

Village of Suttons Bay  
Consumer Fireworks Ordinance  
3 of 2013  
As Amended by Ordinance 1 of 2020

An ordinance pursuant to Act 256 of the Public Acts of 2011, as amended, and pursuant to Act 3 of the Public Acts of 1895, as amended, to prohibit the ignition, discharge, and use of consumer fireworks within the village on days other than the day preceding, the day of, or the day after a national holiday, to prohibit the ignition, discharge, and use of consumer fireworks within the village between 1 a.m. and 8 a.m. on the day preceding, the day of, and the day after a national holiday, and to provide penalties for violations thereof

The Village of Suttons Bay Ordains:

**Section 1. FINDINGS.**

The Suttons Bay Village Council makes the following findings: Public Act 3 of 1895 authorizes The Village of Suttons Bay to enact ordinances that regulate the public health, safety and general welfare of persons and property. Public Act 256 of 2011, as amended (MCL 28.451, *et seq.*) authorizes the Village of Suttons Bay to enact an ordinance regulating the ignition, discharge, and use of consumer fireworks. The Suttons Bay Village Council hereby finds that an ordinance prohibiting the ignition, discharge, and use of consumer fireworks, to the extent allowed by Public Act 256 of 2011, as amended, is in the interest of public health, safety and general welfare of persons and property within the Village of Suttons Bay.

**Section 2. TITLE.**

This Ordinance shall be known as the Village of Suttons Bay Consumer Fireworks Ordinance.

**Section 3. DEFINITIONS.** As used in this Ordinance,

“Consumer fireworks” means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low- impact fireworks.

“Low-impact fireworks” means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

“Display fireworks” means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.”

“National holiday” means those days specified as a national holiday in 5 USC 6103, being: New Year's

Day (January 1); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September).

“Person” means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

#### **SECTION 4. IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS.**

- (a). Except as provided in this section, no person shall ignite, discharge, or use consumer fireworks within the Village of Suttons Bay on any day that is not listed in Section B below:
- (b). A person may ignite, discharge, or use consumer fireworks on the following days during the following hours:
- December 31.
  - January 1 between 12 midnight and 1 a.m.
  - The Saturday immediately preceding Memorial Day until 11:30 p.m.
  - The Friday and Saturday preceding July 4 until 11:30 p.m.
  - June 30 until 11:30 p.m. if July 4 is a Saturday or Sunday.
  - July 1 to July 4 until 11:30 p.m.
  - The Saturday immediately preceding Labor Day until 11:30 p.m.

#### **SECTION 5. PENALTY/CIVIL INFRACTION.**

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than One Thousand Dollars and 00/100 (\$1,000.00) Dollars. Five Hundred Dollars of each fine collected will be remitted to the local law enforcement agency responsible for enforcement of the Ordinance. Each day this Ordinance is violated shall be considered as a separate violation.

#### **SECTION 6. ENFORCEMENT.**

The Village Manager, other persons designated by the Village Council, and officers of the Suttons Bay Police Department are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

#### **SECTION 7. NUISANCE.**

A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

#### **SECTION 8. INJUNCTIVE RELIEF.**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

**SECTION 9. VALIDITY.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

**SECTION 10. EFFECTIVE DATE.**

This Ordinance shall become effective twenty (20) days after its enactment.

Dated:

VILLAGE OF SUTTONS BAY

By: \_\_\_\_\_  
Steve Lutke, President

By: \_\_\_\_\_  
Shar Fay, Clerk