

BEAR CREEK TOWNSHIP
EMMET COUNTY, MICHIGAN

Summary of a Consumer Fireworks Ordinance, No. 34-16, adopted by the Bear Creek Board of Trustees at its regular meeting on May 4, 2016.

Section 1. Name. This ordinance is known as the Bear Creek Township Consumer Fireworks Ordinance.

Section 2. Purpose. To maintain public health, safety, general welfare, and the comfort and repose of township residents and visitors, the township regulates the use of consumer fireworks pursuant to the Michigan Fireworks Safety Act.

Section 3. Definitions and Interpretation. Defines "National Holiday" as any of the following: New Year's Day; Martin Luther King Jr. Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; and Christmas Day. Also applies the definitions included in the Michigan Fireworks Safety Act.

Section 4. Novelties and Low Impact Fireworks. This ordinance does not regulate the use of Novelties and Low Impact Fireworks.

Section 5. Regulation of Consumer Fireworks Use.

A. Days of Use in Specified Areas. Indicates certain Specified Areas that have a greater population density and more residential and/or commercial uses than other areas of the township. The Specified Areas are lands located within the following sections of the township:

- Sections 3, 4, 5, 7, 30, and 31, of Town 34 North, Range 5 West;
- Sections 22, 23, 24, 25, 26, 27, 32, 33, 34, 35, and 36, of Town 35 North, Range 5 West.

The Township finds that residents and visitors of the Specified Areas are more likely to be adversely impacted by the use of Consumer Fireworks than residents and visitors of other areas of the township. The use of Consumer Fireworks is prohibited in the Specified Areas on all days of the year except for the day preceding, the day of, or the day after a National Holiday. This regulation does not apply to land located outside of the Specified Areas.

B. Times of Use in Specified Areas. Prohibits use of Consumer Fireworks in the Specified Areas between the hours of 1 a.m. and 8 a.m. on the day preceding, the day of, or the day after a National Holiday.

C. Times of Use in Other Areas. Prohibits use of Consumer Fireworks in all areas of the township outside of the Specified Areas between the hours of 1 a.m. and 8 a.m. on all days.

- D. Further Provisions. Prohibits use of Consumer Fireworks on public property, school property, church property, or the property of another without express permission to use fireworks on those premises. Consumer Fireworks shall not be sold to a minor. Prohibits use of Consumer Fireworks while under the influence of alcohol or controlled substances. Consumer Fireworks shall only be used in accordance with all applicable local, state and federal laws.

Section 6. Violations and Penalties.

- A. Municipal Civil Infraction. Violation of this ordinance is a municipal civil infraction subject to a fine of \$250 for a first offense and \$500 for a second or subsequent offense within 2 years of being found responsible for the first. Each day of violation is a separate violation.
- B. Remedies Not Exclusive. A citation for a municipal civil infraction does not limit the township from seeking enforcement in any other manner. This may include an action to abate any nuisance and to recover costs, expenses, damages, and fees, including attorney fees, in connection with such abatement and the enforcement of this ordinance.

Section 7. Enforcement Officials. The township supervisor and any other designee of the township board are authorized to issue citations for violations.

Section 8. Nuisance Per Se. A violation of this ordinance is a nuisance per se and is declared to be offensive to the public health, safety, and welfare.

Section 9. Nonexclusively. This ordinance is in addition to any other state or federal law or regulation concerning the use of fireworks.

Section 10. Validity. If any provision of this ordinance is held invalid, this shall not affect any remaining portions of this ordinance.

Section 11. Effective Date and Repealer. This ordinance shall take effect 30 days after publication of the ordinance or a summary thereof in the manner provided by law. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

A true copy of the entire Bear Creek Township Consumer Fireworks Ordinance may be inspected or obtained at the Bear Creek Township Hall, 373 N. Division Road, Petoskey, Michigan 49770, during regular business hours.

Judy Mays, Township Clerk