

**Vernon Township
Shiawassee County, Michigan
Fireworks Ordinance**

Ordinance No. 16-30

At a meeting of the Township Board of Vernon Township, Shiawassee County, Michigan, held at the Vernon Township Offices, 6801 Durand Road, Michigan on 12-12, 2016, at 7:00 p.m., Township Board Member Clarke moved the following Ordinance for adoption, which motion was seconded by Township Board Member Bannister:

An ordinance to protect the health, safety, and general welfare of the persons and property within Vernon Township, Shiawassee County, Michigan, by regulating the ignition, discharge and use of consumer fireworks within the Township, to provide penalties for the violation thereof, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF VERNON, SHIAWASSEE COUNTY, MICHIGAN, ORDAINS:

SECTION 1. TITLE OF ORDINANCE. This ordinance shall be known and cited as the "Vernon Township Fireworks Ordinance".

SECTION 2. PURPOSE. The purpose and intent of this ordinance is to protect the people and property within Vernon Township against health, safety, environmental, and fire hazards caused by the ignition, discharge and use of consumer fireworks within the Township as permitted by the Michigan Fireworks Safety Act, MCL 28.451 et seq, as amended, and to repeal all ordinances or parts thereof in conflict therewith.

SECTION 3. DEFINITIONS.

(a) *Consumer fireworks* means firework devices that are designed to produce visible efforts 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 American Pyrotechnics Association ("APA") standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

(b) *Display fireworks* means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1. This term includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces that exceed the limits of explosive materials for classification as "consumer fireworks." This term also includes fused set pieces containing components which together exceed 50 mg of salute powder.

periods, consumer fireworks shall not be ignited, discharged or used within the Township between the hours of 1 A.M. and 8 A.M. as provided for in Section 7(2) of Public Act 256 of 2011, as amended.

(b) Any ignition, discharge, or use of fireworks otherwise permitted under the ordinance or state law, may be further restricted by an order of the state fire marshal or Township Fire Chief upon finding an emergency condition dangerous to persons or property as provided in Section 7a of Public Act 207 of 1941, as amended.

SECTION 5. PERMITS; FINANCIAL RESPONSIBILITY. A permit is required for articles pyrotechnic or display fireworks in the Township. A permit applicant shall complete the State approved application and submit same to the Township. No permit shall issue unless the applicant furnishes proof of financial responsibility by a bond or insurance in an amount, character and form set forth in the Township's schedule of fees, or, if none appears on the schedule of fees, as deemed necessary by the Township to protect the public and to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the permit applicant.

SECTION 6. ENFORCEMENT. The Fire Chief, his designees, sworn law enforcement officers, and authorized officials under the Civil Infractions Ordinance are authorized to enforce the provisions of this ordinance.

SECTION 7. VIOLATIONS, FINES, PENALTIES AND SEIZURE.

(a) Any property owner or person who violates any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be guilty of a misdemeanor and shall be subject to a fine or penalty not less than \$50.00 nor greater than \$500.00, or by imprisonment in the Shiawassee County Jail not exceeding ninety (90) days, or both.

(b) If the Fire Chief, his designee a sworn law enforcement officer, or an authorized official under the Civil Infractions Ordinance determines that a violation of this ordinance has occurred, he or she may seize the consumer fireworks as evidence of the violation.

(c) Following the final disposition of a finding of responsibility for violating this ordinance, the Township may dispose of or destroy any consumer firework retained as evidence in that prosecution.

(d) In addition to any other penalty, a person, firm, corporation, or entity that is found responsible for a violation of this ordinance shall be required to reimburse the Township for the costs of storing, disposing of, or destroying the consumer fireworks that were confiscated for a violation of this ordinance.

(e) In addition to any other civil penalties or remedies provided for in this Ordinance or under Michigan law, any person who violates any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Vernon Township Board at a duly scheduled and noticed meeting of that Township Board held on 02-12, 2016, pursuant to the required statutory procedures.
2. The complete text of the proposed Ordinance was posted at the Township Clerk's office and on the Township's website on 12-13, 2016.
3. The attached Notice of Posting of the Ordinance was duly published in the Argus Press newspaper, a newspaper that circulates within Vernon Township, on 1-15-17, ~~2016~~, within not more than seven (7) days after the posting.

ATTESTED:

Charlotte Clarke
Charlotte Clarke, Vernon Township Clerk

NOTICE OF ADOPTION
FIREWORKS ORDINANCE
Vernon Township
Shiawassee County, Michigan
ORDINANCE NO. 16-30

Please take notice that, on December 12, 2016, the Township Board of Vernon Township adopted Ordinance No.16-30, which promotes the health, safety, and welfare of the people of Vernon Township, Clinton County, Michigan, by regulating the ignition, discharge and use of consumer fireworks within the Township. Copies of the Ordinance may be obtained from Charlotte Clark, Vernon Township Clerk, at 6801 Durand Road, Durand, MI 48429, by calling the Township Clerk at (989) 288-4403.

The Ordinance provides, in summary, for the regulation of the ignition, discharge and use of consumer fireworks within the Township. The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Purpose; Section 3: Definitions; Section 4: Prohibition on Use of Consumer Fireworks; Section 5: Permits; Financial Responsibility; Section 6: Enforcement; Section 7: Violations, Fines, Penalties and Seizure; Section 8: Severability; Section 9: Repeal; Section 10: Effective Date. This Ordinance will become effective 30 days after this publication.

Published by Order of the Township Board
Vernon Township, Shiawassee County, Michigan
Charlotte Clark, Township Clerk
(989) 288-4403

Publication Date: 1-15-17, ~~2016~~