

PLAINFIELD CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN

ORDINANCE NO. 2019-907

At a regular meeting of the Township Board for Plainfield Charter Township held at the Township Hall on July 22, 2019 beginning at 7:00 p.m., the following Ordinance was offered for adoption by Board Member Pfaff. and seconded by Board Member Morrow:

**AN ORDINANCE TO AMEND THE CODE OF THE CHARTER TOWNSHIP OF
PLAINFIELD BY ADDING CHAPTER 18, ARTICLE III, SECTION 18-74 ENTITLED
“NO BURNING RESTRICTIONS” AND AMENDING CHAPTER 22, ARTICLE IX,
SECTIONS 22-261 THROUGH 22-169, INCLUSIVE, ENTITLED “FIREWORKS”**

THE CHARTER TOWNSHIP OF PLAINFIELD ORDAINS:

Section 1. Addition of Section 18-74. That Chapter 18, Article III, Section 18-74 is added and shall read as follows:

Sec.18-74. No Burning Restrictions.

(a) Definitions: As used in this section “fireworks” shall be defined as in Act No. 256 of the Public Acts of Michigan 2011, as amended.

(b) Powers and Authority.

(1) If environmental concerns based on the Department of Natural Resources Fire Division criteria are elevated to extreme fire conditions or if the environmental concerns based on the Department of Natural Resources Fire Division criteria are elevated to very high for 72 consecutive hours, the Township Fire Chief, in consultation with the Department of Natural Resources, may impose and enforce a no burning restriction that includes but is not limited to a ban on the ignition, discharge, or use of fireworks.

(2) Not more than 24 hours after the fire condition is downgraded from extreme or very high, the Township Fire Chief shall lift the restriction imposed.

(c) Notice Requirements. If a no burning restriction is instituted under this section the Township Fire Chief shall ensure that adequate notice of the restriction is provided to the public. The Township Fire Chief shall ensure that notice of the lifting of the restriction is provided in the

same manner that the restriction was announced, or in any other manner calculated to give appropriate notice to the public.

(d) Penalty: Any person who violates a no burn restriction imposed under this section shall be responsible for a municipal civil infraction and subject to a civil fine of up to \$1,000 for each violation.

Section 2. Amendment of Article IX. That Chapter 22, Article IX, Sections 22-261 through 22-269, inclusive, is amended to read as follows:

Article IX. – Fireworks

Sec. 22-261. - Definitions: As used in this section the following shall apply:

(1) For all purposes, the words and phrases in the article shall have the same meaning as provided for in the Act.

(2) “Act” means Act No. 256 of the Public Acts of Michigan 2011, as amended.

Sec. 22-262. - Consumer fireworks – Dates and Times.

(1) Except as provided in this section, no person shall ignite, discharge, or use consumer fireworks.

(2) A person may ignite, discharge, or use consumer fireworks on the following days after 11:00 a.m.:

(A) December 31 until 1 a.m. and on January 1.

(B) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.

(C) June 29 to July 4 until 11:45 p.m. on each of those days.

(D) July 5, if that date is a Friday or Saturday, until 11:45 p.m.

(E) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

(3) A person who violates this section shall be responsible for a municipal civil infraction and subject to a civil fine of \$1,000 for each violation. There shall be no other fine or sanction. Five hundred dollars of each fine shall be remitted to the Kent County Sheriff's Department for enforcing this section pursuant to the Act.

Sec. 22-263. - Consumer fireworks – Locations

(1) No person shall ignite, discharge, or use fireworks on public property, school property, church property, or the property of another person or organization without that person's or organization's express permission to do so.

(2) A person who violates this section shall be responsible for a municipal civil infraction and subject to a civil fine of up to \$500 for each violation.

Sec. 22-264. - Firework safety. No person shall recklessly endanger the life, health, safety, or well-being of any person or property by the ignition, discharge, or use of fireworks.

Sec. 22-265. - Use by a minor.

(1) No person under the age of 18 years shall ignite, discharge, or use consumer fireworks except while in the presence and under the control of a parent, guardian or other responsible adult.

(2) A person who violates this section shall be responsible for a municipal civil infraction and subject to a civil fine of up to \$500 for each violation.

Sec. 22-266. - Use of fireworks. No person shall use fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. As used in this section:

(1) "Alcoholic liquor" means that term as defined in section 1d of the Michigan Vehicle Code, Act 300 of the Public Acts of Michigan of 1949, as amended.

(2) "Controlled substance" means that term as defined in section 8b of the Michigan Vehicle Code, Act 300 of the Public Acts of Michigan of 1949, as amended.

Sec. 22-267. - Homemade and modified fireworks. Regardless of the calendar date, no person shall use, ignite, or discharge, homemade fireworks, or enhanced, modified, or altered consumer fireworks not otherwise authorized by the Act.

Sec. 22-268. - Violations, fines, and penalties. Except as otherwise provided in §§ 22-262, 22-263, and 22-265 a 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 4. Effective Date. This Ordinance shall become effective the day following its publication unless otherwise provided by law.

YEAS: Homan, Morrow, Brinkman, Pfaff, Greene, Postmus

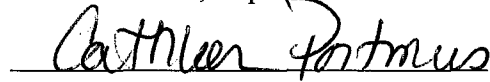
NAYS: Hagedorn

ABSENT: None

ORDINANCE NO. 2019-207 ADOPTED.

A handwritten signature in cursive script, reading "Robert E. Homan", written over a horizontal line.

Robert Homan, Supervisor

A handwritten signature in cursive script, reading "Cathleen Postmus", written over a horizontal line.

Cathleen Postmus, Clerk