

**VILLAGE OF COLON**

**ST. JOSEPH COUNTY, MICHIGAN**

**ORDINANCE NO. 2019-08-13B**

**VILLAGE OF COLON FIREWORKS ORDINANCE**

**ADOPTED: August 13, 2019**

**EFFECTIVE: August 24, 2019**

An ordinance to provide for a title and purpose for the Village of Colon Fireworks Ordinance; to regulate the ignition, discharge and use of consumer fireworks within the Village of Colon; to provide for fines for the violation of the ordinance; to provide an effective date; and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE VILLAGE OF COLON**

**ST. JOSEPH COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**TITLE**

This section shall be known and cited as the "Village of Colon Fireworks Ordinance."

**SECTION 2**

**PURPOSE**

The purpose of the ordinance shall be to regulate the ignition, discharge, and use of consumer fireworks in order to protect the health, safety and welfare of village residents in accordance with the Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 *et seq.*

**SECTION 3**

**DEFINITIONS**

The following definitions shall apply to 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.

"Firework" or "fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, homemade fireworks, and special effects.

"Homemade fireworks" means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation that is not produced by a commercial manufacturer and does not comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507.

## **SECTION 4**

### **FIREWORKS USE & RESTRICTIONS**

The ignition, discharge, and use of consumer fireworks within the Village of Colon is allowed after 11 a.m. on the following days:

1. December 31 until 1 a.m. on January 1.
2. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
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.
6. The Wednesday-Saturday of the annual Colon Magic Get Together Festival in early August, until 11:45pm on each of those days.

Consumer fireworks (does not include low-impact fireworks) shall not be ignited, discharged, or used on any other day not prescribed above.

Homemade fireworks shall not be discharged in the Village of Colon at any time.

## **SECTION 5**

### **VIOLATIONS AND SANCTIONS**

Any person, firm, association, partnership, corporation or governmental entity 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 a civil fine of \$1,000.00 for each violation of the Ordinance.

\$500.00 from each fine collected for a violation of this ordinance shall be payable to the local law enforcement agency responsible for the enforcement of the Ordinance.

## **SECTION 6**

### **SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

## **SECTION 7**

### **EFFECTIVE DATE AND REPEAL**

This ordinance shall take effect upon publication after adoption by the Village Board. All ordinances or parts of ordinances in conflict herewith are repealed.

#### **VILLAGE OF COLON**

Kurt Kuhlmann, Clerk/Treasurer

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