

**TOWNSHIP OF MILTON
COUNTY OF CASS, STATE OF MICHIGAN**

**FIREWORKS DISPLAY PERMIT
ORDINANCE NO. 1999-01**

Adopted: August 16, 1999

Effective: Thirty (30) days from the first date of publication

An Ordinance to prohibit the display of Class B fireworks as defined and described in the Michigan Fireworks Act, being Act 358 of the Public Acts of 1968; to repeal any Ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this Ordinance.

**TOWNSHIP OF MILTON
CASS COUNTY, MICHIGAN,
ORDAINS:**

**SECTION 1
Title**

This Ordinance shall be known and cited as the Milton Township Fireworks Display Ordinance.

**SECTION 2
Purpose and Preamble**

The purpose of this Ordinance is to prohibit and make unlawful the use of Class B fireworks under section 243 of Act 358 of the Public Acts of 1968 (hereafter the "Act") within the Township for public display by this municipality, fair associations, amusement parks, or other organization or groups of individuals; in order to minimize or reduce the potential fire and safety hazard created by the explosion of Class B fireworks and otherwise provide for the health, safety and welfare and residents and property owners of the Township by the prohibition of Class B fireworks displays.

The Township takes note that it is empowered by the Ordinance Power in Township Act, being Act 248 of the Public Acts of 1945 (MSA 5.45(1)), as amended, to adopt Ordinances regulating the public health, safety and general welfare of persons and property, including but not limited to fire protection and to provide penalties for the violation of the Ordinances. The Township Board and its employees have no expertise in fireworks, are not qualified to rule on the competency and qualifications of operators of pyrotechnic displays, do not have the personnel qualified to ensure the safety aspects of the displays nor qualified personnel charged with the duty of ensuring that

the applicable provisions of the Michigan Fireworks Acts are complied with. The Township having within its borders no fire department, no police department and no public facility for the safe display of Class B fireworks.

The Township takes notice that the bordering townships and municipalities have suitable public areas and/or private areas, fire and police protection to ensure to the extent possible the health and safety of participants in Class B fireworks displays.

SECTION 3

Definitions

1. For purposes of this Ordinance, certain terms and words shall have the following meaning. "Fireworks" and "Class B Fireworks" shall have the meaning set out in section 243a of the Act.
2. "Permit" means the permit authorized by section 243b(1) and (2) of the Act.
3. "Display" means the use of Class B fireworks by ignition.
4. "The Township" means Milton Township, Cass County, Michigan.
5. "The Board" means the Milton Township Board.

SECTION 4

Display of Class B Fireworks Prohibited

It shall be unlawful to display Class B fireworks and such use is prohibited. The Township shall not issue a permit for any Class B fireworks use, which will result in a display. Any application received by the Township for a use permit under the Act shall be immediately returned to the applicant by the Township Clerk, with notice that this Township Ordinance makes it unlawful to display Class B fireworks and no permit will issue.

SECTION 5

Penalties for Violations

Violation of the provisions of this Ordinance shall constitute a misdemeanor; any person who violates this Ordinance shall, upon conviction thereof, be fined not more than \$100 or imprisoned for not more than 90 days, or both. Each occurrence shall be considered a separate offense.

SECTION 6

Severability

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of com-

petent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

SECTION 7

Repeal

All Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 8

Effective Date

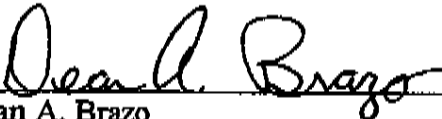
This Ordinance shall take effect thirty (30) days following the first date of publication.

SECTION 9

Adoption

Duly adopted at a regular meeting of the Milton Township Board on August 16, 1999.

Attested by:



Dean A. Brazo
Milton Township Supervisor



Richard Gerbeth
Milton Township Clerk

Dated: August 16, 1999

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