

**ORDINANCE NO. 743
CHAPTER 19, NUISANCES**

EMERGENCY ORDINANCE AMENDMENT – FIREWORKS

The proposed amendment would change the current ordinance to reflect the change in State law naming hours in which fireworks are allowed.

There was discussion regarding whether the amendment would be effective upon passage and whether the amendment to the State law would allow further restrictions. It was noted the ordinance would become effective immediately should the Council declare it an emergency. It was also noted the State law does not allow for further restrictions on the use of fireworks within the City limits.

City Attorney William C. Brown indicated the section of code referenced in the amendment should be corrected to read (a)(7), not (a)(9).

Mayor Frederick also noted some minor language changes he wished to see to further clarify the amendment, specifically the placement of “may” and “shall be” in the proper locations within the text.

Motion by Councilperson Eveleth to declare the ordinance amendment in question to be emergent in nature and to approve the following emergency amendment to Chapter 19, Offenses, Article VII, Offenses Against Public Safety, Section 19-127(b)(3), Discharge of fireworks or explosives, of the Code of Ordinances of the City of Owosso, Michigan to reflect the change in State law naming the hours in which fireworks are allowed, to be effective immediately. (This item requires a super-majority for passage.)

ORDINANCE NO. 743

**AN EMERGENCY ORDINANCE TO AMEND
SECTION 19-127 OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN
REGULATING FIREWORKS**

WHEREAS, the state of Michigan has enacted Act 65 of 2013 amending the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended, which preempted the current provision in the city of Owosso Code of Ordinances;

WHEREAS, the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended allows local units of government to regulate the ignition, discharge and use of consumer fireworks according to the amended Act;

WHEREAS, because Act 65 of 2013 was approved and signed by the Governor June 19, 2013, and with the July 4th holiday quickly approaching sufficient time did not exist to amend the City’s ordinance under normal procedures causing the Council to declare the amendment emergent in nature.

NOW, THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Michigan, that the following amendment to Chapter 19, Offenses, of the Code of the City of Owosso be recommended to regulate the use of fireworks within the city limits:

THE CITY OF OWOSSO ORDAINS:

SECTION 1. ADDITION. That Section 19-127(b)(3) shall be amended to add additional language so that Section 19-127(b)(3) shall read as follows:

Sec. 19-127. - Discharge of fireworks or explosives.

(b) Ignition, discharge and use of fireworks.

(3) Consumer fireworks on private property. No person(s) shall ignite, discharge or use consumer fireworks on private property in the city except on the day preceding, the day of, or the day after a national holiday as so defined under (a)(7) of this section and subject to the approval of property owner **and may be ignited only between the hours of 8:00 a.m. and 1:00 a.m. and shall be prohibited between the hours of 1:00 a.m. and 8:00 a.m.**

SECTION 2. SEVERABILITY. If any section, subdivision, sentence or attachment to this ordinance is for any reason held invalid or to be unconstitutional, such a decision shall not affect the validity of the remaining portion of this ordinance or attachment.

SECTION 3. CONFLICTING ORDINANCES. All existing ordinances inconsistent or in conflict with the provisions of this ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

SECTION 4. EFFECTIVE. This amendment shall become effective immediately upon adoption on July 1, 2013.

SECTION 5. INSPECTION. This ordinance may be purchased or inspected in the city clerks' office,

Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Councilpersons Eveleth, Cook, Erfourth, Fox, Bailey, and Mayor Frederick.

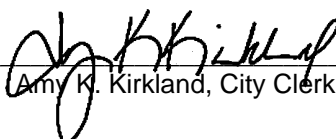
NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch.

Mayor Frederick directed the new ordinance be placed on the City's website as soon as possible.

Councilperson Cook noted there is a clear chart of permitted fireworks located on the State's website.

I hereby certify that the foregoing document is a true and complete copy of action taken by the Owosso City Council at the regular meeting of July 1, 2013.



Amy K. Kirkland, City Clerk