

VILLAGE OF FIFE LAKE
CONSUMER FIREWORKS ORDINANCE
ORDINANCE #13-07

An ordinance to secure the public health, safety and general welfare of the citizens of the Village of Fife Lake, Michigan, by regulating the use of Consumers Fireworks in the Village of Fife Lake, as provided in Public Act 256 of 2011, as amended (MCL 28.451, *et seq.*).

THE VILLAGE OF FIFE LAKE ORDAINS:

Section 1. Purpose

Public Act 3 of 1895 authorizes the Village of Fife Lake to enact ordinances that regulate public health, safety and general welfare of persons and property. Public Act 256 of 2011, as amended (MCL 28.451, *et seq.*) authorizes the Village of Fife Lake to enact and ordinance regulating the ignition, discharge, and use of Consumers Fireworks, to the extent allowed by Public Act 256 of 2011, as amended, in the interest of public health, safety and general welfare of the citizens of the Village of Fife Lake.

Section 2. Title

This ordinance shall be known as the Village of Fife Lake Consumers Fireworks Ordinance.

Section 3. Interpretation

This ordinance shall be interpreted in accordance with the definition included in Public Acts 256 of 2011, as amended, and as interpreted by the Michigan Court of Appeals.

Section 4. Prohibited Acts

The ignition, discharge, and use of Consumer Fireworks in the Village of Fife Lake is prohibited at all times except the day preceding, the day of, or the day after a National Holiday.

Section 5. Severability

This Ordinance shall be deemed severable and in any word, sentence, clause, section, or provision is declared invalid or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of this Ordinance and the remaining portions of this Ordinance and the remaining portions of this Ordinance shall remain valid and enforceable.

Section 6. Penalties

Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction, subject to a maximum fine of \$500.00 plus court costs.

Misdemeanor. Any person who refuses to abate a fireworks violation upon the demand of an authorized local enforcement officer, interferes with the officer's enforcement of the ordinance, or retaliates against another who had made complain of a noise disturbance is guilty of a misdemeanor punishable by a maximum of 90 days in jail and/or a fine of \$500.00 plus court costs.

Section 7. Enforcement

The Grand Traverse County Sheriff and his deputies are authorized as local enforcement officers of the Ordinance.

Section 8. Non-exclusive Remedy

Nothing in this ordinance impairs or precluded a separate cause of action, civil or criminal, provided by stature or common law for conduct prohibited herein.

Section 9. Effective Date

This Ordinance shall take effect following publication.

Adopted: 06/03/2013



Sandra Wilton, Deputy Clerk
Village of Fife Lake