

ORDINANCE NO. 19-647

**CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND CHAPTER 38, SECTION 38-16,
OF THE CODE OF ORDINANCES, CITY OF WALKER**

THE CITY OF WALKER ORDAINS:

Section 1. Amendment of Section 38-16. That Chapter 38, Section 38-16, of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

Sec. 38-16. -Fireworks regulations.

(a) *Compliance with applicable ordinances and codes.* Unless otherwise provided herein, and without limitation, a retailer or wholesaler of fireworks located within the city must comply with the requirements of chapters 18 and 94 of the Code of Ordinances, and nothing herein shall be construed or interpreted to limit the authority of the city to enforce those of its ordinances violated as a result of the discharge of consumer fireworks at any time, including, without limitation, the provisions of chapter 34, article IV, division 1 of this Code.

(b) *Consumer fireworks.*

- (1) No person within the city shall ignite, discharge, or use consumer fireworks on any day other than the following days: on December 31, after 11:00 a.m. and until 1:00 a.m. on January 1; on Saturday and Sunday immediately preceding Memorial Day after 11:00 a.m. and until 11:45 p.m. on each of those days; on June 29 to July 4 after 11:00 a.m. and until 11:45 p.m. on each of those days; on July 5, if July 5 is a Friday or Saturday, after 11:00 a.m. and until 11:45 p.m.; and on the Saturday and Sunday immediately preceding Labor Day, after 11:00 a.m. and until 11:45 p.m. on each of those days.
- (2) No person shall 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 permission to use those fireworks on those premises.
- (3) No person shall sell consumer fireworks to a minor.
- (4) 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.
- (5) No person under the age of 18 years shall use, possess, explode or cause to explode any consumer fireworks within the city except while in the presence and under the control of a parent, guardian or other responsible adult.

(6) No person shall use consumer fireworks or low-impact fireworks while under the influence of “alcoholic liquor”, a “controlled substance”, or a combination of alcoholic liquor and a controlled substance, as those terms are defined in the Michigan Vehicle Code, Act 300 of the Public Acts of Michigan of 1949, as amended from time to time.

(c) *Fines and Penalties.*

(1) A person who violates subsection (b) shall be responsible for a municipal civil infraction and subject to a fine of \$1,000, of which \$500 of the fine collected shall be remitted to the local law enforcement agency responsible for enforcing the ordinance.

(2) Except as provided in subsection 38-16(c)(1), and unless a civil penalty is expressly provided elsewhere, any person violating the provisions of this article shall be guilty of a misdemeanor, punishable by up to 90 days in jail and/or a fine up to \$500.00.

Section 2. Severability. This Ordinance and the various parts, sections, and subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 3. Effective Date. This Ordinance will become effective upon its publication in a newspaper in general circulation within the City of Walker as provided by law.

First Reading: May 13, 2019
Second Reading: May 20, 2019
Publication Date: May 26, 2019
Effective Date: June 2, 2019