

**TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO.145
Adopted: November 14, 2019

**AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND
GENERAL WELFARE OF THE PROPERTY OWNERS, RESIDENTS AND
VISITORS OF CHIKAMING TOWNSHIP BY REGULATING THE IGNITION,
DISCHARGE AND USE OF CONSUMER FIREWORKS WITHIN THE
TOWNSHIP**

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Purpose.

The purpose of this ordinance is to provide for the regulation of the ignition, discharge, and use of consumer fireworks and other fireworks as defined, as allowed under the Michigan Fireworks Safety Act, 2011 PA 256, being MCL 28.451 *et seq.*, as amended.

Section 2. Definitions

As used in this Ordinance, the following terms shall be defined as follows:

- (1) Act. The Michigan Fireworks Safety Act, 2011 PA 256, being MCL 28.451 *et seq.*, as amended.
- (2) "APA Standard 87-1" means the "APA Standard 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics", published by the American Pyrotechnics Association of Bethesda, Maryland, as provided in the Act
- (3) "Consumer fireworks" means 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.
- (4) "Firework" or "fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, homemade fireworks, and special effects.

Section 3. Ignition, Discharge and Use

A person shall not ignite, discharge, or use consumer fireworks at any time within Chikaming Township other than on the following days after 11 a.m.:

- (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.

Section 4. Determination of Violation; Seizure

If a police officer, or reserve police officer determines that a violation of this section has occurred, the officer may seize the consumer fireworks as evidence of the violation and issue a citation.

Section 5. Penalty

Any person who violates the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of One Thousand (\$1,000.00) Dollars for each infraction. Five Hundred (\$500.00) Dollars of the penalty collected under this Ordinance shall be remitted to the Chikaming Township Police Department

Each separate violation of this Ordinance constitutes a separate offense and shall be subject to penalties as a separate offense.

As used herein "person" means any individual, partnership, association or corporation.

Section 6. Severability

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance while shall continue in full force and effect.

Section 7. Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance are, to the extent of such conflict, are hereby repealed.

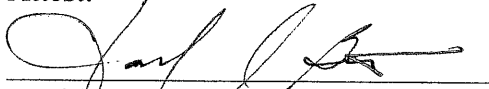
Section 8. Adoption

This ordinance was enacted on the 14th day of November, 2019, by the Township Board of Chikaming Township, Berrien County, Michigan, and ordered to take effect on the 1st day of January, 2020, the same being more than thirty (30) days after the date of publication.



Paula Dudiak, Clerk
Township of Chikaming

Attest:



David A. Bunte, Supervisor
Township of Chikaming

CERTIFICATION


I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 145, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 14th day of October, 2019. I further certify that Marske moved the adoption of said ordinance and Rettig supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Sullivan	<u> X </u>	_____	_____	_____
Marske	<u> X </u>	_____	_____	_____
Rettig	<u> X </u>	_____	_____	_____
Dudiak	<u> X </u>	_____	_____	_____
Bunte	<u> X </u>	_____	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 29th day of November, 2019, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full in the Harbor Country News, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 29th day of November, 2019.

Dated: November 29, 201

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 Paula Dudiak, Clerk
 Township of Chikaming