

TOWNSHIP OF FROST
COUNTY OF CLARE, STATE OF MICHIGAN

FIREWORKS CONTROL ORDINANCE #26

ADOPTED: 03-19-2013

EFFECTIVE: 04-18- 2013

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Frost Township of Clare County, Michigan, by regulating, and where necessary prohibiting fireworks within said Township, and proscribing penalties for the violation thereof.

BOARD OF FROST TOWNSHIP

CLARE COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Frost Township Fireworks Control Ordinance, Number 26.

SECTION II

PURPOSE

To its statutorily authorized power to enact ordinances for the purpose of preserving and protecting the general health, safety and welfare of the residents and property owners of Frost Township, the Township Board of Frost Township hereby enacts the following Fireworks Control Ordinance. The purpose of which is to prohibit excessive or unnecessary noise(s) and vibration(s) from fireworks which are prolonged, unusual, and unnatural in their time, place and use, and which disturb the peace and comfort of the public, or, are a detriment to the public

health, comfort, convenience, safety, welfare, peace and prosperity of the general public, and to provide penalties for the violation of this Ordinance.

SECTION III

DEFINITIONS

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, and special effects.

Consumer Fireworks:

Means firework 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 United States Consumer Product Commission under 16CFR 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.

National Holiday:

Means a public holiday established by the United States Government, and/or as defined by the State of Michigan, pursuant to enforcement of the Michigan Fireworks Safety Act, including but not limited to Independence Day (4th of July).

Noise: means any use of Fireworks which annoys or disturbs the residents or which causes or tends to cause substantial annoyance or any adverse psychological or physiological effects on persons.

Person: means any individual, firm, association, partnership, joint venture, limited liability company or corporation.

Responsible Party:

Means any individual, firm, association, partnership, joint venture, limited liability company or corporation who is responsible for enforcing, supervising, or controlling the actions customers, employees, or business invitees who may be in violation of the terms of this ordinance and also means the parent, parents, or legal guardian of an un-emancipated minor, living with his/her parent, parents, or legal guardian who may be in violation of this ordinance.

Township: means the Township of Frost, County of Clare, State of Michigan.

Unreasonable Annoyance:

means repeated, excessive or very loud noises or other sounds, including but not limited to Fireworks, which may be heard beyond the boundaries of a given property in Frost Township, so as to impact neighboring residents.

SECTION IV

GENERAL PROHIBITIONS

No person shall discharge Fireworks in Frost Township that makes, continues to make or causes to be made continual noise and/or unreasonable annoyance; and no responsible party shall allow an individual and/or a minor over whom the responsible party has authority, to make, continue to make or cause to be made:

1. Any unreasonable loud or raucous noise and/or Fireworks display in violation of the Michigan Fireworks Safety Act (MCL 28.457, et aeq), as amended: or,
2. Igniting, discharging or using consumer Fireworks in Frost Township, Clare County, Michigan, **except:**
 - a) For the three (3) days prior to Independence Day (4th of July); and,
 - b) For the three (3) days subsequent to Independence Day (4th of July); and,
 - c) On Independence Day (4th of July).
 - d) For days involved in a, b, and c above, it shall be lawful to discharge or use Consumer Fireworks during the day and up to midnight. From 12:01 a.m. until 6:00 a.m. on any of these days, discharging Consumer Fireworks is prohibited.

Igniting, discharging or using Consumer Fireworks in violation of the requirements of the Michigan Fireworks Safety Act, and/or in violation of the requirements set forth in Section IV of this Ordinance shall be construed as a violation of the Frost Township Fireworks Control Ordinance.

SECTION V

EXEMPTIONS

The activities of a government entity of the use of display fireworks permitted by Frost Township are exempt from the provisions of this Ordinance.

SECTION VI

FIREWORKS PERMIT

The Frost Township Board at its reasonable discretion and upon request and a fee of twenty-five dollars (\$25.00), may allow display of Fireworks to be used at a time otherwise prohibited under this Ordinance as follows:

1. A concert or special event with the permit to specify hours of operation, and to be for no more than three (3) consecutive days. No more than three (3) concert permits may be issued to any individual or property owner in any calendar year; and,
2. Any other legal activity which, because of special circumstances, is otherwise prohibited by this Ordinance. In such instance, the Frost Township Police Officer or the Frost Township Board must specify the special circumstances that justify the permit issuance, and shall impose reasonable terms and conditions designed to minimize any adverse impact of the proposed activity on surrounding property owners. Each such permit shall be in writing and not for a time period longer than twenty-four (24) hours.

SECTION VII

SEVERABILITY

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction said finding shall in no way affect or invalidate the remainder of this Ordinance.

SECTION VIII

ENFORCEMENT

The Frost Township Board of Trustees authorizes the following to enforce the provisions of this Ordinance: Frost Township Attorney, Frost Township Police, Clare County Sheriff's Department, Michigan State Police, and the law Enforcement Division of the Michigan Department of Natural Resources.

SECTION VIV

VIOLATIONS

A first offense violation of this Ordinance shall be a civil infraction and shall subject the offender to a fine not to exceed five hundred dollars (\$500.00). A second or subsequent violation of this Ordinance shall be a misdemeanor and shall subject the offender to up to ninety (90) days in jail and/pr a fine of five hundred dollars (\$500.00) plus court costs.

SECTION X

ADOPTION AND EFFECTIVE DATE

This Ordinance was adopted by the Township Board of the Township of Frost, County of Clare, State of Michigan at its regular Board Meeting held on March 19, 2013.

This Ordinance shall become effective thirty (30) days after its publication, as required by law.

Emerson Davis
Frost Township Clerk

*The original copy of this Ordinance and the Meeting Minutes are on file with the Township Clerk and may be inspected at any time.