

**VILLAGE OF BOYNE FALLS
CONSUMER FIREWORKS ORDINANCE AMENDMENT
Ordinance No. 58 of 2019**

**AN ORDINANCE AMENDING THE VILLAGE OF BOYNE FALLS
CONSUMER FIREWORKS ORDINANCE**

THE VILLAGE OF BOYNE FALLS ORDAINS:

Section 1. Amendment of Section 3.

The definition of "National holiday" within Section 3 of the Village of Boyne Falls Consumer Fireworks Ordinance is hereby repealed in its entirety.

Section 2. Amendment of Section 4.

Section 4 of the Village of Boyne Falls Consumer Fireworks Ordinance is hereby amended to read it in its entirety as follows:

Section 4. Ignition, Discharge, and Use of Consumer Fireworks.

No person shall ignite, discharge, or use consumer fireworks within the Village of Boyne Falls at any time, except during any of the following days and times:

- (a). After 11 a.m. on December 31 and until 1 a.m. on January 1.
- (b). After 11 a.m. and until 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day.
- (c). After 11 a.m. and until 11:45 p.m. on June 29 through July 4.
- (d). If July 5 falls on a Friday or Saturday, then after 11:00 a.m. and until 11:45 p.m. on July 5.
- (e). After 11 a.m. and until 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day.

Section 3. Amendment of Section 5.

Section 5 of the Village of Boyne Falls Consumer Fireworks Ordinance is hereby amended to read it in its entirety as follows:

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 civil fine of One Thousand and 00/100 (\$1,000.00) Dollars for each violation of the Ordinance and no other fine or sanction. Five Hundred and 00/100 Dollars of the fine collected under this Ordinance shall be remitted to the Charlevoix County Sheriff's Office, which is responsible for the enforcement of this Ordinance. Each day this Ordinance is violated shall be considered as a separate violation.

Section 4. Effective Date.

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

^{Amendment to}
Ordinance No. 58 was adopted on the 14 day of May, 2019, by the Boyne Falls Village Council as follows:

Motion by: William H. Carson
Seconded by: Gladys Upton
Yeas: 6
Nays: 0
Absent: 0

Debra Taylor
Debra Taylor, Clerk

William P. Carson
William P. Carson, President

I certify that this is a true copy of Ordinance No. ^{Amendment} 58 that was adopted at a regular meeting of the Boyne Falls Village Council on May 14, 2019 and published in the Petoskey News Review on June 1, 2019, 2019.

Dated: 6-3-2019

Debra Taylor
Debra Taylor, Clerk

VILLAGE OF BOYNE FALLS ORDINANCE CERTIFICATION

At a regular meeting of the Village Council of the Village of Boyne Falls, Charlevoix County, Michigan, held in the Village Hall located in Boyne Falls, Michigan on June 10, 2014 at 7:00 p.m.

PRESENT: Gladys Bell, William Bricker, Tony Securro, and Mike Kondrat

ABSENT: David Gillespie

It was moved by Gladys Bell and supported by Mike Kondrat that the following ordinance be adopted:

(See attached VILLAGE OF BOYNE FALLS ORDINANCE No. 58)

YES: 5
NO: 0

ORDINANCE DECLARED ADOPTED.

VILLAGE OF BOYNE FALLS

BY: William P. Carson
William Carson, Village President

I, the undersigned, the Clerk of the Village of Boyne Falls, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Boyne Falls Village Council of said County at its regular meeting held on June 10, 2014 relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the Boyne City Gazette

Dated: June 12, 2014

Debra Taylor
Debra Taylor, Village Clerk

VILLAGE OF BOYNE FALLS
CONSUMER FIREWORKS ORDINANCE
Ordinance No. 58

AN ORDINANCE PURSUANT TO ACT 256 OF THE PUBLIC ACTS OF 2011, AS ADMENDED, AND PURSUANT TO ACT 3 OF THE PUBLIC ACTS OF 1895, AS ADMENDED, TO PROHIBIT THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS WITHIN THE VILLIGE 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 FIREWORKSWITHIN THE VILLAGE BETWEEN 1 A.M. AND 8 A.M. ON THE DAYPRECEDING, THE DAY OF, AND THE DAY AFTER A NATIONAL HOLIDAY, AND TO PROVIDE PENALTIES FOR VIOLATIONSTHEREOF.

THE VILLAGE OF BOYNE FALLS ORDAINS:

Section 1. Findings.

The Village of Boyne Falls Council makes the following findings: Public Act 3 of 1895 authorizes the Village of Boyne Falls 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 Boyne Falls to enact an ordinance regulating the ignition, discharge, and use of consumer fireworks. The Village of Boyne Falls hereby finds that an ordinance prohibiting the ignition, discharge, and use of consumer fireworks, to the extent allowed by Public Acts 256 of 2011, as amended, is in the interest of public health, safety and general welfare of persons and property within the Village of Boyne Falls.

Section 2. Title.

This Ordinance shall be known as the Village of Boyne Falls Consumers 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.

“National holiday” means those days specified as a national holiday in 5 USC 6103, being : New Year’s Day (January 1), Martin Luther King Jr. Day (third Monday in January), Washington’s birthday (third Monday in February), Memorial Day (last Monday in May), Independence Day (July4), Labor Day (first Monday in September), Columbus Day (second Monday in October), Veterans Day (November 11), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25). At no other time can consumer fireworks be ignited or discharged in the Village of Boyne Falls.

“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. Igniton, Discharge, and Use of Consumer Fireworks

- (a). No person shall ignite, discharge, or use consumer fireworks within the Village of Boyne Falls on any day that is not the day preceding, the day of, or the day after a national holiday.
- (b), No person shall ignite, discharge, or use consumer fireworks within the Village of Boyne Falls between the hours of 12 a.m.(midnight) to 8 a.m. on the day preceding, the day of, and the day after a national holiday.

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 on 1961, being Sections 600. 101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (4500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 6. Enforcement.

The Village President, or other persons designated by the Village Council, and officers of the Charlevoix County Sheriff 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 proceeding in the CIRCUIT Court to abate or eliminate the nuisance per se or any other violation of this Ordinance,

Section 9. Validity

In any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portion 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.

VILLAGE OF BOYNE FALLS

By: William P. Carson
William P. Carson, President

By: Debra Taylor
Debra Taylor, Clerk