

**TOWNSHIP OF DAVISON
GENESEE COUNTY, MICHIGAN**

ORDINANCE # 65-D-1

**AN ORDINANCE TO AMEND THE OMNIBUS NUISANCE ORDINANCE
TO REGULATE FIREWORKS AND PROVIDE PENALITES FOR VIOLATIONS THEREOF
PURSUANT TO MCL 28.451 ET SEQ., AS AMENDED , AND TO
REPEAL SECTION 28 OF THE OMNIBUS NUISANCE ORDINANCE
AND ORDINANCE # 8**

THE TOWNSHIP OF DAVISON ORDAIN:

Section 28 is hereby deleted and replaced by the following:

Section 1. -- Repealer

The Township of Davison, Michigan, does hereby repeal Ordinance # 8, Section 28 of the Omnibus Nuisance Ordinance # 65-D, and any and all Ordinances that conflict with this ordinance.

Section 2 -- Statement of Purpose.

This is an Ordinance regulating with Fireworks and 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, and to provide penalties for the violations thereof.

Section 3 – Definitions

As used in this Ordinance, the following terms shall be defined as follows:

- (A) “**APA standard 87-1**” means 2001 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.
- (B) “**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.
- (C) “**Fireworks**” means any composition or device, except for a starting pistol, a flare gun, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.

- (D) “**Low-impact Fireworks**” means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.
- (E) “**Minor**” means an individual who is less than 18 years of age.
- (F) “**National Holiday**” means the following legal public holidays:
1. New Years’ Day – January 1.
 2. Birthday of Martin Luther King, Jr. – the third Monday in January.
 3. Washington’s Birthday – the third Monday in February.
 4. Memorial Day – the last Monday in May.
 5. Independence Day – July 4.
 6. Labor Day – the first Monday in September
 7. Columbus Day – the second Monday in October
 8. Veteran’s Day – November 11.
 9. Thanksgiving Day – the fourth Thursday in November.
 10. Christmas Day – December 25.

Section 4 -- Ignition, Discharge and Use of Consumer Fireworks.

A person shall not ignite, discharge, or use consumer fireworks except the day before, the day of, and the day after a National Holiday, and on those days, use is prohibited between the hours of 1:00 am and 8:00 am.

Section 5 -- Possession of Consumer Fireworks by a Minor

A minor shall not possess consumer fireworks.

Section 6 -- Prohibited Locations

A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or property of another person, without that organization’s or person’s express permission to use those fireworks on those premises.

Section 7 -- Use While Under Influence Prohibited

An individual shall not use consumer fireworks or low-impact fireworks while under the influence or impairment of alcoholic liquor, a controlled substance, or a combination thereof.

Section 8 -- Reckless Use of Fireworks

An individual shall not use consumer fireworks to damage or destroy property of others or use the same in a reckless disregard for the safety of persons or property.

Section 9 -- Penalty

- (A) A violation of this Ordinance is a misdemeanor and shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, plus the costs of prosecution, and/or by imprisonment for a period of not more than ninety (90) days, or by both such fine and imprisonment.

- (B) If the police officer determined that a violation of the Ordinance occurred, the officer may seize the consumer fireworks as evidence of the violation. Following a final disposition, with a finding of responsibility for violating this Ordinance, the Township may dispose or destroy any consumer fireworks retained as evidence in that prosecution.

Section 10 - - Effective Date

This Ordinance shall become effective thirty (30) days after publication.

Kurt Soper, Township Supervisor

Karen Miller, Township Clerk

CERTIFICATION

I, Karen Miller, the duly qualified Clerk of the Township of Davison, Genesee County, Michigan, do hereby certify the foregoing is a true and complete copy of the Ordinance adopted by the Township Board of the Township of Davison, at a regular meeting held in the Davison Township Government Center, 1280 N. Irish Road, Davison, Michigan, on the 11th day of August, 2014, by a majority of the members of the Board present and voting, the original of which is on file in my office.

IN WITNESS WHERE OF, I have hereunto affixed my official signature this 11th day of August, 2014.

Karen Miller, Township Clerk

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