

**CITY OF ALBION
ORDINANCE #2019-04**

AN ORDINANCE TO AMEND ORDINANCE 58-161, FIREWORKS

Purpose and Finding:

The Michigan Legislature enacted the Michigan Fireworks Safety Act, Act No. 256 of the Public Acts of 2011, which took effect January 1, 2012. This made substantial changes to previously existing state and local fireworks regulations. This Act was subsequently amended again in 2013. The Act was most recently amended by Public Act(s) 634 of 2018 and 635 of 2018. These new acts make several modifications to the dates that were regulated under the former legislation. Additionally, the new legislation modifies the existing fines imposed by municipalities. Presently, the Albion city ordinance regulating fireworks is in conflict with this newly enacted law. As such, it is in the best interests of the City to amend its fireworks ordinance to comply with state law and to protect the health, safety and welfare of the citizens of the City of Albion.

THE CITY OF ALBION ORDAINS:

Sec. 58-161. FIREWORKS

1. An individual shall not ignite, discharge or use consumer fireworks except during the following days and times:
 - a. December 31 from 11:00am to January 1 at 1:00am;
 - b. The Saturday and Sunday immediately preceding Memorial Day from 11:00am to 11:45 pm on each of those days;
 - c. June 29 from 11:00am to July 4 11:45pm on each of those days;
 - d. July 5 from 11:00am to July 5 11:45pm, but only if July 5 falls on a Friday or a Saturday;
 - e. The Saturday and Sunday immediately preceding Labor Day from 11:00am to 11:45pm on each of those days.
2. An individual shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or property owner's express permission to use those fireworks on those premises;
3. An individual shall not use consumer fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic

liquor and a controlled substance;

4. For purposes of this section, the term "consumer fireworks" is defined by Act No. 634 of the Michigan Public Acts of 2018.
5. For purposes of this section, the term "Alcoholic liquor" is defined in section 1d of the Michigan Vehicle Code, 1949 PA 300, MCL 257.1d;
6. For purposes of this section, the term "Controlled Substance" is defined in section 8b of the Michigan Vehicle Code, 1949 PA 300, MCL 257.8b;
7. This Ordinance may be enforced by the Chief of Public Safety, Public Safety Officers, Code Enforcement Officials, Fire Marshal and Fire Inspectors;
8. If an enforcing official has determined that a violation of this ordinance has occurred, the official may seize the fireworks as evidence of such violation;
9. An individual who violates sub-section one (1) of this Ordinance is responsible for a civil infraction and shall be ordered to pay a civil fine of \$1,000.00. \$500.00 of the fine collected under this subsection shall be remitted to the Albion Department of Public Safety for enforcement of this ordinance;
10. An individual who violates sub-section (2) of this Ordinance is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00.
11. An individual who violates sub-section (3) of this Ordinance is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$1,000.00.

State Law Reference: MCL 28.457, MCL 28.462

The provisions of this Ordinance are severable and the invalidity of any phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance;


All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

This Ordinance shall take effect on June 24, 2019 after publication.

First Reading:

May 20, 2019


Ayes 7
Nays 0
Absent 0


Jill Domingo,
Clerk

Second Reading & Adoption:

June 3, 2019

Ayes 6
Nays 0
Absent 1 (Spicer)


David Atchison,
Mayor.