

**GAINES TOWNSHIP
ORDINANCE NUMBER 101**

An ordinance to regulate the use and discharge of fireworks within the Township; and to proscribe penalties for violations thereof.

THE GAINES TOWNSHIP BOARD HEREBY ORDAINS:

Section 1. Definitions.

“Consumer fireworks” are fireworks devices designed to produce visible effects by combustion, that are required to comply with United States Consumer Product Safety Commission requirements, and are listed in American Pyrotechnics Association Standard 87-1, 3.1.2, 3.1.3, or 3.5. Examples include firecrackers, sky lanterns, bottle rockets, roman candles, and certain aerial shells not exceeding 1.75 inches in diameter.

“Low-impact fireworks” means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1.1 to 3.1.1.8, and 3.5.

“Person” means any person, group of persons, association, partnership, corporation or other legal entity.

Section 2. Regulations.

- A. A person shall not ignite, discharge or use consumer fireworks on public property, church property, school property, or another person’s property without that organization’s or person’s written permission.
- B. A person shall not sell or offer to sell consumer fireworks to an individual less than 18 years of age.
- C. A person shall not use consumer or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of both.
- D. A person shall not sell or offer to sell consumer fireworks within the Township without obtaining a certificate from the Michigan Department of Licensing and Regulatory Affairs.
- E. A person shall not sell or offer to sell low-impact fireworks within the Township without first registering online with the Michigan Department of Licensing and Regulatory Affairs Low-Impact Fireworks Registry.

F. A person shall not ignite, discharge or use consumer fireworks except on the day before, the day of, or the day after the following national holidays:

- (i) New Year's Day, January 1;
- (ii) Birthday of Martin Luther King, Jr., the third Monday in January;
- (iii) Washington's Birthday, the third Monday in February;
- (iv) Memorial Day, the last Monday in May;
- (v) Independence Day, July 4;
- (vi) Labor Day, the first Monday in September;
- (vii) Columbus Day, the second Monday in October;
- (viii) Veterans Day, November 11;
- (ix) Thanksgiving Day, the fourth Thursday in November;
- (x) Christmas Day, December 25.

G. A person shall not ignite, discharge or use consumer fireworks between the hours of 1 a.m. and 8 a.m.

Section 3. Penalties; Enforcement; Cost Recovery.

(A) A person who violates any provision of this Ordinance shall be responsible for violation of a municipal civil infraction and subject to the following fines and costs:

- (a) \$100 for the first violation;
- (b) \$250 for any repeat violation, defined as a violation that occurs within six months of the first violation; and
- (c) \$300 for any second, repeat or subsequent repeat offense.

(B) A violation of this ordinance shall also be deemed a public nuisance subject to abatement by the circuit court.

(C) The Township may confiscate and dispose of any fireworks possessed or used in violation of any provision of this Ordinance.

Section 4. Repeal.

The Township Board hereby repeals Ordinance Nos. 99 in its entirety.

Section 5. Effective Date.

This ordinance shall take effect 30 days after publication.


At a Special meeting of the Board of Trustees for the Township of Gaines held on November 12, 2013, **Diane Hyrman** moved for adoption of the foregoing ordinance and **Chuck Timmons** supported the motion.

Voting for: **Timmons, Purdy, Hyrman, Melki**

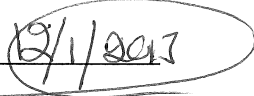
Voting against: **None**


Dowler Absent

The Supervisor declared the ordinance **adopted**.



Chuck Melki, Supervisor






Michael Dowler
Township Clerk

Certification

Michael Dowler, Gaines Township Clerk, certifies that the foregoing is a true copy of Ordinance No. 101 which was enacted by the Board of Trustees of Gaines Township at a Special meeting held on November 12, 2013.



Michael Dowler, Township Clerk