

Fireworks Ordinance Ammended 2013

ORDINANCE NO. _188-A-3____

AN ORDINANCE TO AMEND CHAPTER 50, ARTICLE IV, SECTION 50-102 CONCERNING THE USE OF CONSUMER FIREWORKS AND PROVIDING PENALTIES FOR VIOLATIONS.

THE CITY OF WESTLAND ORDAINS:

Section 1. That Chapter 50, Article IV, Section 50-102, of the Westland City Code is hereby amended to provide as follows:

"Sec. 50-102. - Use of consumer fireworks.

- (a) Except as provided in paragraphs (b) and (c), below, it shall be unlawful for any person to ignite, discharge or use consumer fireworks, as such term is defined in section 50-101.
- (b) A person may ignite, discharge or use consumer fireworks only between the hours of 8:00 am and 12:00 pm (midnight) on the day preceding, the day of, or the day after the following national holidays:
- (1) Martin Luther King, Jr. Day, the third Monday in January
 - (2) Washington's Birthday, the third Monday in February
 - (3) Memorial Day, the last Monday in May
 - (4) Independence Day, July 4
 - (5) Labor Day, the first Monday in September
 - (6) Columbus Day, the second Monday in October
 - (7) Veterans Day, November 11
 - (8) Thanksgiving Day, the fourth Thursday in November
 - (9) Christmas Day, December 25
- (c) On New Years Day, January 1, a person may ignite, discharge or use consumer fireworks between the hours of 12:00 midnight and 1:00 am, and between 8:00 am and 12:00 midnight. On the day before, or the day after, New Years day, a person may ignite, discharge or use consumer fireworks between the hours of 8:00 am and 12:00 midnight.
- (d) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. Except as otherwise provided in this subsection, a person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00.
- (e) Consumer fireworks shall not be ignited, discharged or used by a person under the influence of alcoholic liquor or controlled substance or a combination of both.
- (f) Low-impact fireworks shall not be ignited, discharged or used by a person under the influence of alcoholic liquor or controlled substance or a combination of both.
- (g) Unmanned free-floating devices. Any unmanned free-floating device (sky lantern)

which requires fire underneath to propel it and is not moored to the ground while aloft, have an uncontrolled and unpredictable flight path and descent area so as to pose a potential fire risk and are therefore prohibited.

(h) Novelties. This section does not apply to novelties.

(i) A person who violates paragraphs (b) or (c), above, is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00 for each violation.

(j) Unless otherwise provided in this section, if a person knowingly, intentionally, or recklessly violates this section, the person is guilty of a crime as follows:

(1) Except as otherwise provided in this section, a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$500.00, or both.

(2) If the violation causes damage to the property of another person, a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both."

Section 2. That all other provisions of Chapter 50 of the Westland City Code shall remain in full force and effect.

Section 3. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

Section 5. Publication. The City Clerk shall cause this Ordinance to be published in the manner required by law.

Section 6. Effective Date. This Ordinance shall become effective upon publication.

ON MOTION OF _____Reeves_____, SUPPORTED BY___Johnson_____, the foregoing Ordinance was adopted by the following vote:

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ROLL CALL: AYE NAY ABSENT

Bryant None None

Hammons

Johnson

Kadi

Kehrer

Reeves

Godbout

Introduced: 6-17-2013
Adopted: 7-1-2013
Effective: 7-11-2013