



May 13, 2019

Council Meeting May 21, 2019

Subject: Ordinance Amendment – Fireworks

The Honorable Mayor
and
Members of the City Council

Ladies and Gentlemen:

City Council is requested to consider amending Chapter 22 (Offenses) of the Code of Ordinances to restrict the ignition, discharge, and use of consumer fireworks to the extent allowed by State law (§28.457). In December of 2018, Michigan law was amended to allow local ordinances to restrict the number of days in which consumer fireworks may be ignited and the conditions differ from the existing ordinance.

If adopted, the ordinance amendment would prohibit the ignition, discharge, and use of consumer fireworks except as permitted by State law (Public Act 635 of 2018) on the following days after 11 a.m:

- December 31 until 1 a.m. on January 1
- The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- June 29 to July 4 until 11:45 p.m. on each of those days.
- July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

If the Council so desires, the attached ordinance amendment may be introduced and adopted at the May 21, 2019 City Council meeting.

Respectfully Submitted,

Mark C. Meyers,
City Administrator

MCM:JG
Attachment

Administration/City Clerk (231) 798-4391	Assessing Division (231) 799-6806	Building Division (231) 799-6801	Finance/Treasurer (231) 799-6805	Fire Prevention (231) 799-6809	Fire Department (231) 798-2255
Parks/Recreation (231) 799-6802	Planning/Zoning (231) 799-6800	Police Department (231) 733-2691	Public Works (231) 799-6803	Streets Division (231) 798-2156	Water/Sewer (231) 799-6804

CITY OF NORTON SHORES
COUNTY OF MUSKEGON
STATE OF MICHIGAN

Ordinance No. 760

AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 22 OF THE CODE OF
ORDINANCES PERTAINING TO FIREWORKS

THE CITY OF NORTON SHORES ORDAINS:

Section 1: That Subsection (b)(5) of Section 22-1 captioned “Disorderly conduct” of Article I captioned “In General” of Chapter 22 captioned “Offenses” of the Code of Ordinances for the City of Norton Shores is hereby amended to read as follows:

“Ignite, discharge or use consumer fireworks except of the type and under the conditions permitted by state law on the following days after 11 a.m.:

- (a) December 31 until 1 a.m. on January 1.
- (b) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (c) June 29 to July 4 until 11:45 p.m. on each of those days.
- (d) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- (e) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

A violation of Section 22-1(b)(5) shall be deemed a municipal civil infraction and a \$1,000.00 civil fine shall be imposed for each violation. \$500.00 of the fine collected shall be remitted to the Norton Shores Police Department.

Section 2: Severability: Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue in force and effect.

Section 3: Ordinance Repeal: All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 4: Effective Date: This ordinance shall be effective upon adoption and publication.

Shelly Stibitz, City Clerk

Introduced: May 21, 2019

Adopted: May 21, 2019

Published:

Effective:



Internal Memo

May 13, 2019

TO: Mark C. Meyers, City Administrator
FROM: Jon Gale, Chief of Police
SUBJECT: Fireworks Ordinance Amendment

Based on the change to State law (Public Act 635 of 2018, An act to regulate the purchase, possession, sale, and use of certain fireworks) and the City's options to restrict the discharge of fireworks except for certain days, I am recommending the amendment of City Ordinance Chapter 22 Sec. 242 (e) to conform with state law.

Currently the ordinance allows discharge of fireworks on the preceding, the day of, and the day after a national holiday between 8a.m. and 1 a.m. In December 2018, the act was amended to also allow the City to enact an ordinance prohibiting the use of fireworks except during the following days after 11a.m:

- (a) December 31 until 1 a.m. on January 1
- (b) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (c) June 29 to July 4 until 11:45 p.m. on each of those days.
- (d) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- (e) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

The City Council may choose to allow additional days to the above list but cannot restrict the days to a lesser amount than the above days and times. City staff wishes to stay consistent with state law and allow the same amount of days as State Law.

Also, the amended ordinance will change the violations section from a misdemeanor to a civil infraction and impose a \$1000 fine as written in the State Law with \$500 of the fine amount remitted to the Norton Shores Police Department.

To ensure the City Ordinance is updated by Memorial day, I am requesting that an amendment to Chapter 22 Sec 242 (e) be introduced and adopted at the May 21, 2019 City Council meeting to restrict the use of fireworks and conform to State law.

The City Charter allows for an ordinance to be introduced and adopted in the same meeting. Ordinances immediately necessary for the preservation of the public peace, health or safety may be enacted on the date of introduction and given immediate effect by the affirmative vote of not less than six (6) Councilmen.