

**LAKE TOWNSHIP CONSUMER
FIREWORKS ORDINANCE NO: 2013-
02 and NO: 2019-01 as Amended**

An Ordinance to secure the public health, safety and general welfare of the citizens of Lake Township, Benzie County, Michigan, by regulating the use of Consumer Fireworks in Lake Township, as provided in Public Act 256 of 2011, as amended (MCL 28.451, *et seq.* and *Michigan Fireworks Safety of 2018*.

Lake Township ORDAINS:

Section 1. Purpose

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

Section 2. Title

This ordinance shall be known as the Lake 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. Ignition, Discharge, and Use of Consumer Fireworks

- a. No person shall ignite, discharge, or use Consumer Fireworks within Lake Township on any day or time except for under a special event use permit or:
 1. From 11:00a.m. on December 31- 1:00a.m. on January 1
 2. From 11:00 a.m.-11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day
 3. 11:00 a.m.-11:45 p.m. on June 29 and 30 and July 1, 2, 3, and 4
 4. 11:00 a.m.-11:45 p.m. on July 5, if that date is a Friday or Saturday
 5. 11:00 a.m.-11:45p.m. on the Saturday and Sunday immediately preceding Labor Day
- b. No person shall ignite, discharge, and/or use Consumer Fireworks within Lake Township between the hours of 12:00 AM through 8:00AM on any day except as allowed in Public Act 636 of 2018 and indicated in Sec. 4 (a) 1-5 of this amended ordinance.
- c. Act 110 of 2006, as amended, authorizes legislative body to provide for special use.

Section 4. (c) continued

Permits in Zoning Districts. An application for a special event involving use of Consumer Fireworks may be for applied and approved by Zoning Administrator or Designee upon compliance of restrictions, fees and regulations of fire and enforcement agencies.

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. A violation of this Ordinance is a municipal civil infraction, subject to a maximum fine of \$1,000.00 plus court costs of which \$500 shall be remitted to local law enforcement agency responsible for enforcing the ordinance.

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 complaint of a noise disturbance is guilty of a misdemeanor punishable by a maximum of 90 days in jail and/or a fine of \$1,000.00 plus court costs of which \$500 shall be remitted to local law enforcement agency responsible for enforcing the ordinance.

Section 7. Enforcement

Any Township Zoning Administrator, appointed Enforcement Officers, and the Benzie County Sheriff and his deputies are authorized as local enforcement officers of this Ordinance.

Section 8. 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 9. Effective Date

This Ordinance shall take effect 30 days following publication.

Adopted:	11.07.2013	Amended:	5.02.2019
Published:	12.18.2013	Published:	5.15.2019
Effective:	01.18.2014	Effective:	6.15.2019