

CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY, MICHIGAN
ORDINANCE NO. 2020-03

AN ORDINANCE TO AMEND ORDINANCE NO. 2015-09 TO CONFORM THE ORDINANCE TO MCL 28.241, ET. SEQ., AS AMENDED BY 2018 PA 634; TO PROVIDE TIMES FOR THE IGNITION, DISCHARGE AND USE OF CONSUMER FIREWORKS; TO PROHIBIT THE POSSESSION OR USE OF FIREWORKS BY A MINOR; TO PROHIBIT THE USE OF FIREWORKS WHILE UNDER THE INFLUENCE OR IN A RECKLESS MANNER; TO PROHIBIT THE USE OF FIREWORKS AT CERTAIN LOCATIONS; AND, TO PROVIDE PENALTIES FOR VIOLATION OF THE ORDINANCE.

THE CHARTER TOWNSHIP OF FLUSHING ORDAINS:

Ordinance 2015-09 is amended as follows:

1. Section 1. Name. The existing language of Section 1 is deleted and replaced with the following:

Section 1. Name. This ordinance shall be known as the 2020 Flushing Township Fireworks Ordinance.

2. Section 3. Definitions. Section 3.F is amended, by deleting the existing language and replacing it with the following:

F. Fireworks: Any composition or device, except for a starting pistol, a flare gun or flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. Fireworks consist of consumer fireworks, homemade fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects.

Section 3. G is amended, by adding the following as Subsection G.

G. Homemade fireworks. Any composition or device designed for the purpose of producing visible or audible effects by combustion, deflagration, or detonation that is not produced by commercial manufacturer or does not comply with construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission under 16 CFR Parts 1515 and 1507.

Subsections G-M are redesignated Subsections H-N.

3. Section 5. Consumer Fireworks. The existing language of Section 5 is deleted and replaced with the following:

Section 5. Possession, Use, Ignition or Discharge of Fireworks.

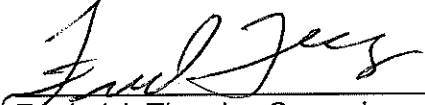
- A. Permitted Times of Use. A person shall not ignite, discharge or use fireworks except on the following days after 11 AM:
 - (1) December 31 until 1 AM on January 1
 - (2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 PM on each of those days.
 - (3) June 29 through July 4, at 11:45 PM on each of those days
 - (4) July 5, if that date is a Friday or Sunday, until 11:45 PM
 - (5) The Saturday and Sunday immediately preceding Labor Day until 11:45 PM on each of those days.
- B. Minors. A Minor shall not possess, ignite, discharge or use fireworks.
- C. Prohibited Locations. A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property, or property of another person, without the organization's or person's express permission to be on or use fireworks on that property.
- D. Use Under the Influence Prohibited. An individual shall not possess, ignite, discharge or use fireworks under the influence of alcoholic liquor, a controlled substance, or any substance or substances that affects the individual's ability to properly handle fireworks.
- E. Reckless Use Prohibited. An individual shall not possess, ignite, discharge or use fireworks to damage or destroy property, or use the same in a reckless disregard for the safety of other persons or property.

4. Section 7. Sanctions. Section 7 is amended by deleting Section 7 and replacing it with the following.

Section 7. Penalties. A violation of Section 5.A of this Ordinance is a civil infraction, punishable by a fine of \$1000, \$500 of which shall be paid to the Charter Township of Flushing. A violation of Sections 5. B, 5. C, 5. D or 5. E shall be a civil infraction punishable by a fine of not more than \$100 for a first offense, of not more than \$250 for a second offense, and not more than \$500 for a third offense.


5. Saving Provision. Except as expressly amended as stated above, Ordinance 2015-_____ remain in effect unchanged by this Ordinance.

PASSED AND APPROVED BY THE CHARTER TOWNSHIP OF FLUSHING BOARD ON THE
10 DAY OF September, 2020.



Frederick Thorsby, Supervisor

Attest:



Wendy Meinburg, Township Clerk

First reading: 8-13-20
Adopted: 9-10-20