

**ORDINANCE NO. 800
CHAPTER 19, NUISANCES**

Emergency Ordinance Amendment – Chapter 19, Nuisances

City Manager Henne explained that we don't do emergency ordinances very often but he felt it was necessary to have this amendment in place by July 4th. He went on to explain that the amendment reduces the days and times that fireworks are allowed in the City.

Motion by Councilmember Bailey to approve the emergency amendment of Section 19-127 of Chapter 19, Nuisances, of the Code of Ordinances of the City of Owosso, Michigan to update the fireworks ordinance in time for the upcoming July 4th holiday as shown below:

ORDINANCE NO. 800

AN EMERGENCY ORDINANCE TO AMEND SECTION 19-127 OF CHAPTER 19, NUISANCES, OF THE CODE OF THE CITY OF OWOSSO TO UPDATE THE FIREWORKS ORDINANCE TO REFLECT CHANGES IN STATE LAW

WHEREAS, in 2013 the State of Michigan restricted the ability of municipalities to regulate the use of fireworks within their jurisdiction on and around legal holidays; and

WHEREAS, due to significant push-back from municipalities that were unable to respond to citizen complaints of disturbance of the peace related to the use of fireworks, the State has seen fit to amend the law to reduce the number of days in which municipalities are prohibited from regulating fireworks use; and

WHEREAS, the City also wishes to simplify its ordinance by referring to the State law for the definition of terms related to fireworks; and

WHEREAS, there is insufficient time prior to July 4th to amend the fireworks ordinance using normal procedures this ordinance shall be declared emergent in nature.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS THAT:

SECTION 1. REPEAL. That Section 19-127, Discharge of fireworks or explosives, of Chapter 19, Nuisances, of Article VII, *Offenses Against Public Safety*, of the Code of Ordinance is hereby repealed.

SECTION 2. REPLACE. That Section 19-127, Discharge of fireworks or explosives, of Chapter 19, Nuisances, of Article VII, *Offenses Against Public Safety*, of the Code of Ordinance is hereby replaced to read as follows:

Section 19-127- Consumer Fireworks:

- (a) No person shall ignite, discharge or use consumer fireworks except after 11:00 a.m. on the following days:
 - (1) December 31 until 1 a.m. January 1.
 - (2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m.
 - (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.
- (b) For purposes of this section, "consumer fireworks" has the same meaning as that term is defined in section 2 of the Michigan Fireworks Safety Act, being MCL 28.452.
- (c) A violation of this section is a civil infraction with a fine of \$1,000.00 for each violation. Each consumer firework discharged in violation of this section shall constitute a separate offense. \$500.00 of each fine collected pursuant to this section shall be remitted to the Owosso Public Safety Department.

SECTION 3. EMERGENT NATURE. This ordinance amendment is declared emergent in nature and as such shall be approved by no less than five members of the City Council.

SECTION 4. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 5. EFFECTIVE DATE. This amendment shall become effective immediately upon adoption on June 3, 2019.

Motion supported by Councilmember Fear.

Roll Call Vote.

AYES: Councilmember Haber, Mayor Pro-Tem Osika, Councilmembers Fear, Bailey, Pidek, and Mayor Eveleth.

NAYS: None.

ABSENT: Councilmember Law.

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 June 3, 2019.


Amy K. Kirkland, City Clerk

