

**CHARTER TOWNSHIP OF KALAMAZOO
KALAMAZOO COUNTY, MICHIGAN**

ORDINANCE NO. 570 (as amended)

ADOPTED: MAY 13, 2013

**EFFECTIVE: IMMEDIATELY UPON
PUBLICATION AFTER ADOPTION**

An Ordinance to protect the health, safety and general welfare of the citizens of the Charter Township of Kalamazoo through the regulation of use of consumer fireworks as provided in the Michigan Fireworks Safety Act, Public Act 256 of 2011; and to provide for civil sanctions and civil remedies for violation of this Ordinance.

**THE CHARTER TOWNSHIP OF KALAMAZOO
KALAMAZOO COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
TITLE**

This Ordinance shall be known and may be cited as the “Charter Township of Kalamazoo Fireworks Ordinance”.

**SECTION II
DEFINITIONS**

For purposes of this Ordinance, the following definitions shall apply:

- A. Act: The Michigan Fireworks Safety Act, Public Act 256 of 2011, as it may from time to time be amended.
- B. APA: American Pyrotechnics Association.
- C. Consumer fireworks: 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.
- D. Low-impact fireworks: Ground and hand held sparkling devices, as that phrase is defined under APA Standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.

- E. National holiday: New Year’s Day (January 1); Martin Luther King, Jr. Day (third Monday in January); Washington’s Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veteran’s Day (November 11); Thanksgiving Day (fourth Thursday in November); and Christmas Day (December 25).

SECTION III
CONSUMER FIREWORKS PROHIBITION

- A. A person shall not ignite, discharge, or use consumer fireworks except during permitted hours on the day preceding, the day of, or the day after a national holiday.
- B. No person shall ignite, discharge or use consumer fireworks between the hours of 1 a.m. and 8 a.m. of the day preceding, the day of, or the day after a national holiday.

SECTION IV
CONTINUING EFFECT OF OTHER ORDINANCES

All other Charter Township of Kalamazoo ordinances not adopted pursuant to the Act shall continue in effect and may be enforced at any time of the year including, but not limited to, the day before, during or the day after a national holiday.

SECTION V
SEVERABILITY

Should any part of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

SECTION VI
SANCTIONS

Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	<u>Minimum</u> <u>Fine</u>	<u>Maximum</u> <u>Fine</u>
1st Offense within 3-year period*	\$ 75.00	\$500.00
2nd Offense within 3-year period*	\$ 150.00	\$500.00
3rd Offense within 3-year period*	\$ 325.00	\$500.00
4th or More Offense within 3-year period*	\$ 500.00	\$500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Charter Township of Kalamazoo has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Charter Township of Kalamazoo shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

SECTION VII
EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication following adoption.

KALAMAZOO CHARTER TOWNSHIP
Donald Z. Thall, Township Clerk
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Kalamazoo, MI 49004
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