

**Coldsprings Township
Ordinance Number 1 of 2017
Amended August 12, 2019**

AN ORDINANCE TO REGULATE THE IGNITION, DISCHARGE AND USE OF
FIREWORKS AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE
ORDINANCE

The Township of Coldsprings Ordains:

Section 1. Purpose

In the interest of maintaining public health, safety and the general welfare and the comfort and repose of Coldsprings Township residents, The Coldsprings Township Board hereby provides for the regulation and use of fireworks in Coldsprings Township.

Section 2. Definitions

For purposes of this Ordinance, the definitions provided in MCL 28.452 shall apply to this Ordinance.

Section 3. Novelties

Except as otherwise provided herein, this Ordinance does not regulate the use of Novelties or low impact fireworks in Coldsprings Township.

Section 4. Consumer Fireworks

1. Consumer fireworks may be ignited, discharged and used any day in Coldsprings Township, but only as provided herein:
 - a. Except as otherwise provided herein, consumer fireworks are prohibited from being ignited, discharged and or used between the hours of 12:00 p.m. (Midnight) to 9:00 a.m.the following morning.
 - b. Except as otherwise provided herein, consumer fireworks are prohibited from being ignited, discharged and or used on any day in which the State of Michigan Department of Natural Resources or its successor agency has prohibited the issuance of burning permits for Coldsprings Township.
 - c. Consumer fireworks are prohibited from being ignited, discharged and or used on any public lake, public

navigable stream, public property, school property, church property, public parks, or public road ends.

- d. Except as otherwise provided herein, consumer fireworks are prohibited from being ignited, discharged and or used on private property of another, without first obtaining the property owner's express permission to ignite, discharge and or use the consumer fireworks on the property.
 - e. No person shall ignite, discharge and or use consumer fireworks or low impact fireworks while physically or mentally impaired by the use of alcohol and or drugs of any kind.
 - f. No person shall ignite, discharge and or use consumer fireworks from a motor vehicle or vessel.
 - g. No person under the age of 18 shall ignite, discharge and or use consumer fireworks.
 - h. No person permit a person under the age of 18 to ignite, discharge and or use consumer fireworks.
 - i. That all persons who are permitted to ignite, discharge and or use consumer fireworks shall strictly abide by all State of Michigan laws and regulations in regards to the ignition, discharging, storage, displaying and use of consumer fireworks.
2. That this ordinance does not regulate and is not intended to regulate the ignition, discharge, or use of consumer fireworks on those dates contained in MCL 28.457(2), which section prohibits any local unit of government from the regulating the ignition, discharge, or use of consumer fireworks on certain dates after 11 a.m.

Section 5: Violations, Penalties and Enforcing Agency.

1. That pursuant to MCL 28.457(3), any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction with a civil fine of \$1,000.00 for each and every violation of this Ordinance.

2. That pursuant to MCL 29.457(3), \$500.00 of the fine collected under this provision shall be remitted to the local law enforcement agency responsible for enforcing this Ordinance.
3. That the Kalkaska County Sheriff's Department is hereby designated as the local law enforcement agency authorized to enforce this Ordinance.

Section 7. Nuisance Per Se.

That a violation of this Ordinance is also declared to be offensive to the health, safety and welfare of the public, and as such any violation of this Ordinance is hereby declared to be a nuisance per se.

Section 8: Severability

If any section, clause or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 10: Effective Date

This Ordinance shall become effective ten (10) days after being published in a newspaper of general circulation within the Township.

ROLL CALL VOTE

Yes: Hoffman, Smith, Cervone, Schaller, Collins

No: 0

Township of Coldsprings

BY: _____
Raymond Hoffman
Its Supervisor

BY: _____
Cheryl Collins
Its Clerk