

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

ORDINANCE #01-2014

**AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES;
AMENDING CHAPTER 18, FIRE PREVENTION AND PROTECTION, ARTICLE III,
FIREWORKS, BY THE REPEAL OF SECTIONS 18-61—18-66 AND TO READOPT
SECTION 18-61 TO REGULATE AND LIMIT THE USE OF FIREWORKS.**

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

Chapter 18, Fire Prevention and Protection
Article III, Fireworks

Sections 18-61 through 18-66 are hereby repealed and Section 18-61 readopted to hereafter read as follows:

Sec. 18-61. - Fireworks.

- (a) It shall be unlawful for any person to ignite, discharge or use fireworks except on the day preceding, the day of, or the day after a national holiday.
- (b) No person shall at any time or on any day, national holiday or otherwise, use, discharge or ignite any fireworks in public parks, public streets, public schools, public sidewalks, public easements or rights-of-way or any other public property.
- (c) No person shall at any time or on any day, national holiday or otherwise, use, discharge or ignite any fireworks on the property of another person or organization without that organization or person's express permission to use fireworks on those premises. The person using the fireworks bears the burden of proof of showing he or she received express permission to use fireworks at that location and must be able to present such proof to any peace officer upon request.
- (d) No person shall at any time or on any day, national holiday or otherwise, use, discharge or ignite any fireworks in such a manner or way that results in fireworks being projected or propelled onto the property of another person without that person's express permission to project or propel fireworks onto their premises. The person using the fireworks bears the burden of proof of showing he or she received express

permission to project or propel fireworks onto the property of another person and must be able to present such proof to any peace officer upon request.

- (e) No person shall use, discharge or ignite any fireworks between the hours of 12 midnight and 8:00 a.m. on the day preceding, the day of, or the day after a national holiday, or between the hours of 1:00 a.m. and 8:00a.m. on New Year's day, so as to preserve and not disturb the peace or the ability to sleep of residents.
- (f) Any costs the city incurs to respond to and/or remediate any damage to public or private property or injury to another person as a result of the legal or illegal discharge or use of fireworks shall be paid by any person responsible for the ignition, discharge or use of fireworks that caused the damage or injury. The city may pursue any legal remedies to collect such costs.
- (g) If a police officer determines that a violation of this ordinance has occurred, the officer may seize the fireworks as evidence of the violation.
- (h) A minor shall not possess consumer fireworks.
- (i) Prohibited fireworks shall be those defined in MCL 28.452.
- (j) As used in this section, national holiday means: New Year's Day, January 1; Birthday of Martin Luther King, Jr., the third Monday in January; Washington's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans Day, November 11; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25.
- (k) The provisions in this section shall not apply to displays sponsored by the city.
- (l) Any person violating this section shall be responsible for a municipal civil infraction punishable by a fine of not more than \$500 for each violation. Following final disposition of a finding of responsibility for violation of this ordinance, the city may dispose of or destroy any fireworks retained as evidence in that prosecution.

SECTION 2. Repeal. All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the **11th day of March, 2014.**

WILLIAM MATAKAS, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park