

**CHARTER TOWNSHIP OF GARFIELD
CONSUMER FIREWORKS ORDINANCE**

AMENDMENT NO. 1 TO ORDINANCE NO. 67

An Ordinance to secure the public health, safety and general welfare of the citizens of Charter Township of Garfield, Grand Traverse County, Michigan, by regulating the use of Consumer Fireworks in Charter Township of Garfield, as provided in Public Act 256 of 2011, as amended (MCL 28.451, *et seq.*).

Charter Township of Garfield ORDAINS:

Section 1. Purpose

Public Act 246 of 1945 (MCL 41.181, *et seq.*) authorizes Charter Township of Garfield to enact ordinances that regulate the public health, safety and general welfare of persons and property. Public Act 256 of 2011, as amended (MCL 28.451, *et seq.*) authorizes Charter Township of Garfield to enact an ordinance regulating the ignition, discharge, and use of Consumer Fireworks, to the extent allowed by Public Act 256 of 2011, as amended, in the interest of public health, safety and general welfare of the citizens of Charter Township of Garfield.

Section 2. Title

This ordinance shall be known as the Charter Township of Garfield Consumer Fireworks Ordinance.

Section 3. Interpretation

This ordinance shall be interpreted in accordance with the definitions included in Public Act 256 of 2011, as amended, and as interpreted by the Michigan Court of Appeals.

Section 4. Prohibited Acts

The ignition, discharge, and use of Consumer Fireworks in Charter Township of Garfield is prohibited at all times except for the day preceding, the day of, or the day after a National Holiday. National Holidays include: New Year's Day, Martin Luther King Day, Inauguration Day, Washington's Birthday (President's Day), Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas. On these days the ignition, discharge, and use of Consumer Fireworks is prohibited between 1:00 A.M. until 8:00 A.M.

Section 5. Severability

This Ordinance shall be deemed severable and if any word, sentence, clause, section, or provision is declared invalid or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of this Ordinance and the remaining portions of this Ordinance shall remain valid and enforceable.

Section 6. Penalties

Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction, subject to a maximum fine of \$500.00 plus court costs.

Misdemeanor. Any person who refuses to abate a fireworks violation upon the demand of an authorized local enforcement officer, interferes with the officer's enforcement of the ordinance, or retaliates against another who had made complaint of a noise disturbance is guilty of a misdemeanor punishable by a maximum of 90 days in jail and/or a fine of \$500.00 plus court costs.

Section 7. Enforcement

Any Township Zoning Official and the Grand Traverse County Sheriff and his deputies are authorized as local enforcement officers of this Ordinance.

Section 8. Non-exclusive Remedy

Nothing in this ordinance impairs or precludes a separate cause of action, civil or criminal, provided by statute or common law for conduct prohibited herein.

Section 9. Effective Date

This Ordinance shall take effect 30 days following publication.

The following voted:

Yeas: Featherstone, Agostinelli, Blood, Wilson, Schmuckal, Schumacher, Korn


Nays: None

Abstain: None

Absent: None

CERTIFICATION

I hereby certify that the foregoing was duly adopted by the Township Board of the Garfield Charter Township, Grand Traverse County, Michigan, at its regular meeting on the 23rd day of July, 2013 and that (7) seven members of the Township Board and (7) seven voted for the adoption of the Ordinance.


Kay Schumacher, Township Clerk
Charter Township of Garfield

Introduced: July 9, 2013
Adopted: July 23, 2013
Published: July 28, 2013
Effective: August 28, 2013