

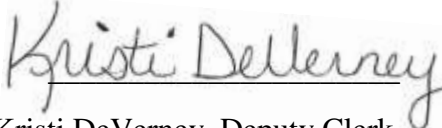
GRAND HAVEN CHARTER TOWNSHIP
NOTICE OF POSTING OF PROPOSED ORDINANCE

NOTICE IS HEREBY GIVEN that the following Ordinance has been proposed for adoption by the Charter Township of Grand Haven, Ottawa County, Michigan:

**AN ORDINANCE TO AMEND THE GRAND HAVEN
CHARTER TOWNSHIP CODE OF ORDINANCES BY
REPLACING SECTIONS 35.0700-35.0711 OF ORDINANCE
NO. 515 ENTITLED "FIREWORKS ORDINANCE" IN ITS
ENTIRETY**

The proposed Ordinance has been posted at the office of the Township Clerk, 13300 - 168th Avenue, Grand Haven, Michigan and on the Township's web site: www.gh.org.

The proposed Ordinance was first introduced at a regular meeting of the Township Board on February 25, 2019. Copies of the proposed Ordinance are available upon request at the office of the Township Clerk.

A handwritten signature in cursive script that reads "Kristi DeVerney". The signature is written in dark ink on a light-colored background.

Kristi DeVerney, Deputy Clerk
Grand Haven Charter Township

Posted Legal Ad: March 4, 2019

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE GRAND HAVEN
CHARTER TOWNSHIP CODE OF ORDINANCES BY
REPLACING SECTIONS 35.0700-35.0711 OF ORDINANCE
NO. 515 ENTITLED "FIREWORKS ORDINANCE" IN ITS
ENTIRETY**

**GRAND HAVEN CHARTER TOWNSHIP, COUNTY OF OTTAWA, STATE OF
MICHIGAN, ORDAINS:**

Section 1. Sections 35.0700-35.0711, being the "Fireworks Ordinance" of the Grand Haven Charter Township Code of Ordinances is hereby amended in its entirety to read as follows:

35.0700

**FIREWORKS ORDINANCE
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. ___ eff. _____**

An Ordinance to regulate the ignition, discharge, and use of consumer fireworks in Grand Haven Charter Township; to establish penalties and sanctions for violations of this ordinance; and to establish an effective date.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN,
ORDAINS:

35.0701

Sec. 1

DEFINITIONS

The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning.

1. "Alcoholic Liquor" means that term as defined in section 1d of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).
2. "APA Standard 87-1" means 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.
3. "Consumer Fireworks" means 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.

4. "Controlled Substance" means that term as defined in section 8b of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).
5. "Fireworks" means 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.
6. "Low-Impact Fireworks" means 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.
7. "Minor" means an individual who is less than 18 years of age.
8. "Person" means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

35.0702

Sec. 2

**IGNITION, DISCHARGE AND USE OF
FIREWORKS**

1. A Person shall not ignite, discharge, or use Consumer Fireworks except on the following days after 11 a.m.:
 - A. December 31 until 1 a.m. 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.
 - F. **Coast Guard Saturday (i.e., the last Saturday of the Grand Haven Coast Guard Festival) until 11:45 p.m.**
2. 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.

35.0703 Sec. 3 POSSESSION OF CONSUMER FIREWORKS BY A MINOR

A Minor shall not possess, ignite, discharge, or use Consumer Fireworks.

35.0704 Sec. 4 PROHIBITED CONDUCT

1. 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 Person's express permission to use those Consumer Fireworks on those premises.
2. 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.

35.0705 Sec. 5 DETERMINATION OF VIOLATION; SEIZURE

If an Authorized Township Official, as defined in Section 2 of the Code/Ordinance Enforcement Ordinance, Ordinance Number 243, determines that a violation of this Ordinance has occurred, the Authorized Township Official may seize the Consumer Fireworks as evidence of the violation.

35.0706 Sec. 6 LOCAL, STATE, AND FEDERAL REQUIREMENTS

Nothing contained within this Ordinance 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.

35.0707 Sec. 7 SEVERABILITY AND CAPTIONS

This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered as part of this Ordinance.

35.0708 Sec. 8 ADMINISTRATIVE LIABILITY

No officer, agent, employee, or member of the Township Board shall be personally liable for any damage that may accrue to any Person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

35.0709 Sec. 9 VIOLATIONS

Any person violating the provisions of this ordinance shall be responsible for a municipal civil infraction with a civil fine of \$1,000.00 for each violation of the ordinance. \$500.00 of the fine collected under the ordinance shall be remitted to the local law enforcement agency responsible for enforcing the ordinance. The Township Supervisor, Township Superintendent (Township Manager), an authorized Township official, any law enforcement officer of the Ottawa County Sheriff's Department or the Michigan State Police, and the Township Attorney are authorized to issue municipal civil infraction citations for violations of this Ordinance.

35.0710 Sec. 10 REPEAL

All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of the date of this Ordinance are repealed to the extent of such conflict.

35.0711 Sec. 11 EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board on _____, after its introduction and first reading on _____, and after its publication in the manner provided by Public Act 359 of 1947, as amended. This Ordinance shall take effect 30 days after its publication following adoption.

Section 2. Effective Date. This amendment to the Grand Haven Charter Township Ordinance was approved and adopted by the Township Board of Grand Haven Charter Township, Ottawa County, Michigan on _____, 201__, after introduction and a first reading on March 25, 2019, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on _____, 201__.

Mark Reenders,
Township Supervisor

Laurie Larsen
Township Clerk

CERTIFICATE

I, Laurie Larsen, the Clerk for the Charter Township of Grand Haven, Ottawa County, Michigan, certify that the foregoing Grand Haven Charter Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on _____, 201___. The following members of the Township Board were present at that meeting: _____. The following members of the Township Board were absent: _____. The Ordinance was adopted by the Township Board with members of the Board _____ voting in favor and _____ members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Haven Tribune* on _____, 201__.

Laurie Larsen, Clerk
Grand Haven Charter Township