

TOWNSHIP OF HADLEY  
FIREWORKS ORDINANCE  
ORDINANCE NO. 36

An ordinance to secure the public health, safety and general welfare of the citizens of Hadley Township, Lapeer County, Michigan, by regulating the use of Consumer fireworks as authorized by the Michigan Fireworks Safety Act, Public Act 256 of 2011.

THE TOWNSHIP OF HADLEY ORDAINS:

Section 1: Definitions

As used in this Ordinance, the following terms are defined as follows:

- A. Act 256: means the *Michigan Fireworks Safety Act*, Public Act 256 of 2011, MCL 28.451 et seq., as amended.
- B. Consumer fireworks: as defined in Act 256, means 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.
- C. Low-impact fireworks: as defined in Act 256, means ground and handheld 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.
- D. National Holiday: A national holiday is defined in 5 USC 6103 and includes:
  1. New Year's Day (January)
  2. Martin Luther King Jr. Day (third Monday in January)
  3. Washington's Birthday (third Monday in February)
  4. Memorial Day (last Monday in May)
  5. Independence Day (July 4)
  6. Labor Day (first Monday in September)
  7. Columbus Day (second Monday in October)
  8. Veterans Day (November 11)
  9. Thanksgiving Day (fourth Thursday in November)
  10. Christmas Day (December 25)

Section 2: Findings

The Hadley Township Board makes the following findings:

- A. Public Act 246 of 1945 (MCL 41.181, et seq.) authorizes Hadley Township to enact ordinances that regulate the public health, safety and general welfare of persons and property.
- B. Act 256 authorizes Hadley Township to enact ordinances regulating the ignition, discharge, and use of Consumer Fireworks.
- C. The Township Board believes an ordinance prohibiting the ignition, discharge, and use of Consumer Fireworks, to the extent allowed by Act 256, is in the interest of public health, safety and general welfare.

### Section 3: Ignition, Discharge, and Use of Consumer Fireworks

The ignition, discharge, and use of Consumer Fireworks in Hadley Township is prohibited at all times except for:

- the day preceding, the day of and the day after a National Holiday,
- the three days preceding, the day of and the three days following the Independence Day (July 4) Holiday (July 1<sup>st</sup> thru July 7<sup>th</sup>)

and is further limited by the following:

- A. All fireworks are prohibited between the hours of 1:00 a.m. and 8:00 a.m.
- B. A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person, without that person or organization's express permission to use the consumer fireworks on those premises.
- C. A person 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, or other intoxicating substance.
- D. Consumer fireworks shall only be used in accordance with all applicable local, state and federal laws.

### Section 4: Severability

This Ordinance shall be deemed severable. 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 5: Penalty

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Act 256 and Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 through 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

### Section 6: Enforcement

The Township Supervisor, other persons designated by the Township Board, and any law enforcement officer with jurisdiction in Hadley Township are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

### Section 7: Effective Date

Adopted by the Hadley Township Board on the 9th day of *May*, 2017 and published in the LA View, on the 18th day of *May*, 2017. This Ordinance shall take effect 30 days after its publication.

Ernest Monroe, Supervisor .

Cynthia Daly, Clerk .