

**DELHI CHARTER TOWNSHIP
INGHAM COUNTY, MICHIGAN**

**FIREWORKS ORDINANCE
ORDINANCE NO. 128.1**

PREAMBLE

AN ORDINANCE AMENDING CHAPTER 6, FIRE PREVENTION AND PROTECTION, ARTICLE VII, CONSUMER FIREWORKS, SECTIONS 6-101, 6-102, AND 6-104, OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF DELHI; AND TO ESTABLISH AN EFFECTIVE DATE HEREOF.

THE CHARTER TOWNSHIP OF DELHI, INGHAM COUNTY, MICHIGAN, ORDAINS:

SECTION 1. TITLE.

This ordinance shall be known as “Delhi Charter Township Consumer Fireworks Ordinance amendment.”

SECTION 2. AMENDMENT OF ARTICLE VII, “CONSUMER FIREWORKS,” SECTIONS 6-101, 6-102, AND 6-104, TO CHAPTER 6 OF THE CODE OF ORDINANCES.

Sec. 6-101. Definitions.

The *Act* means the Michigan Fireworks Safety Act, MCL 28.451, et seq., and any amendments to the Act, which may from time to time be adopted.

Article VII, Consumer Fireworks, Section 6-101 to Chapter 6 of the Code of Ordinances of the Charter Township of Delhi is amended to delete the “National Holidays”.

Article VII, Consumer Fireworks, Section 6-101 to Chapter 6 of the Code of Ordinances of the Charter Township of Delhi is amended to add the definition of “Homemade fireworks” as follows:

Homemade fireworks mean any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation that is not produced by a commercial manufacturer and does not comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507.

Except as otherwise provided, other terms in this Article shall have the meaning ascribed to them in the Act.

Sec. 6-102. Ignition, Discharge and Use of Consumer Fireworks; Violations, Fines and Penalties.

Article VII, Consumers Fireworks, Section 6-102 to Chapter 6 of the Code of Ordinances of the Charter Township of Delhi is amended to delete the prohibition and penalty.

Article VII, Consumer Fireworks, Section 6-102 to Chapter 6 of the Code of Ordinances of the Charter Township of Delhi is amended to add the provisions as follows:

The ignition, discharge, and use of consumer fireworks within Delhi Charter Township is allowed after 11 a.m. on the following days:

1. December 31 until 1 a.m. on January 1.
2. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
3. June 29 to July 4 until 11:45 p.m. on each of those days.
4. July 5, if that date is a Friday or Saturday, until 11:45 p.m.
5. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

Consumer fireworks shall not be ignited, discharged, or used on any other day not prescribed above.

Homemade fireworks shall not be discharged in Delhi Charter Township at any time.

Any person who violates Sec. 6-102 is responsible for a municipal civil infraction, and shall be subject to a civil fine of \$1,000.00 for each violation of the ordinance and no other fine or sanction. \$500.00 from each fine collected for a violation of this ordinance shall be payable to the local law enforcement agency responsible for the enforcement of the Ordinance.

Sec. 6-104. Prohibited Conduct; Violations, Fines and Penalties.

A person who violates any of the following is subject to the penalties provided under the Act:

- (1) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.
- (2) A person shall not sell consumer fireworks to an individual who is under the age of 18.

- (3) An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor and/or a controlled substance, as those terms are defined in the Act.

Any person who violates Sec. 6-104(i), (ii), or (iii) is responsible for a municipal civil infraction, and shall be subject to a civil fine of \$500.00 for each violation.

SECTION 3. PENALTIES.

All proceedings pending and all rights and liabilities existing or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in effect when they are commenced. This Ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this Ordinance, or initiated after the effective date of this Ordinance for an offense committed before that effective date.

SECTION 4. SEVERABILITY.

If any section, paragraph, clause, phrase or part of this Ordinance is held invalid by any court of competent jurisdiction, or by any agency, department, or commission empowered by statute for such purpose, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstances shall not be affected thereby.

SECTION 5. REPEAL.

All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an ordinance provision repealed by this Ordinance shall continue under the ordinance provision then in effect. All ordinances or parts of ordinances not expressly amended, deleted, or repealed, remain in effect.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after its passage and publication and recording as required by law.

John Hayhoe, Supervisor

Evan Hope, Clerk

I, Evan Hope, Clerk of the Charter Township of Delhi, do hereby certify that the above is a true action taken by the Delhi Charter Township Board of Trustees as follows:

First Reading:	August 20, 2019
First Publication (Posting)	August 25, 2019
Second Reading:	September 3, 2019
Second Publication (Posting)	September 8, 2019
Effective Date:	October 8, 2019

Evan Hope, Clerk