

**LODI TOWNSHIP
WASHTENAW COUNTY
MICHIGAN**

Ordinance No. 2013-003

AN ORDINANCE TO SECURE THE PUBLIC SAFETY, HEALTH, AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN BY AMENDING THE "LODI TOWNSHIP CONSUMER FIREWORKS ORDINANCE" TO ALSO PROVIDE FOR THE REGULATION OF THE USE OF CONSUMER FIREWORKS WITHIN LODI TOWNSHIP BETWEEN THE HOURS OF 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 AND REMEDIES FOR VIOLATIONS.

THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

That Lodi Township Ordinance 2013-001, the Lodi Township Consumer Fireworks Ordinance, is hereby amended to read as follows:

Section 1: Title.

This ordinance shall be known and cited as the "Lodi Township Consumer Fireworks Ordinance."

Section 2: Purpose.

This ordinance provides for the regulation of the ignition, discharge, and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended. The Township of Lodi finds that consumer fireworks can endanger property, cause physical injury, and disrupt the peace and quality of the residents of Lodi Township

Section 3: Definitions.

The following words, terms and phrases when used in this ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consumer fireworks means fireworks devices that are designed to produce a visible effect by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Products Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in 8PA standard 87 – 1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low

impact fireworks. (MCL 28.452(f))

Low-impact fireworks means ground and hand-held sparkling devices as that phrase is defined under APA standards 87 – 1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5. (MCL 28.452(m))

Section 4: Ignition, discharge, and use of consumer fireworks.

No person may ignite, discharge, or use consumer fireworks within Lodi Township, except that this prohibition does not preclude any person from the ignition, discharge, and use of consumer fireworks from 8 a.m. and until 1a.m. on the day preceding, the day of, or the day after a national holiday. For the purpose of this Section, national holidays are determined by 5 U.S.C. 6103.

Section 5: Enforcement and Penalty.

(a) The Lodi Township Supervisor shall be responsible for enforcing this ordinance. Except for the issuance of citations and municipal ordinance violation notices, the Supervisor may delegate the actual enforcement of the provisions of this ordinance to other township officials and personnel. For the issuance of citations and municipal ordinance violation notices, the Lodi Township Supervisor, the Zoning Inspector, any other official, individual, firm, or entity the Lodi Township Board designates to perform all or part of the duties of the Zoning Inspector, and all Washtenaw County Sheriff deputies, Michigan State troopers, and any Lodi Township Constable, Police Officer, and Ordinance Enforcement Officer, who have jurisdiction within Lodi Township, are authorized to issue citations and municipal ordinance violation notices as “authorized local officials” pursuant to MCL 600.8707.

(b). Violation a municipal civil infraction. Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule.

1. 1st offense (no other offenses within the previous two years): Fifty Dollars (\$50.00).
2. 2nd offense (one other offense within the previous two years): One Hundred Dollars (\$100.00).
3. 3rd offense (two other offenses within the previous two years): Two Hundred Fifty Dollars (\$250.00).
4. 4th or greater offense (three or more offenses within the previous two years): Five Hundred Dollars (\$500.00).

(c). In addition to the fine designated above, each person, firm, association,

partnership, corporation, or government entity who violates or authorized, allowed, or permitted a violation of any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be summarily taxed the costs of the action, which are not limited to the costs taxable in ordinary civil infraction actions and may include all expenses, direct and indirect, to which Lodi Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Costs of not more than \$500.00 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of Lodi Township.

(d). In addition to the relief stated in subsections 6(a), 6(b), and 6(c) above, Lodi Township may obtain and have enforced any judgment, writ, or order necessary to enforce the ordinance pursuant to MCL 600.8727(5), 600.8302(1) and 600.8302(4).

(e). Lodi Township may obtain and enforce liens as authorized by MCL 600.8731.

Section 6: Severability

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 7: Savings Clause

The amendment to the Lodi Township Consumer Fireworks Ordinance herein do not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 8: Effective Date

This Ordinance shall be published once in a newspaper having general circulation in Lodi Township and shall take effect 30 days after the first publication as required by law following adoption by the Township Board.

Jan Godek, Township Supervisor

Elaine Masters, Township Clerk

Clerk's Certification

I, Elaine Masters, Clerk for Lodi Township, Washtenaw County, Michigan, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2013-003 of Lodi Township, adopted by resolution at a meeting of the Township Board of Trustees held on July 9, 2013, and the whole thereof now in my custody.

Elaine Masters, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Lodi Township Hall, 3755 Pleasant Lake Road, Ann Arbor, Michigan 48103. The office hours are 9:00 a.m. until noon Monday, Wednesday and Friday.

Adopted: July 9, 2013

Published: July 18, 2013

Effective: August 17, 2013