

20.640 FIREWORKS

CITY OF MOUNT CLEMENS, MICHIGAN

The Michigan Fireworks Safety Act, Act 256 of 2011, effective January 1, 2012, legalized the sale of consumer fireworks in Michigan, and delegated to local communities limited control over the use and discharge of fireworks. The following ordinance is adopted to repeal the existing fireworks ordinance that conflicted with the Act and to amend the ordinance to comply with the same and regulations promulgated thereto governing fireworks.

REPEALS. Sections 20.641 - Sec. 1 through 20.649.3 - Sec. 12 are hereby repealed. Ordinance 20.640, Sections 20.641 Sec. 1 through 20.644 Sec. 4 of the Code of Ordinances, City of Mount Clemens, Michigan, is hereby amended to read as follows:

20.640 FIREWORKS

CITY OF MOUNT CLEMENS, MICHIGAN

(effective July1, 2013)

20.641 Sec. 1 Definitions.

As used in this ordinance, the following definitions shall apply:

- (1) **“Act 256”** means the Michigan Fireworks Safety Act, Act 256 of the Public Acts of Michigan of 2011, being MCL 28.451, et. seq., as it may be amended from time to time.
- (2) **“Consumer fireworks”** means that term as defined in Act 256.
- (3) **“Firework or “fireworks”** means that term as defined in Act 256.
- (4) **“National Holiday”** means that term as defined in Act 256, to-wit:
New Year’s Day; January 1;
Birthday of Martin Luther King, Jr., the third Monday in January;
George Washington’s Birthday, the third Monday in February;
Memorial Day, the last Monday in May;
Independence Day, July 4;
Labor Day, the first Monday in September;
Columbus Day, the second Monday in October;
Veteran’s Day, November 11;
Thanksgiving Day, the fourth Thursday in November; and
Christmas Day, December 25; and any holidays as may be from time to time added, removed or changed under 5 USC Section 6103, or any replacement or amended legislation.
- (5) **“Retailer”** means that term as defined in Act 256.
- (6) **“Wholesaler”** means that term as defined in Act 256.

Section 20.642 Sec. 2 Compliance with Applicable Ordinances and Codes.

Unless otherwise provided in this ordinance, a retailer or wholesaler of fireworks located within the City must comply with the requirements of the City Zoning Ordinance, as well as all building codes and regulations, and nothing in this ordinance or in Act 256 shall preclude the enforcement of ordinances prohibiting offensive conduct that is secondary or incidental to the use, discharge or ignition of fireworks, regardless of the day.

Section 20.643 Sec. 3.1. Use of Consumer Fireworks Prohibited.

No person shall ignite, discharge or use consumer fireworks in the City; except this prohibition shall not preclude any person from igniting, discharging or using consumer fireworks within the City during the hours of 8:00 a.m. to 12:00 a.m., on the day preceding, the day of, or the day after a national holiday, consistent with Act 256, except for New Year's Day, where the same may be ignited, discharged or used to 1:00 a.m.

Section 20.643 Sec. 3.2. Fireworks Safety.

No person shall recklessly endanger the life, health, safety or well being of any person by ignition, discharge, or use of consumer fireworks.

Section 20.644 Sec. 4 Violations, Fines and Penalties.

Any person who violates any provision of this ordinance shall be deemed to have committed a civil infraction and may be ordered to pay a civil fine of not more than five hundred (\$500.00) dollars, plus costs.

Publication: This ordinance is declared to be an Emergency Ordinance pursuant to the City of Mount Clemens Charter Section 96 and shall be effective immediately upon the posting of copies thereof in conspicuous locations in three public places in the City and in accordance with the provision of the Charter governing the same.

Adopted this 1st day of July, 2013

This ordinance duly adopted on July 1, 2013 at a regular meeting of the Mount Clemens City Commission and will become effective immediately.

CITY OF MOUNT CLEMENS,
a Michigan Municipal Corporation,

By: _____
Barb Dempsey, Mayor

By: _____
Lynne Kennedy, City Clerk