

Introduced: _____
Adopted: _____
Effective: _____

CITY OF CHARLOTTE
ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 34-293 OF ARTICLE VII - OFFENSES AGAINST PUBLIC SAFETY - OF CHAPTER 34 - OFFENSES OF THE CODE OF THE CITY OF CHARLOTTE BY PROHIBITING THE IGNITION, DISCHARGE AND USE OF CONSUMER FIREWORKS AND PERMITTING LICENSED DISPLAYS AS PROVIDED BY STATE LAW.

THE CITY OF CHARLOTTE ORDAINS:

Section 34-293 of Article VII of Chapter 34 of the Code of the City of Charlotte is amended to read as follows:

Sec. 34-293 Use and Licensed Display of Fireworks:

(A) Definitions

(1) As used in the section, "consumer fireworks," "articles pyrotechnic," "display fireworks" and "special effects" have the same meaning as that term is defined in section 2 of the Michigan Fireworks Safety Act, being MCL 28.452.

(B) Use of Fireworks

(1) No person shall ignite, discharge or use consumer fireworks except after 11:00 a.m. on the following days:

- (a) December 31 until 1 a.m. January 1.
- (b) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m.
- (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.

(2) A violation of subsection B is a civil infraction with a fine of One Thousand Dollars (\$1,000.00) for each violation. Each consumer firework discharged in violation of this section shall constitute a separate offense. Five Hundred Dollars (\$500.00) of each fine collected pursuant to this section shall be remitted to the Charlotte Police Department.

(C) Licensed Displays

(1) The City Council may, upon application in writing on forms provided by the Michigan Department of Licensing and Regulatory Affairs and payment of required fees set by the City, if any, grant a permit for the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks, consumer fireworks, or special effects manufactured for outdoor pest control or agricultural purposes, or for public or private display within the City by other municipalities, fair associations, amusement parks, or other organizations or individuals approved by the City, if the applicable provisions of the Michigan Fireworks Safety Act, MCL 28.451, *et seq*, are met. After a permit has been granted, a permit holder may sell, possess, or transport fireworks for only the purposes described in the permit. A permit granted under this subsection is not transferable and shall not be issued to a minor.

(2) Before a permit for articles pyrotechnic or a display fireworks ignition is issued, the person applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the City to protect the public and to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person or an agent or employee of the person.

(3) A permit shall not be issued under this subsection to a nonresident person for ignition of articles pyrotechnic or display fireworks in this state until the person has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person may be served.

(4) Before granting of a permit under this subsection, the City shall rule on the competency and qualifications of an articles pyrotechnic and display fireworks operator, as furnished by the operator on the operator's application form, in accordance with the requirements provided under NFPA 1123, and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks.

(5) The City may charge and collect a fee to issue a permit under this subsection and shall retain the collected fee.

Second, _____ () Yeas. () Nays.

Dated: _____

Yvonne Ridge, Mayor

Ginger Terpstra, Clerk