

MARATHON TOWNSHIP

ORDINANCE NO. 2019-2

An ordinance to regulate fireworks within the Township and to prescribe penalties for violations thereof.

THE TOWNSHIP OF MARATHON ORDAINS:

Section 1. Definitions.

“Consumer fireworks” means that term as defined in PA 256 of 2011, being MCL 28.451 et seq. (“Act 256”).

“Fireworks” means that term as defined in Act 256.

“Retailer” means that term as defined in Act 256.

“Wholesaler” means that term as defined in Act 256.

Section 2. Retailer and Wholesaler Requirements.

A retailer or wholesaler of fireworks located within the Township must comply with the requirements of the Township’s Zoning Ordinance, as well as all building codes and regulations.

Section 3. Regulations Concerning Consumer Fireworks.

- (a) Persons may ignite, discharge or use consumer fireworks on the following days after 11 a.m.:
 - (i) December 31 until 1 a.m. on January 1.
 - (ii) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
 - (iii) June 29 to July 4 until 11:45 p.m. on each of those days.
 - (iv) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
 - (v) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

- (b) The Township Board may, upon written application, permit persons to ignite, discharge or use consumer fireworks on days other than those specified in subsection (a) above according to the following:

- (i) the ignition, discharge or use occurs between the hours of 5:00 p.m. and 11:00 p.m.; and
 - (ii) the ignition, discharge or use occurs no more than one day in any calendar week and no more than two days in any month;
- (c) Except as permitted by subsections (a) and (b) above, it shall be unlawful to ignite, discharge or use consumer fireworks in the Township.

A violation of subsections (a), (b) and (c) shall constitute a civil infraction punishable by a fine of \$1,000 for each such violation. Of this fine, the sum of \$500 shall be remitted to the Township.

- (d) No person shall 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 subsection (d) constitutes a state civil infraction punishable by a fine of \$500.00. In addition, the Township may seize, store or cause to be stored the fireworks pending disposition of any criminal or civil proceedings arising from the violation and if the person subject to criminal or civil proceedings is found guilty, responsible or liable for the violation, that person shall pay the actual costs of storage and disposal of the fireworks seized.

- (e) No person shall sell consumer fireworks to a minor.

A violation of subsection (e) constitutes a civil infraction punishable by a fine of \$1,000.00, or, for a second or subsequent violation, a civil fine of \$2,500.00. In addition, the Township may seize, store or cause to be stored the fireworks pending disposition of any criminal or civil proceedings arising from the violation and if the person subject to criminal or civil proceedings is found guilty, responsible or liable for the violation, that person shall pay the actual costs of storage and disposal of the fireworks seized.

- (f) No person shall discharge, ignite, 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. As used in this subsection:

(i) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

(ii) "Controlled substance" means that term as defined in section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.

A violation of subsection (f) constitutes a state civil infraction punishable by a fine of \$1,000.00. In addition, the Township may seize, store or cause to be stored the fireworks pending disposition of any criminal or civil proceedings

arising from the violation and if the person subject to criminal or civil proceedings is found guilty, responsible or liable for the violation, that person shall pay the actual costs of storage and disposal of the fireworks seized.

- (g) No person shall ignite, discharge, or use consumer fireworks or low-impact fireworks in a manner that is intended to harass, scare, or injure livestock. As used in this subsection, "livestock" means that term as defined in section 5 of the animal industry act, 1988 PA 466, MCL 287.705.

A violation of subsection (g) constitutes a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$1,000, or both.

- (h) No person shall sell consumer fireworks unless the person annually obtains and maintains a consumer fireworks certificate from the State of Michigan Department of Licensing and Regulatory Affairs.

A violation of subsection (h) constitutes a civil infraction punishable by a fine of \$1,000.00. In addition, the Township may seize, store or cause to be stored the fireworks pending disposition of any criminal or civil proceedings arising from the violation and if the person subject to criminal or civil proceedings is found guilty, responsible or liable for the violation, that person shall pay the actual costs of storage and disposal of the fireworks seized.

- (i) No person shall sell consumer fireworks from a retail location unless the conditions specified in Section 5 of PA 634 of 2018 are met.

A violation of subsection (i) constitutes a civil infraction punishable by a fine of \$2,500.00. In addition, the Township may seize, store or cause to be stored the fireworks pending disposition of any criminal or civil proceedings arising from the violation and if the person subject to criminal or civil proceedings is found guilty, responsible or liable for the violation, that person shall pay the actual costs of storage and disposal of the fireworks seized.

- (j) No person shall engage in the retail sale of consumer fireworks over the telephone, internet, or other like manner unless the consumer fireworks are picked up or shipped from a permanent location for which the person holds a valid consumer fireworks certificate pursuant to Act 256.

Section 4. Effective Date.

This Ordinance shall become effective thirty (30) days following publication


At a regular meeting of the Marathon Township Board held on September 18, 2019, adoption of the foregoing ordinance was moved by **Sandi Glesenkamp** and supported by **Dale Fuller**.

Voting for: Dawn Johnson, Lori Hollis, Sandi Glesenkamp, Dale Fuller

Voting against: None

Absent: Fred Moorhouse

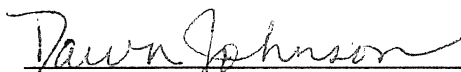
The Township Supervisor declared the ordinance adopted.



Fred Moorhouse
Township Supervisor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2019-2 which was enacted by the Marathon Township Board at a regular meeting held on **September 18, 2019**.



Dawn Johnson
Township Clerk