

**VILLAGE COUNCIL**  
**VILLAGE OF MACKINAW CITY**  
Cheboygan and Emmet Counties, Michigan

Trustee J. Lemanski supported by Trustee B. Mollen, moved the adoption of the following Ordinance:

**ORDINANCE NO. 223**

**AN ORDINANCE TO REGULATE THE SALE, DISCHARGE, STORAGE, TRANSPORTATION AND  
DISTRIBUTION OF CONSUMER FIREWORKS WITHIN THE VILLAGE**

54.000 – FIREWORKS ORDINANCE Ord. No. 223 Adopted: August 06, 2020

The purpose of this ordinance is to regulate the sale, discharge, storage, transportation and distribution of consumer fireworks within the Village.

THE VILLAGE OF MACKINAW CITY ORDAINS:

54.101 - Fireworks.

Sec. 1.

- A. The term “firework” or “fireworks” means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects, as defined by the Michigan Fireworks Safety Act 256 of 2011, as amended by Act 635 of 2018.
- B. The sale, discharge, storage, transportation and distribution of fireworks in the Village shall be governed by the Michigan Fireworks Safety Act 256 of 2011, as amended by Act 635 of 2018.
- C. The use of low impact fireworks, as defined in the Michigan Fireworks Safety Act 256 of 2011, as amended by Act 635 of 2018 (ground and hand-held sparkling devices), will be permitted year-round.
- D. The use of consumer fireworks, as defined in the Michigan Fireworks Safety Act 256 of 2011, as amended by Act 635 of 2018, in the Village is limited to, and contingent upon the following:
  - 1. Fireworks shall not be sold to a minor.
  - 2. No person under the age of 18 years of age shall buy, acquire or otherwise obtain any fireworks in the Village.
  - 3. No person under the age of 18 years of age shall use, possess, explode or cause to explode any fireworks unless in the presence of an adult.
  - 4. No person shall discharge, ignite, or 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.
  - 5. A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without the express permission of the organization or person.
  - 6. The ignition, discharge, or use of consumer fireworks shall be limited to the following days after 11:00 AM:
    - a. December 31 until 1:00 AM on January 1.
    - b. The Saturday and Sunday immediately preceding Memorial Day until 11:45 PM on each of those days.
    - c. June 29 to July 4 until 11:45 PM on each of those days.
    - d. July 5, if that date is a Friday or Saturday, until 11:45 PM

- e. The Saturday and Sunday immediately preceding Labor Day until 11:45 PM on each of those days.

- E. A Special Event Application may be made to the Village by any organization, association, group or individual for the public display of fireworks. The Village may impose conditions to properly safeguard the public, both to persons and property, and require compliance with the provisions of the Michigan Fireworks Safety Act 256 of 2011, section 28.466.

#### 54.102 – Sky Lanterns

##### Sec. 2.

- A. For purposes of this section, a “sky lantern” shall be defined as an airborne lantern typically made of paper with a wood or metal frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. This includes sky candles, fire balloons, Chinese lanterns, Kongming lanterns, and other airborne paper lanterns.
- B. Except as otherwise provided in this section, no person in the Village shall release or set into the air, a sky lantern. Further, no person shall knowingly permit such conduct upon any premises owned or possessed by that person.
- C. Upon approval of the Village Fire Chief, or designee, sky lanterns may be used for religious or cultural ceremonies provided that adequate safeguards have been taken in the discretion of the Village Fire Chief. Sky lanterns used under exception must be tethered in a safe manner to assure that they are located, extinguished and disposed of.

#### 54.103 - Penalties

Sec. 3. Any violation of this ordinance shall be a Tier 1 municipal civil infraction punishable by a fine, identified in a Fine Schedule, in an amount set from time to time by resolution of the Village Council. Each violation shall be separate for purposes of penalties, and in the case of a continuing violation, each day shall be deemed a separate violation.

#### 54.104 - Effective date.

Sec. 4. Ordinance No. 223, Fireworks Ordinance, shall become effective 20 days after publication in a newspaper of general circulation within the Village of Mackinaw City.

Yeas: Trustees: E. Lieghio, S. Newman, J. Lemanski, B. Mollen, G. Ranville

Nays: Trustees: None

Abstain: Trustees: None

Absent: Trustees: P. Michalak, T. Chastain

**Ordinance declared adopted.**

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Scott Newman, Village President

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Lana Jaggi, Clerk

CERTIFICATION

As the Clerk of the Village of Mackinaw City, Michigan, I certify this is a true and complete copy of an ordinance adopted at a meeting of the Village Council held on August 6, 2020, with notice provided as required by law.

August 6, 2020

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Lana Jaggi, Clerk