

ADOPTION
CHARTER TOWNSHIP OF HARRISON
MACOMB COUNTY, MICHIGAN
ORDINANCE NO. 396

AN ORDINANCE TO AMEND CHAPTER 38, ARTICLE I, SECTIONS 38-3, 38-4 AND 38-11 OF THE CODE OF ORDINANCES REGARDING THE REGULATION OF FIREWORKS WITHIN THE TOWNSHIP, PROVIDING FOR REPEALER, SEVERABILITY, PENALTIES AND EFFECTIVE DATE

THE CHARTER TOWNSHIP OF HARRISON ORDAINS:

Section 1. Chapter 38 Article I Section 38-3 of the Harrison Township Code of Ordinances shall be amended to amend, add and delete the following definitions in alphabetical order:

Firework or fireworks means any composition or device, except for a starting pistol, a flare gun or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, homemade fireworks and special effects.

Homemade fireworks means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation that is not produced by a commercial manufacturer and does not comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507.

Section 2. Chapter 38 Article I Section 38-4 of the Harrison Township Code of Ordinances shall be amended to read as follows:

Section 38-4. PROHIBITED FIREWORKS.

CONSUMER FIREWORKS.

A Person shall not ignite, discharge or use Consumer fireworks within the geographical boundaries of the Township, except on the following days and times:

1. 11:00 a.m. on December 31 – 1:00 a.m. on January 1
2. 11:00 a.m. - 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day
3. 11:00 a.m. - 11:45 p.m. on June 29 and 30 and July 1, 2, 3, and 4
4. 11:00 a.m. - 11:45 p.m. on July 5, if that date is a Friday or Saturday
5. 11:00 a.m. - 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day

When using any fireworks within the Township, a Person shall not use them in a manner inconsistent with or contrary to the manufacturer's direction for use, or in a manner which would reasonably be foreseen to cause, or which actually causes, harm to another or to property, or which causes, creates, or perpetuates a violation of any provision of the Township's Code of Ordinances, including but not limited to:

1. Disturbing the public peace
2. Violating the Townships nuisance ordinance, or
3. Creating or depositing litter in violation of the Township's litter ordinance

Section 3. Chapter 38, Article 1, Section 38-11 of the Harrison Township Code of Ordinances shall be added to read as follows:

Section 38-11 Penalties.

Any person that violates any provision of this Ordinance shall be deemed responsible for a civil infraction of \$1,000.00 for each violation of the ordinance. The remittance of \$500.00 of the fine collected shall be allocated to the Macomb County Sherriff Department as the enforcing agents of the Township.

Section 4. Severability.

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the Township that this ordinance shall be fully severable.

Section 5. Effective Date.

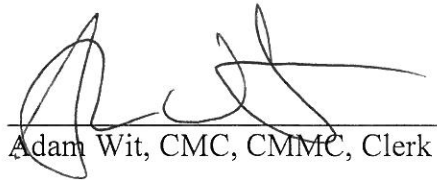
This ordinance shall become immediately effective 30 days following publication after adoption.

Motion by Darrin York, Treasurer and second by Bill Servial, Trustee to adopt Ordinance No. 396 to amend Chapter 38, Article I, Sections 38-3, 38-4 and 38-11 of the Code of Ordinances regarding the regulation of fireworks within the township, providing for repealer, severability, penalties and effective date.

**ROLL CALL: AYES: York, Servial, Batkins, Bitonti, Tomenello, Wit, Verkest
NAYS: None
ABSENT: None
ORDINANCE ADOPTED**

CERTIFICATION

I hereby certify the foregoing is a true and complete copy of Ordinance No. 396 duly adopted by the Board of Trustees of the Charter Township of Harrison at a Regular Meeting held on February 25, 2019, pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be made available as required by said Act.


Adam Wit, CMC, CMMC, Clerk

Introduction Date:	February 11, 2019
First Publication Date:	February 20, 2019
Adoption Date:	February 25, 2019
Second Publication Date:	March 6, 2019
Effective Date:	April 5, 2019