

VILLAGE OF MORLEY
ORDINANCE NO. 10-14

WHEREAS, the Michigan Legislature adopted the Fireworks Safety Act in 2011, effective January 1, 2012, 256 PA 2011, which legalized consumer fireworks in Michigan, and restricted the authority of municipalities to ban the use of consumer fireworks, and

WHEREAS, the Village Council desires to regulate and restrict the use of consumer fireworks within the Village, NOW THEREFORE

THE VILLAGE OF MORLEY ORDAINS:

Section 1. Title.

This is the Village of Morley fireworks ordinance:

Section 2. Definitions.

(A) Definitions. As used in this article, the following terms shall have the meanings indicated:

ACT: The Michigan Fireworks Safety Act, MCL 28.451, et seq.

CONSUMER FIREWORKS: 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 do not include low-impact fireworks.

LOW IMPACT FIREWORKS: 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.

NATIONAL HOLIDAY: New Year's Day, Martin Luther King, Jr. Birthday, President's Day (also referred to as Washington's Birthday), Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

(B) A person shall not ignite, discharge, or use consumer fireworks within the Village, except as provided below.

(C) A person may ignite, discharge or use consumer fireworks within the Village on the day preceding, the day of, and the day after a national holiday, but not between the hours of 1:00 am and 8:00 am.

(D) 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 organizations' or person's express permission to use those fireworks on those premises.

(E) A person shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, or controlled substance, or a combination thereof.

(F) A person shall not recklessly endanger the life, health, safety, or property of another person by the ignition, discharge, or use of consumer fireworks.

(G) Violations and penalties. A person who violates this section shall be subject to a municipal civil infraction, punishable by a fine of not more than \$500 for each violation of this ordinance.

(H) The constable of the Village of Morley is designated as the authorized Village official to issue municipal civil infraction citations for violations of this ordinance.

Section 3. Publication

The Village Clerk is directed to publish this ordinance in The Pioneer.

Section 4. Effective Date

This ordinance shall be effective 20 days after publication.

Section 5. Conflicition

Ordinance No. 12 from 1883 is hereby repealed upon effective date of this ordinance.

I hereby certify to the adoption of this ordinance at the October 13, 2014 Regular Council Meeting and cause the same to be published as required by law. Yeas: 6 Nays: 0 Ordinance declared adopted.

Lisa Pitch
Lisa Pitch

