

STATE OF MICHIGAN

COUNTY OF BERRIEN

VILLAGE OF GRAND BEACH

**AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE IGNITION, DISCHARGE
AND USE OF CONSUMER FIREWORKS IN THE VILLAGE OF GRAND BEACH.**

ORDINANCE NUMBER 2020-99

Effective Date November 16, 2020

Purpose. This is an ordinance to provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, Act 634 of the Public Acts of Michigan of 2018, being MCL 28.451, et seq., as amended.

The Village of Grand Beach finds that fireworks endanger property, can cause physical injury, and disrupt the peace and quality of residential neighborhoods and other zoning districts. The Village of Grand Beach endeavors to reconcile the rights that the Act confers upon sellers and consumers, with the rights of citizens and families to reside in a safe, peaceful, and harmonious community. This ordinance is adopted to repeal existing fireworks ordinances that conflicted with the Act, and to impose conditions on the time, place, manner of use, discharge, and ignition of fireworks deemed to be within the purview of local regulation, and to protect the public health, safety and general welfare.

The Village of Grand Beach ordains:

Section 1. Definitions.

As used in this chapter, the following definitions shall apply:

- (1) "*Act 634*" means the Michigan Fireworks Safety Act, Act 634 of the Public Acts of Michigan of 2018, being MCL 28.451, et seq., as it may be amended from time to time.
- (2) "*Consumer fireworks*" means that term as defined in Act 634.
- (3) "*Firework*" or "*fireworks*" means that term as defined in Act 634
- (4) "*Homemade fireworks*" means that term as defined in Act 634.
- (5) "*Retailer*" means that term as defined in Act 634.
- (6) "*Village*" means Village of Grand Beach.
- (7) "*Wholesaler*" means that term as defined in Act 634.

Section 2. Compliance with Applicable Ordinances and Codes.

The manufacture or sale of fireworks is prohibited within the Village unless otherwise provided by the Village Zoning Ordinance, as well as all building codes and regulations.

Section 3. Use of Consumer Fireworks Prohibited.

- (a) Unless otherwise provided in this Ordinance, no person shall ignite, discharge, or use consumer fireworks in the Village.
- (b) A person may only ignite, discharge, or use consumer fireworks on private property owned or controlled by that person, or with the owner's permission in the Village of Grand Beach on the following days, after 11:00 a.m.:
 - 1. December 31 until 1:00 a.m. on January 1.
 - 2. The Saturday and Sunday immediately preceding Memorial Day, until 11:45 p.m. on each of those days.
 - 3. June 29 to July 4 until 11:45 p.m. on each of those days.
 - 4. July 5, if that date is a Friday or Saturday, until 11:45 p.m.
 - 5. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
- (c) No person shall ignite, discharge, or use consumer fireworks on any public property in the Village of Grand Beach at any time, including on any public street, in any Village park, on the golf course or driving range, on any Village beach, on the pier, or on any other Village owned property.
- (d) Burn Ban. Due to the Village's natural topography, location on Lake Michigan, and the extreme weather events, including severe draughts that have become more common in recent years, the Village has a considerable amount of natural dune grasses which are highly flammable in the event of unusually high temperatures combined with very dry or draught-like conditions. In extreme circumstances, the Village's Police Chief or New Buffalo Township's Fire Chief may issue a burn ban to protect the Village residents' health, safety and welfare. In the event of a Village-wide ban on burning, the discharge of fireworks of any nature or sort shall also be temporarily prohibited until the burn ban is lifted.

Section 4. Firework Safety.

No person shall individually, or in concert with another person, recklessly endanger the life, health, safety, or well-being of any person, by the ignition, discharge, or use of consumer fireworks.

Section 5. General Restrictions.

- (a) Fireworks, including consumer fireworks, shall not be ignited within 20 feet of an open flame, a burner, gasoline, ignited gas or electric grill, a residential structure, a vehicle, or in any enclosed structure, garage, tent, or shed, or under any canopy, or overhanging cover, of any nature.

(b) No person shall, either individually or in concert with another person, cause damage to any private or public property by the use, discharge or ignition of any fireworks.

Section 6. Applicability of General Ordinances.

Nothing in this Ordinance or in the Act shall preclude the enforcement of ordinances prohibiting conduct that is secondary or incidental to the use, discharge, or ignition of fireworks.

Section 7. Violations, Fines and Penalties.

Any person violating the provisions of this ordinance shall be guilty of a municipal civil infraction, punishable by a fine of \$1,000.00, plus the cost of prosecution.

Section 8. Repealer.

Village Ordinance Number 2014-85 and 2019-97 are hereby repealed in their entirety. Any other ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

Section 9. Severability.

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the Village that this ordinance shall be fully severable.

Section 10. Effective Date.

This Ordinance shall become effective after publication in accordance with the Charter of the Village of Grand Beach.

AYES: James Bracewell, Paul Leonard Jr., Deborah Lindley, Blake O'Halloran and Steve Slater.

NAYES: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Deborah Lindley, Council President

Mary J. Robertson, Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 21st day of October, 2020, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended.

Mary J. Robertson, Village Clerk