

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 19-03

**AN ORDINANCE AMENDING ARTICLE V, "FIREWORKS," OF
CHAPTER 10, "FIRE PREVENTION AND PROTECTION," OF THE
CODE OF ORDINANCES OF THE CITY OF LOWELL**

Councilmember CHAMBERS, supported by Councilmember SALZWEDEL moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

Section 1. Amendment of Section 10-60 of Article V of Chapter 10 of the Code of Ordinances. Section 10-60 "Definitions", of Article V, "Fireworks," of Chapter 10, "Fire Prevention and Protection," of the Code of Ordinances is hereby amended to remove the definition of *National holiday*.

Section 2. Amendment of Section 10-64 of Article V of Chapter 10 of the Code of Ordinances. Section 10-64 "Use of consumer fireworks", of Article V, "Fireworks," of Chapter 10, "Fire Prevention and Protection," of the Code of Ordinances is hereby amended in its entirety to read:

Sec. 10-64. - Use of consumer fireworks.

- (a) A person shall not ignite, discharge or use consumer fireworks except on the following days after 11 a.m.:
- (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.
 - (6) The second Saturday in July, unless the Lowell Riverwalk Festival Fireworks as recognized by the city falls on a different day, in which case, the day of the Lowell Riverwalk Festival Fireworks, until 11:45 p.m.

- (b) A person shall not ignite, discharge, or use consumer fireworks if the environmental concerns based on the department of natural resources fire division criteria are elevated to extreme fire conditions or if the environment concerns based on the department of natural resources fire division criteria are elevated to very high for seventy-two (72) consecutive hours and the commanding officer of the fire department, in consultation with the department of natural resources enforces a no burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks. If a no burning restriction is instituted under this Section, the commanding officer of the fire department enforcing the restriction shall ensure that adequate notice of the restriction is provided to the public.

Section 3. Amendment of Section 10-66 of Article V of Chapter 10 of the Code of Ordinances. Section 10-66 "Prohibition on or near certain property", of Article V, "Fireworks," of Chapter 10, "Fire Prevention and Protection," of the Code of Ordinances is hereby amended in its entirety to read:

Sec. 10-66. - Prohibition on or near certain property.

No person shall, at any time, ignite, discharge, use or display, except under the terms and conditions of a permit issued pursuant to this section, any fireworks, upon another person's property or within fifteen (15) feet of another person's property without such property owner's permission. No person shall, at any time, ignite, discharge, use or display, except under the terms and conditions of a permit issued pursuant to this section, any fireworks in a public street or right-of-way, a public park, school property, public property, or any other place of public assembly without the approval of the owner of such property or, in the case of a public park, street or right-of-way, the approval of the city. Notwithstanding the above, pursuant to state law, it shall not be a violation of this section relative to consumer fireworks on the dates and times consumer fireworks are allowed as set forth in section 10-64(a). However, this exception does not affect the ability of a person to restrict the use of fireworks on property owned or controlled by them by any other lawful means.

Section 4. Addition of Section 10-72 of Article V of Chapter 10 of the Code of Ordinances. Section 10-72 "Civil fine", of Article V, "Fireworks," of Chapter 10, "Fire Prevention and Protection," of the Code of Ordinances is hereby added to read:

Sec. 10-73. – Civil fine.

Notwithstanding anything to the contrary in this Code of Ordinances, violations of Section 10-64 shall be responsible for a civil fine in the amount of one thousand (\$1,000.00) for each violation and no other fine or sanction. Five hundred dollars (\$500.00) of the fine collected shall be remitted to the local law enforcement agency responsible for enforcing the ordinance.

Section 5. Publication. After its adoption, the City Clerk shall publish this ordinance or a summary thereof, as permitted by law, along with its date of adoption in *The Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

Section 6. Effective Date. This ordinance shall take effect ten (10) days after it, or a summary thereof, as permitted by law, along with the date of its adoption, is published in *The Lowell Ledger*, a newspaper of general circulation in the City.

YEAS: Councilmembers Mayor DeVore, Councilmembers Salzwedel, Yankovich,
Chambers and Canfield


NAYS: Councilmembers None

ABSTAIN: Councilmembers None

ABSENT: Councilmembers None

ORDINANCE DECLARED ADOPTED.

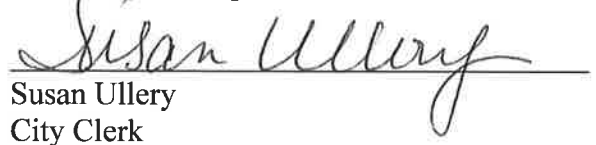
Dated: July 1, 2019


Susan Ullery
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan (the "City"), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held on July 1, 2019, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Lowell Ledger*, on July 10, 2019. I further certify that the above ordinance was entered into the Ordinance Book of the City on July 20, 2019, and was effective July 20, 2019, ten (10) days after publication.

Dated July 1, 2019


Susan Ullery
City Clerk