

BELKNAP TOWNSHIP
PRESQUE ISLE COUNTY, MICHIGAN

FIREWORK'S ORDINANCE

AN ORDINANCE TO REGULATE THE IGNITION, DISCHARGE
AND USE OF CONSUMER FIREWORKS AND TO PROVIDE A
PENALTY FOR THE VIOLATIONS THEREOF.

THE TOWNSHIP OF BELKNAP ORDAINS:

Section 1. Findings and Purpose. In the interest of maintaining public health, safety and general welfare and the comfort and repose of Belknap Township residents, the Township of Belknap hereby provides for the regulation and use of consumer fireworks in Belknap Township, as provided in MCL 28.451, et seq.

Section 2. Definitions. The terms used within this Ordinance shall have the following meanings:

- a. "APA Standard 87-1" means the standard for construction and approval for transportation of fireworks, novelties and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.
- b. "Consumers Fireworks" are defined as 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 standards 87-1, 3.12, 3.13, or 3.5. Consumer fireworks does not include low-impact fireworks.
- c. "Low Impact Fireworks" means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1 to 3.1.1.8 and 3.5.
- d. "Person" means a firm, association, partnership, joint venture, corporation, trust, municipal or public entity or equivalent entity or a combination thereof as well as a natural person.
- e. "Public Property" means streets, sidewalks, roads, highways, easements or other land owned by the local, county, state and federal government and used by the general public.

Section 3. Ignition, Discharge and Use of Consumer Fireworks.

- a. No person shall ignite, discharge or use consumer fireworks, or allow such activities on their property between the hours of 1:00 a.m. and 8:00 a.m.
- b. A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person, without the express written permission of the property owner. No person shall ignite, discharge or use consumer fireworks on Belknap Township property.
- c. A person shall not discharge consumer fireworks in such a manner so as remnants

from consumer fireworks land on public property or the property of another person without the express written permission of that property owner.

- d. A person under the age of 18 years shall not possess, ignite, discharge or use consumer fireworks.
- e. Consumer fireworks shall not be ignited, discharged or used if a burn ban is in effect within Belknap Township.

Section 4. Violations.

- a. Any person who violates any term or provision of this Ordinance shall be responsible for a municipal infraction and subject to payment of a civil fine of not more than \$500.00.
- b. The following persons may issue a municipal civil infraction citation for a violation of this Ordinance if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who has witnessed the violation:
 - 1. Any Belknap Township ordinance enforcement official appointed by the Belknap Township Board.
 - 2. A law enforcement officer of the Presque Isle County Sheriff's Department or the Michigan State Police.

Section 5. Severability and Captions. This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each section are for convenience only and shall not construed as part of this Ordinance.

Section 6. Publication; Effective Date. A true copy of this Ordinance shall be published within 30 days after it is adopted. This Ordinance shall take effect 30 days after the date of publication.

This Ordinance declared adopted this 26th day of June, 2017.

TERRY L. BASEL (signed)
Clerk