

ORDINANCE NO. 272

FIREWORKS RESTATEMENT ORDINANCE

**AN ORDINANCE TO AMEND THE SPRING LAKE TOWNSHIP
CODE OF ORDINANCES BY RESTATING IN ITS ENTIRETY
ARTICLE IV OF CHAPTER 16 REGARDING FIREWORKS.**

**THE TOWNSHIP OF SPRING LAKE, COUNTY OF OTTAWA, STATE OF MICHIGAN,
ORDAINS:**

Section 1. Article IV of Chapter 16. Article IV of Chapter 16 of the Spring Lake Township Code of Ordinances is restated in its entirety to read as follows:

ARTICLE IV. FIREWORKS

Sec. 16-40. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

ALCOHOLIC LIQUOR – That term as defined in section 1d of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).

APA STANDARD 87-1 – 2001 APA Standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, as published by the American Pyrotechnics Association of Bethesda, Maryland.

CONSUMER FIREWORKS – Fireworks 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, as amended, and that are listed in APA Standard 87-1: 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

CONTROLLED SUBSTANCE – That term as defined in section 8b of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).

FIREWORKS – Any composition or device, except a starting pistol, a flare gun, or a flare, designed for the purpose of producing visible or audible effect by combustion, deflagration, or detonation.

LOW-IMPACT FIREWORKS – Ground and handheld sparkling devices as that phrase is defined in APA standard 87-1: 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

MINOR – An individual who is less than 18 years of age.

Sec. 16-41. Ignition, discharge, and 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.; and
 - (5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
- (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 environmental concerns based on the department of natural resources, fire division criteria are elevated to very high for 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.

Sec. 16-42. Possession of consumer fireworks by a minor.

A minor shall not possess, ignite, discharge, or use consumer fireworks.

Sec. 16-43. Prohibited conduct.

- (a) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of any another person without that organization's or person's express permission to use those consumer fireworks on those premises.

- (b) A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination thereof.

Sec. 16-44. Determination of violation; seizure.

If a law enforcement officer determines that a violation of this article has occurred, the officer may seize the consumer fireworks as evidence of the violation.

Sec. 16-45. Local, state, and federal requirements.

Nothing contained within this article shall be construed to relieve a person of any duties and obligations imposed under any local, state, or federal laws, rules, regulations, licenses, or permit requirements.

Sec. 16-46. Penalty.

Any person violating the provisions of this article shall be responsible for a municipal civil infraction with a civil fine of \$1,000.00 for each violation of the article. \$500.00 of the fine collected under the article shall be remitted to the local law enforcement agency responsible for enforcing the article.

Section 2. Effective Date. This amendment to the Spring Lake Township Code of Ordinances was approved and adopted by the Township Board on March 25, 2019. This Ordinance shall be effective 30 days after its publication.

John Nash, Supervisor

Carolyn Boersma, Clerk

CERTIFICATE

I am the Clerk for the Township of Spring Lake, Ottawa County, Michigan, and I certify that the foregoing Fireworks Ordinance was adopted at a regular meeting of the Township Board held on March 25, 2019. The following members of the Township Board were present at that meeting: John Nash, Carolyn Boersma, Cathy Pavick, Jerry Rabideau and Rachel Terpstra. The following members of the Township Board were absent: Jim Koster and Ron Lindquist. The Ordinance was adopted by the Township Board with members of the Board John Nash, Carolyn Boersma, Cathy Pavick, Jerry Rabideau and Rachel Terpstra voting in favor and No members of the Board voting in opposition. The Ordinance or a summary was published in the *Grand Haven Tribune* on April 2, 2019.

Carolyn Boersma, Township Clerk