

2019 Auburn Fireworks Ordinance

RESOLVED, that "AN ORDINANCE TO REPEAL FORMER CHAPTER 132, FIREWORKS, ADOPTED 8-13-2012 BY ORDINANCE 196, THE MUNICIPAL CODE OF THE CITY OF AUBURN. LAWFUL DISCHARGE OF CONSUMER FIREWORKS TO THE EXTENT PERMITTED BY THE MICHIGAN FIREWORKS SAFETY ACT, MCL 28.451 ET SEQ., AS AMENDED BY PUBLIC ACTS 634, 635 AND 636 OF 2018

THE CITY OF AUBURN ORDAINS:

Section 1. Short Title. This ordinance shall be known as the regulation of discharge of consumer fireworks.

Section 2. Statement of Purpose. This IS an ordinance to replace Chapter 132 of the City Code, "Fireworks", to the extent permitted by the Michigan Fireworks Safety Act, MCL 28.451 et seq., as has been amended by Public Acts 634, 635 and 636 of 2018.

Section 3. Except as provided in this Section, a person shall not ignite, discharge, or use consumer fireworks at any time.

A. A person may ignite, discharge, or use consumer fireworks on the following days during the following hours:

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

B. A violation of this Section is a civil infraction, punishable by a fine of \$1 ,000. Of that fine, \$500 must be remitted to the Bay County Sheriff's Office."

C. 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 organization's or person's express permission to use those fireworks on those premises. A violation of this Section is a civil infraction, punishable by a fine of not more than \$50."

D. A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

E. As used in this Section, "alcoholic liquor" means that term as defined in Section 1d of the Michigan Vehicle Code, MCL 257.1d, as may be amended, and "controlled substance" means that term as defined in Section 8b of the Michigan Vehicle Code, MCL 257.8b, as may be amended.

F. A violation of this Section is a civil infraction, punishable by a fine of not more than \$1 ,000.

Section 8. Severability. If any Section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Savings. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 4. Repealer. 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.

Section 5. Effective Date. This ordinance shall take effect ten (1 0) days after the final passage thereof.