

Banks Township

Ordinance Number 3 of 2020

Consumer Fireworks Ordinance

An ordinance to secure the public health, safety and general welfare of the citizens of Banks Township, Antrim County, Michigan, by regulating the use of Consumer Fireworks in Banks Township, as provided in Public Act 256 of 2011, as amended (MCL 28.451, *et seq.*) and pursuant to Public Act 246 of 1945 (MCL 41.181 *et seq.*).

BANKS TOWNSHIP ORDAINS:

Section 1: Findings

The Township Board makes the following findings:

Public Act 246 of 1945 (MCL 41.181, *et seq.*) authorizes Banks 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 Banks Township to enact an ordinance regulating the ignition, discharge, and use of Consumer Fireworks. The Township Board believes an ordinance prohibiting the ignition, discharge, and use of Consumer Fireworks, to the extent allowed by Public Act 256 of 2011, as amended, is in the interest of public health, safety and general welfare.

Section 2: Title

This ordinance shall be known and cited as the Banks Township Consumer Fireworks Ordinance.

Section 3: Definitions

The following definitions apply for purposes of this Ordinance:

- 1 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.
- 2 National Holiday: A national holiday is defined in 5 USC 6103 and includes: New Year's Day (January); 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/Indigenous Peoples day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); Christmas Day (December 25).
- 3 Sky Lantern: An unmanned device with a combustible fuel source that incorporates an open flame in order to make the device airborne.

Section 4: Ignition, Discharge, and Use of Consumer Fireworks

The ignition, discharge, and use of Consumer Fireworks in Banks Township is prohibited at all times except for the day preceding, the day of, or the day after a National Holiday.

The discharge of Consumer Fireworks in Banks Township shall only be allowed between the hours of 8:00 a.m. and 1:00 a.m.

Section 5: Use of Sky Lanterns

No person shall release or cause to be released an untethered sky lantern.

Section 6: 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 7: Penalty

A violation of this ordinance is a municipal civil infraction, subject to a maximum fine of \$500.00 and court costs.

Section 8: Effective Date

This Ordinance shall take effect 30 days following publication.

The above Ordinance is adopted on October 19, 2020.

Ayes: Cooper, Rasmussen, Postmus, Heeres, Mann.

Nays: None.

Abstain: None.

Publication date: November 19, 2020.

Effective Date: December 19, 2020.

Township of Banks

Thomas P. Mann, Banks Township Supervisor

Donna L. Heeres, Banks Township Clerk