

CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. 2019-004

FIREWORKS ORDINANCE AMENDMENT

An Ordinance to amend the Waterford Charter Township Code regarding the ignition, discharge, and use of consumer fireworks to conform to amendments of the Michigan Fireworks Safety Act.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Subsection (a), Definitions, in Section 11-178, Fireworks, of the Waterford Charter Township Code, is hereby amended to delete the definition of National Holiday, which currently reads as follows:

National holiday means New Years Day (January 1), Birthday of Martin Luther King Jr. (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), Veterans Day (November 11), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25).

Section 2 of Ordinance

Section 11-178(b) of the Waterford Charter Township Code, is hereby amended to read as follows:

- (b) *Prohibited ignition, discharge, and use.* Except for the following, fireworks shall not be ignited, discharged, or used in the township:
 - (1) In compliance with a permit granted by the township board as provided in the Act.
 - (2) Consumer fireworks ~~from 8:00 a.m. until 12:00 midnight on the days preceding, of, and after a national holiday, and for the first hour of New Year’s Day until 1:00 a.m. may be ignited, discharged, or used after 11:00 a.m. on December 31 until 1:00 a.m. on January 1, and between the hours of 11:00 a.m. and 11:45 p.m. on:~~
 - i. the Saturday and Sunday immediately preceding Memorial Day
 - ii. June 29 to July 4 on each of those days.
 - iii. July 5 if that date is a Friday or Saturday
 - iv. the Saturday and Sunday immediately preceding Labor Day.
 - (3) Low-impact fireworks by a person that is not under the influence of alcoholic liquor and/or a controlled substance.

Section 3 of Ordinance

Section 11-178(f) of the Waterford Charter Township Code, is hereby amended to read as follows:

- (f) *Violations/penalties.* The sanction for violations of subsections (b)(1), (b)(2), and (c) is a municipal civil infraction, punishable by a civil fine of not more than \$500.00, with violations of subsection (c) also punishable by costs, damages and expenses as provided in Section 1-010(b) of this Code. The sanction for violation of subsection (b)(2) is a municipal civil infraction, punishable by a civil fine of \$1,000.00 for each violation, \$500.00 of which shall be remitted to the local law enforcement agency responsible for enforcing that ordinance. Violations of the Act listed in subsection (d) for reference, are punishable under and as provided in the Act as state civil infractions, misdemeanors, or felonies, and not as violations of this Ordinance.

Section 4 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance that is hereby adopted, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 5 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this Fireworks Ordinance Amendment was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on _____, 2019.

CHARTER TOWNSHIP OF WATERFORD

Date

By: _____
Kimberly F. Markee, Township Clerk