

**CITY OF ALBION
ORDINANCE #2012-12**

AN EMERGENCY ORDINANCE TO AMEND ORDINANCE 58-161,
FIREWORKS

Purpose and Finding:

The Michigan Legislature recently 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. 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. No person shall ignite, discharge or use consumer fireworks except as provided for in sub-sections (2), (3);
2. Sub-section (1) shall not apply on the day preceding, the day of, or the day after a national holiday;
3. 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 person's express permission to use those fireworks on those premises;
4. Consumer fireworks shall not be sold to a minor;
5. An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance;
6. An individual who violates sub-section(s) (1) or (5) is guilty of a misdemeanor, punishable by up to 30 days in jail, up to \$500.00 in fines, or both;
7. A individual who violates sub-section(s) (3) or (4) is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00;
8. For purposes of this section, the term "consumer fireworks" is defined by Act No. 256 of the Michigan Public Acts of 2011.

9. For purposes of this section, the term "low-impact fireworks" is defined by Act No. 256 of the Michigan Public Acts of 2011.
10. For purposes of this section, the term "minor" is defined as person who is less than 18 years of age;
11. 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;
12. 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;

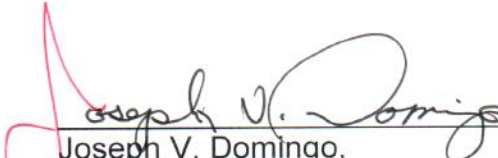
This Ordinance shall take immediate effect on May 21, 2012.

First Reading & Adoption:
May 21, 2012

Ayes 7
Nays 0
Absent 0



Kerry Helmick,
Finance Director/Treasurer/Clerk



Joseph V. Domingo,
Mayor.