

**ELK RAPIDS TOWNSHIP
ANTRIM COUNTY, MICHIGAN
ORDINANCE NO. 2021-1**

Consumer Fireworks Ordinance

An ordinance to secure the public health, safety and general welfare of the citizens of Elk Rapids Township, Antrim County, Michigan, by regulating the use of Consumer Fireworks in the Township, as provided in Public Act 256 of 2011, as amended (MCL 28.451, *et seq.*) and pursuant to Public Act 246 of 1945 (MCL 41.181 *et seq.*).

ELK RAPIDS TOWNSHIP ORDAINS:

Section 1: Findings

The Township Board makes the following findings:

Public Act 246 of 1945 (MCL 41.181, *et seq.*) authorizes Elk Rapids Township 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 Elk Rapids Township to enact an ordinance regulating the ignition, discharge, and use of Consumer Fireworks. The Township Board believes an ordinance prohibiting the ignition, discharge, and use of Consumer Fireworks, to the extent allowed by Public Act 256 of 2011, as amended, is in the interest of public health, safety and general welfare.

Section 2: Title

This ordinance shall be known and cited as the Elk Rapids Township Consumer Fireworks Ordinance.

Section 3: Definitions

The following definitions apply for purposes of this Ordinance:

- 1 Consumer Fireworks: Fireworks devices 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, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.
- 2 Low-Impact Fireworks: Ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.
- 3 Sky Lantern: An unmanned device with a combustible fuel source that incorporates an open flame in order to make the device airborne.

Section 4: Ignition, Discharge, and Use of Consumer Fireworks

The ignition, discharge, and use of Consumer Fireworks in Elk Rapids Township is prohibited at all times except after 11 a.m. on the following days:

(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.

A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.

Section 5: Use of Sky Lanterns

No person shall release or cause to be released an untethered sky lantern.

Section 6: 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 7: Penalty

A violation of this Ordinance is a civil infraction, subject to a fine of \$1,000.00 for each violation and court costs, if any. \$500.00 of the fine collected under the Ordinance shall be remitted to the local law enforcement agency responsible for enforcing the Ordinance.

Section 8: Enforcement

The Antrim County Sheriff and his deputies are authorized as local enforcement officers of this Ordinance.

Section 9: Effective Date

This Ordinance shall take effect 30 days following publication.

The above Ordinance is adopted on this 9th day of March, 2021.

Motion by: D. Amos

Seconded by: M. Szymanski

Ayes: S. Boisvert, A. Isenhardt, M. Szymanski, D. Amos

Nays: None

Absent: D. Hults

A true and complete copy of the Ordinance, can be inspected or obtained at the office of the Clerk, 315 Bridge St.' P.O. Box 356, Elk Rapids, Michigan 49629, during regular office hours, or by appointment, or a copy may be viewed and downloaded from the Internet at: <http://elkrapids.com>

Dated: March 9, 2021

Shelley Boisvert

Elk Rapids Township Clerk

315 Bridge Street, P.O. Box 356

Elk Rapids, Michigan 49629

Phone: 231-264-9333