

# WINFIELD TOWNSHIP

## MONTCALM COUNTY, MICHIGAN

### ORDINANCE NO. 6-12-14

#### AN ORDINANCE TO REGULATE THE IGNITION, DISCHARGE AND USE OF CONSUMER

FIREWORKS, AND TO PROVIDE FOR THE ISSUANCE OF DISPLAY PERMITS,

AS AUTHORIZED BY THE MICHIGAN FIREWORKS SAFETY ACT

The Township of Winfield Ordains:

**Section 1. Definitions.** The following terms, when used in this Ordinance, shall have the meaning ascribed to them in this section:

Act means the Michigan Fireworks Safety Act, Act No. 256 of the Public Acts of Michigan of 2011, as amended.

All other terms used in this Ordinance shall have the same meanings as defined or used in the Act.

#### **Section 2. Use of Consumer Fireworks Prohibited**

(A) No person shall ignite, discharge, or use consumer fireworks in the Township between 12 a.m. to 8 am. on a day other than the day preceding, the day of, or the day after a national holiday.

(B) Notwithstanding subsection (A), on the day preceding, the day of, or the day after a national holiday, no person shall ignite, discharge, or use consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m.

A person who violates this Section 2 shall be responsible for a municipal civil infraction and subject to a fine of not more than \$500.00

**Section 3. Offenses against Property.** No person shall at any time 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 those fireworks on those premises, and no person shall cause or permit any debris, remnants, or unburned fragments of consumer fireworks or low impact consumer fireworks to remain on private or public property without the property owner's permission.

**Section 4. Use of Fireworks by Individuals Under the Influence.** An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, or controlled substance, or a combination of alcoholic liquor and a controlled substance as defined by MCL 257.1d and MCL 257.8b, as amended.

**Section 5. Fireworks Safety.** No person shall recklessly endanger the life, health, safety, or well-being of any person or property by the ignition, discharge, or use of consumer fireworks.

**Section 6. Fireworks Display.** A permit from the Township Board is required for the possession, use, or discharge

of display fireworks, articles pyrotechnic or special effects (collectively for purposes of this Ordinance hereinafter "display fireworks") for public or private display within the Township on terms and in a manner consistent with the Act. The storage of fireworks shall be prohibited in the Township except in compliance with the Act. All permits shall be subject to compliance with this Ordinance and the Act. In the event of any conflict between this Ordinance and the Act, the more stringent provision shall control.

**Section 7. Permit Application; Fee; Decision of Township Board.** Application for permit shall be made in writing, on forms provided by the Michigan Department of Licensing and Regulatory Affairs, to the Township Board at least 60 days in advance of the date of the display of fireworks. If an application for a permit is not timely filed as provided herein, the Township Board may consider the application only if the application shows good cause for submitting a late application. The Township Board may, by resolution, establish a nonrefundable fee schedule for the Township's cost of reviewing and acting on the application. If such schedule is established by the Township Board, the applicant shall submit the nonrefundable fee with the permit application. The Township may grant, grant with conditions, or deny the permit in accordance with the Act and this Ordinance. Notwithstanding any provision of this Ordinance, no applicant has a right to issuance of a permit. Nothing in this Ordinance shall be construed to limit or impair the discretion of the Township Board to deny a permit pursuant to the Act or this Ordinance. If a permit is granted, the sale, possession, use, or discharge of fireworks for such display shall comply with

all terms and conditions of the permit. A permit granted hereunder shall not be transferable, nor such permit be extended beyond the dates set out therein. A permit for particular display granted by the Township under the Act's predecessor shall remain valid subject to its original terms.

**Section 8. Liability Insurance.** Before a permit for display fireworks is granted by the Township Board, the applicant shall furnish to the Township liability insurance policy, in a form satisfactory to the Township, in the amount of not less than \$1,000,000.00 to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the applicant, or an agent or employee thereof. The Township shall be named as an additional insured on the insurance policy. Before a display fireworks permit is issued, the applicant shall furnish a certificate of insurance for the policy which shall provide for 30 days prior written notice to the Township of cancellation or revocation of the policy.

**Section 9. Miscellaneous Offenses.** No person shall ignite, discharge, or use consumer fireworks, within the

Township except of the type permitted and under the conditions permitted by state law and this Ordinance.

**Section 10. Violations.** Any person violating the provisions of Section 3 through 9, inclusive, of the Ordinance, shall be guilty of a misdemeanor, punishable by up to ninety (90) days in jail and/or a fine up to \$500.00

**Section 11. Severability.** Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof.

**Section 12. Effective Date.** This Ordinance shall become effective 30 days following its publication in provided by law.

**This is a copy of the ordinance as it appeared in the Valley Shopper – June 30, 2014 edition**