

**CITY OF ALBION
ORDINANCE #2013-13**

AN ORDINANCE TO AMEND ORDINANCE 58-161, FIREWORKS

Purpose and Finding:

The Michigan Legislature recently enacted the Michigan Fireworks Safety Act, Act No. 256 of the Public Acts of 2011, which took effect January 1, 2012. This made substantial changes to previously existing state and local fireworks regulations. This Act was subsequently amended again in 2013. Presently, the Albion city ordinance regulating fireworks is in conflict with this newly enacted law. As such, it is in the best interests of the City to amend its fireworks ordinance to comply with state law and to protect the health, safety and welfare of the citizens of the City of Albion.

THE CITY OF ALBION ORDAINS:

Sec. 58-161. FIREWORKS

1. An individual shall not ignite, discharge or use consumer fireworks except on the day preceding, the day of, or the day after a National Holiday;
 - a. An individual shall not ignite, discharge, or use Consumer Fireworks on the day preceding, the day of, or the day after a National Holiday between the hours of 12:00 am (midnight) and 8:00am for those holidays described in sub-section(s) 11(b-k);
 - b. An individual shall not ignite, discharge, or use Consumer Fireworks on the day preceding, the day of, or the day after a National Holiday between the hours of 1:00 am and 8:00am for the holiday described in sub-section 11(a);
2. An individual shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises;
3. An individual shall not use consumer fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance;
4. An individual shall not ignite, discharge, or use a Sky Lantern;
5. A individual who violates this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00;

6. For purposes of this section, the term "consumer fireworks" is defined by Act No. 256 of the Michigan Public Acts of 2011.
7. For purposes of this section, the term "low-impact fireworks" is defined by Act No. 256 of the Michigan Public Acts of 2011.
8. For purposes of this section, the term "sky lantern" means a balloon-type device which is uncontrollable after launch and uses combustible or flammable material to provide heat for lift or buoyancy into the atmosphere, and which is not a consumer firework.
9. For purposes of this section, the term "Alcoholic liquor" is defined in section 1d of the Michigan Vehicle Code, 1949 PA 300, MCL 257.1d;
10. For purposes of this section, the term "Controlled Substance" is defined in section 8b of the Michigan Vehicle Code, 1949 PA 300, MCL 257.8b;
11. For purposes of this section, the term "National Holiday" means the following legal public holidays:
 - a. New Year's Day, January 1;
 - b. Martin Luther King, Jr., Birthday, the third Monday in January;
 - c. Washington's Birthday, the third Monday in February;
 - d. Memorial Day, the last Monday in May;
 - e. Independence Day, July 4;
 - f. Labor Day, the first Monday in September;
 - g. Columbus Day, the second Monday in October;
 - h. Veteran's Day, November 11;
 - i. Thanksgiving Day, the fourth Thursday in November;
 - j. Christmas Day, December 25;
 - k. Any other holiday specified in 5 USC 6103, as amended;
12. This Ordinance may be enforced by the Chief of Public Safety, Public Safety Officers, Code Enforcement Officials, Fire Marshal and Fire Inspectors;
13. If an enforcing official has determined that a violation of this ordinance has occurred, the official may seize the fireworks as evidence of such violation;
14. The provisions of this Ordinance are severable and the invalidity of any phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance;
15. All ordinances or parts of ordinances in conflict herewith are hereby

repealed only to the extent necessary to give this Ordinance full force and effect.

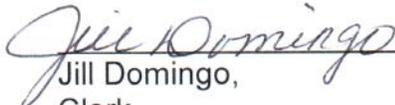
This Ordinance shall take effect on October 3, 2013.

First Reading:
September 3, 2012

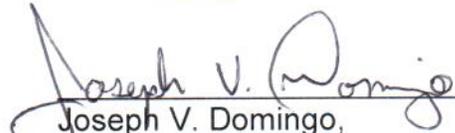
Second Reading & Adoption:
September 16, 2013

Ayes 7
Nays 0
Absent 0

Ayes 7
Nays 0
Absent 0



Jill Domingo,
Clerk



Joseph V. Domingo,
Mayor.