

Part 138

138.000

**USE OF CONSUMER FIREWORKS
ORDINANCE NO. 130**

Adopted: January 8, 2013

Effective: February 20, 2013

AMENDED BY ORDINANCE NO. 132

Adopted: September 10, 2013

Effective Date: October 17, 2013

AMENDED BY ORDINANCE NO. 171

Adopted: February 12, 2019

Effective Date: March 18, 2019

An Ordinance to regulate the use of consumer fireworks in Long Lake Township as provided in Public Act 256 of 2011, as amended.

LONG LAKE TOWNSHIP HEREBY ORDAINS:

138.001

Findings.

Sec. 1. The Long Lake Township Board makes the following findings:

1. Public Act 256 of 2011, as amended, (MCL 28.451 et seq.) authorizes Long Lake Township to enact an ordinance regulating the ignition, discharge, and use of Consumer Fireworks.
2. The Township Board hereby finds that an ordinance prohibiting the ignition, discharge, and use of consumer fireworks, to the extent allowed by Public Act 256 of 2011, as amended, is in the interest of public health, safety and general welfare of persons and property within Long Lake Township. (Ord. No. 132, Adopt. 9-10-13, Eff. 10-17-13)

138.002

Title.

Sec. 2. This Ordinance shall be known and cited as the Long Lake Township Consumer Fireworks Ordinance.

(Ord. No. 132, Adopt. 9-10-13, Eff. 10-17-13)

138.003

Applicability.

Sec. 3. This Ordinance, the Long Lake Township Consumer Fireworks Ordinance, applies only to the use of consumer fireworks and low-impact fireworks as

defined in Section 4. All outdoor fireworks displays within the Township not defined in Section 4, including use of articles pyrotechnic, display fireworks, or special effects; and the use of agricultural or wildlife fireworks for the purposes of outdoor pest control or agricultural purposes, are regulated and defined under the Long Lake Township Fireworks Display Permit Ordinance, Ordinance No. 133.

(Ord. No. 132, Adopt. 9-10-13, Eff. 10-17-13)

138.004 Definitions.

Sec. 4. The following definitions apply for purposes of this Ordinance:

1. *"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.
2. *"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.
3. Reserved.
4. *"Person"* means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

(Ord. No. 132, Adopt. 9-10-13, Eff. 10-17-13; Ord. No. 171, § 1, 2-12-19, Eff. 3-18-19)

138.005 Ignition, discharge, and use of consumer fireworks.

Sec. 5.

No person shall ignite, discharge, or use consumer fireworks within Long Lake Township at any time, except during any of the following days and times:

1. After 11 a.m. on December 31 and before 1 a.m. on January 1.
2. Between 11 a.m. and 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day.
3. Between 11 a.m. and 11:45 p.m. on June 29 through July 4.
4. If July 5 falls on a Friday or Saturday, then between 11:00 a.m. and 11:45 p.m. on July 5.

5. Between 11 a.m. and 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day.

(Ord. No. 132, Adopt. 9-10-13, Eff. 10-17-13; Ord. No. 171, § 2, 2-12-19, Eff. 3-18-19)

138.006 Enforcement and penalties.

Sec. 6.

1. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a civil fine of One Thousand and 00/100 (\$1,000.00) Dollars for each violation of the Ordinance. Five Hundred and 00/100 Dollars of the fine collected under this Ordinance shall be remitted to the Grand Traverse County Sheriff's Office, which is responsible for the enforcement of this Ordinance. Each day this Ordinance is violated shall be considered as a separate violation.
2. The person(s) designated by the Township Board and deputies of the Grand Traverse County Sheriff are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
3. A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.
4. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

(Ord. No. 132, Adopt. 9-10-13, Eff. 10-17-13; Ord. No. 171, § 3, 2-12-19, Eff. 3-18-19)

138.007 Severability.

Sec. 7. If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

(Ord. No. 132, Adopt. 9-10-13, Eff. 10-17-13)

138.008

USE OF CONSUMER FIREWORKS (Ord. No. 130)

138.008 Repeal of Ordinance #130.

Sec. 8. Long Lake Township Ordinance #130, the Long Lake Township Consumer Fireworks Ordinance, effective February 20, 2013 is hereby repealed in its entirety.

(Ord. No. 132, Adopt. 9-10-13, Eff. 10-17-13)

138.009 Effective date.

Sec. 9. This Ordinance shall become effective 30 days after being published in a newspaper of general circulation within the Township.

(Ord. No. 132, Adopt. 9-10-13, Eff. 10-17-13)