

CITY OF PARCHMENT

KALAMAZOO COUNTY, MICHIGAN

ORDINANCE 203

AN ORDINANCE TO AMEND THE PARCHMENT CITY CODE OF ORDINANCES; TO AMEND CHAPTER 30, ARTICLE II, SECTION 30-12, TO DELETE BLANKET PROHIBITION AGAINST FIREWORKS; TO ADD A NEW CHAPTER 30, ARTICLE II, SECTIONS 30-16 THROUGH 30-19 TO REGULATE CONSUMER FIREWORKS AS PERMITTED BY THE MICHIGAN FIREWORKS SAFETY ACT, MCL 28.451 ET SEQ.; TO PROVIDE FOR PENALTIES; TO REPEAL THAT PORTION OF THE ORDINANCE OR PARTS THEREIN INCONSISTENT OR CONTRARY TO THIS ORDINANCE AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

THE CITY OF PARCHMENT ORDAINS:

ARTICLE I

Chapter 30, Article II, Firearms, Fireworks and Explosives, Section 30-12, is hereby amended and shall now read:

Sec. 30-12. Using Blank Cartridge Pistols, Toy Guns, and Sky Lanterns Prohibited.

No person shall give, furnish, use, explode or cause to explode any blank cartridge pistol, toy pistol, toy gun, toy cannon, or other toy in which explosives are used; Chinese sky lanterns or similar devices.

ARTICLE II

Chapter 30, Article II, Firearms, Fireworks and Explosives, Sections 30-16 through 30-19, are hereby added and shall now read:

Sec. 30-16. Definitions.

As used in this article, the following terms shall have the meanings indicated:

- a. *Act.* The Michigan Fireworks Safety Act, MCLA 28.451 et seq.
- b. *Consumer Fireworks.* 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.

c. *Low-Impact Fireworks.* Ground and handheld sparkling devices, as that phrase is defined under APA Standard 87-1, 3.1, 3.1.1.1.1 to 3.1.1.1.8 and 3.5.

d. *Minor.* An individual who is less than 18 years of age.

e. *National Holiday.* New Year's Day (January 1), Martin Luther King, Jr. Day (third Monday in January), Washington's Birthday (third Monday in February), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Columbus Day (second Monday in October), Veteran's Day (November 11), Thanksgiving Day (fourth Thursday in November) and Christmas Day (December 25).

Sec. 30-17. Prohibition on the Use of Consumer Fireworks.

a. No person shall fire, ignite, discharge or in any way use consumer fireworks except during certain hours specified herein on the day preceding, the day of or the day after a national holiday, as defined herein. On days when consumer fireworks may be used, a person may fire, ignite, discharge or use consumer fireworks only between the hours of 8:00 a.m. and 1:00 a.m. Consumer fireworks are always prohibited between the hours of 1:00 a.m. and 8:00 a.m. without exception.

b. No person shall fire, ignite, discharge or in any way use consumer fireworks in any public park, on public property, school property, church property or the property of another without that organization's or person's express permission to use consumer fireworks on those premises.

c. No person shall sell, give, provide, permit or allow to be given consumer fireworks to a minor.

Sec. 30-18. General Noise and Disorderly Conduct Prohibitions.

No person shall fire, ignite, discharge or in any way use consumer fireworks in violation of Chapter 30, Sections 21(11), (22), (23) and (27), of the Parchment City Code of Ordinances.

Sec. 30-19. Penalties.

A person who violates this Article shall be responsible for a Municipal Civil Infraction, punishable by a fine of not more than \$500.00 for each violation.

ARTICLE III

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

ARTICLE IV

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

ARTICLE V

This Ordinance shall take force and effect on AUG 4, 2014.

CERTIFICATE

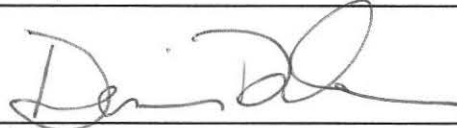
I, Dennis Durham, City Clerk for the City of Parchment, do hereby certify that the foregoing Parchment Ordinance No. 203 was adopted by the City Commission at a regular meeting held on AUG 4, 2014, 2014, and that the following is a record of the vote of the members of said City Commission on said Ordinance.

AYES: BALMER, BRITGAN, J HEASLEY, R HEASLEY, JUSTICE

NAYS: 0

ABSENT: HAGEMAN, SELL

ABSTAIN: 0


Dennis Durham, City Clerk