

ORDINANCE NO. 354

AN ORDINANCE TO AMEND THE VILLAGE OF SPRING LAKE CODE OF ORDINANCES BY RESTATING CHAPTER 183 REGARDING FIREWORKS, IN ITS ENTIRETY

THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA, STATE OF MICHIGAN, ORDAINS:

Section 1. Chapter 183, Fireworks, of the Village of Spring Lake Code of Ordinances is amended in its entirety to read as follows:

§183-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

ALCOHOLIC LIQUOR

That term as defined in section 1d of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).

APA STANDARD 87-1

2001 APA Standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, as published by the American Pyrotechnics Association of Bethesda, Maryland.

CONSUMER FIREWORKS

Fireworks 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, as amended, and that are listed in APA Standard 87- 1: 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

CONTROLLED SUBSTANCE

That term as defined in section 8b of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, et seq.).

FIREWORKS

Any composition or device, except a starting pistol, a flare gun, or a flare, designed for the purpose of producing visible or audible effect by combustion, deflagration, or detonation.

LOW-IMPACT FIREWORKS

Ground and handheld sparkling devices as that phrase is defined in APA standard 87-1: 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

MINOR

An individual who is less than 18 years of age.

§183-2. Ignition, discharge, and use of consumer fireworks.

- A. A person shall not ignite, discharge, or use consumer fireworks except on the following days after 11 a.m.:
- (1) December 31 until 1 a.m. on January 1.
 - (2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
 - (3) June 29 to July 4 until 11:45 p.m. on each of those days.
 - (4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
 - (5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
- B. A person shall not ignite, discharge, or use consumer fireworks if the environmental concerns based on the department of natural resources fire division criteria are elevated to extreme fire conditions or if the environmental concerns based on the department of natural resources, fire division criteria are elevated to very high for 72 consecutive hours and the commanding officer of the fire department, in consultation with the department of natural resources, enforces a no burning restriction that includes a ban on the ignition, discharge, and use of consumer fireworks. If a no burning restriction is instituted under this section, the commanding officer of the fire department enforcing the restriction shall ensure that adequate notice of the restriction is provided to the public.

§183-3. Possession of consumer fireworks by a minor.

A minor shall not possess, ignite, discharge, or use consumer fireworks.

§183-4. Prohibited conduct.

- A. A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of any another person without that organization's or person's express permission to use those consumer fireworks on those premises.
- B. A person shall not use consumer fireworks or low-impact fireworks while

under the influence of alcoholic liquor, a controlled substance, or a combination thereof.

§183-5. Determination of violation; seizure.

If a law enforcement officer determines that a violation of this chapter has occurred, the officer may seize the consumer fireworks as evidence of the violation.

§183-6. Local, state, and federal requirements.

Nothing contained within this chapter shall be construed to relieve a person of any duties and obligations imposed under any local, state, or federal laws, rules, regulations, licenses, or permit requirements.

§183-7. Penalty.

Any person violating the provisions of this chapter shall be responsible for a municipal civil infraction with a civil fine of \$1,000.00 for each violation of the article. \$500.00 of the fine collected under the chapter shall be remitted to the local law enforcement agency responsible for enforcing the chapter.

Section 2. Effective Date. This amendment to the Village of Spring Lake Code of Ordinances was approved and adopted by the Village Council on March 18, 2019, upon completing the applicable ordinance adoption requirements in the Village Charter. This Ordinance shall be effective the date of its publication.

VILLAGE OF SPRING LAKE

Dated: March 18, 2019

By: _____
Mark Powers
Its: President

By: _____
Marvin Hinga
Its: Clerk

CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Village Fireworks Ordinance was adopted at a regular meeting of the Village Council held on March 18, 2019. The following members of the Village Council were present at that meeting: Duer, Hanks, Miller, Petrus, Powers, TePastte and Van Strate. There were no members of the Village Council absent. The Ordinance was adopted by the Village Council with members of the Council Duer, Hanks, Miller, Petrus, Powers, TePastte and Van Strate voting in favor, and no members of the Council voting in opposition. Notice of Adoption of the Ordinance was published in *The Grand Haven Tribune* on March 27, 2019.

Marvin Hinga, Clerk/Treasurer
Village of Spring Lake