costs to be levied in accordance with the schedule of municipal civil infraction fines determined by the Township Board, as amended from time to time, and which shall be posted at the Municipal Ordinance Violations Bureau located at the Port Huron Township Hall, 3800 Lapeer Road, Port Huron Michigan.
2. A violator of this Ordinance shall also be subject to such additional civil fines, costs, damages, expenses or judicial orders as may be authorized under MCL §600.8727.
3. Each use of a consumer firework in violation of this Ordinance shall constitute a separate offense.
4. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person(s) as designated by the Township Board from time to time.

SECTION 6: SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 7: REPEAL

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

SECTION 8: EFFECTIVE DATE

This ordinance shall take effect June 8, 2021.

The above Ordinance was offered for adoption by Township Board Member Reno and was seconded by Township Board Member Shonka, the vote being as follows:

YEAS: Reno, Shonka, Livingston, Riehl, Dudas, Davis, Lewandowski

NAYS: None

ABSTAIN/ABSENT: None

ORDINANCE DECLARED ADOPTED:

By: Benita Davis, Clerk
Charter Township of Port Huron

CERTIFICATION

I hereby declare that the above is a true copy of an Ordinance adopted by the Charter Township of Port Huron Board at a board meeting held on Monday, May 3, 2021, at the Charter Township of Port Huron Hall, pursuant to the required statutory procedures.

DATED: _____

Respectfully submitted,

By: Benita Davis, Clerk
Charter Township of Port Huron