

**CHARTER TOWNSHIP OF GARFIELD  
CONSUMER FIREWORKS ORDINANCE**

**AMENDMENT NO. 2 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 following:

- From 11:00 a.m. until 1:00 a.m. December 31<sup>st</sup> and January 1<sup>st</sup>;
- From 11:00 a.m. until 11:45 p.m. the Saturday and Sunday immediately preceding Memorial Day;
- From 11:00 a.m. until 11:45 p.m. June 29<sup>th</sup> through July 4<sup>th</sup>, and July 5<sup>th</sup> if it is a Friday or Saturday;
- From 11:00 a.m. until 11:45 p.m. the Saturday and Sunday immediately preceding Labor Day.

**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 7 days following publication.

### **CERTIFICATE**

I, Lanie McManus, Clerk of the Charter Township of Garfield, do hereby certify that the above is a true and correct copy of Amendment No. 2 of Garfield Township Ordinance No. 67, which was adopted by the Township Board of the Charter Township of Garfield on the 23th day of April, 2019. Garfield Township Ordinance No. 67 This ordinance shall take effect 7 days following publication.

Dated: \_\_\_\_\_

4/24/19



Lanie McManus, Clerk  
Charter Township of Garfield

Introduced: March 26, 2019  
Adopted: April 23, 2019  
Published: April 28, 2019  
Effective: May 5, 2019