

**EAST BAY CHARTER TOWNSHIP
CONSUMER FIREWORKS ORDINANCE
ORDINANCE No. 4 of 2019**

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

EAST BAY CHARTER TOWNSHIP ORDAINS:

Section 1. Purpose

Public Act 246 of 1945 (MCL 41.181, *et seq.*) authorizes East Bay Charter 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 East Bay Charter Township 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 East Bay Charter Township.

Section 2. Title

This ordinance shall be known as the East Bay Charter Township 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

No person shall ignite, discharge, or use consumer fireworks within East Bay Charter Township at any time, except during any of the following days and times:

- (a) After 11 a.m. on December 31 and until 1 a.m. on January 1.
- (b) After 11 a.m. and until 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day.
- (c) After 11 a.m. and until 11:45 p.m. on June 29 through July 4.
- (d) If July 5 falls on a Friday or Saturday, then after 11:00 a.m. and until 11:45 p.m. on July 5.
- (e) After 11 a.m. and until 11:45 p.m. on 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. Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a civil fine of One Thousand and 00/100 (\$1,000.00) Dollars for each violation of the Ordinance and no other fine or sanction. Five Hundred and 00/100 Dollars of the fine collected under this Ordinance shall be remitted to the Grand Traverse County Sheriff's Office, which is responsible for the enforcement of this Ordinance. Each day this Ordinance is violated shall be considered as a separate violation.

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 complain 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

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

Section 8. Repeal

The East Bay Charter Township Consumer Fireworks Ordinance No. 2013-02, and amendments of such, is hereby repealed in its entirety.

Section 9. 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 10. Effective Date

This ordinance shall become effective the day following its publication by the Township as required by Section 8 of the Charter Township Act, MCL 42.8.

Ordinance No. 4 of 2019 was adopted on June 10, 2019, by the East Bay Charter Township as follows:

Motion by: Friend second by: Bartlett to approve.

Roll call vote:

Yes: Friend, Bartlett, Walters, Courtade, Lile, Hentschel, Marrow

No:

Beth Friend, Supervisor

Susanne M. Courtade CMMC/MMC, Clerk

CERTIFICATION

I Susanne M. Courtade, being the duly elected and acting Clerk of the Charter Township of East Bay, Grand Traverse County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of an Ordinance duly adopted by the Township Board at a regular meeting held on June 10, 2019 at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the Township, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

Susanne M. Courtade CMMC/MMC, Township Clerk

ORDINANCE DATES

Introduced: May 13, 2019

Introduction Posted: May 16, 2019

Introduction Published: May 20, 2019

Adopted: June 10, 2019

Adoption Posted: June 11, 2019

Adoption Published: June 16, 2019

Effective: June 17, 2019