



**GAINES CHARTER TOWNSHIP
KENT COUNTY MICHIGAN
ORDINANCE No. 2023-10**

At a regular meeting of the Township Board for Gaines Charter Township held at the township offices with the Township Board on September 11, 2023, at 7:00 PM, the following Ordinance/amending ordinance was offered for adoption by the Township Board Member Terpstra and was seconded by Township Board member Haagsma.

AMENDMENTS TO THE GAINES CHARTER TOWNSHIP CODE OF ORDINANCES REGARDING THE SECTION 6-1 USE OF FIREWORKS GENERAL PROVISIONS AND IGNITION, DISCHARGE, OR USE OF CONSUMER FIREWORKS.

Chapter 6 – Amusements and Entertainments, Article I. In General, Sec. 6-1. – Use of fireworks, as contained in the Township Code of Ordinances, is hereby amended by the repeal and replacement of said Sections. As hereby amended, Chapter 6 – Amusements and Entertainments, Article I. In General, Sec. 6-1. – Use of fireworks shall read in its entirety as follows:

**CHARTER TOWNSHIP OF GAINES
FIREWORKS CONTROL ORDINANCE**

A. DEFINITIONS:

- 1) “Alcoholic liquor” shall mean the same as defined in Section 1d of the Michigan Vehicle Code, Act 300 of 1999 (MCL 257.1 *et seq.*), as amended (hereinafter the “Vehicle Code”).
- 2) “Consumer fireworks” shall mean the same as defined in Section 2(f) of the Michigan Fireworks Safety Act, Act 256 of 2011 (MCL 28.451 *et seq.*) as amended (hereinafter the “Fireworks Act”).
- 3) “Controlled substance” shall mean the same as defined in Section 8b of the Vehicle Code.
- 4) “Fireworks” shall mean consumer fireworks and low impact fireworks.

- 5) "Low impact fireworks" shall mean the same as defined in Section 2(n) of the Fireworks Act.
- 6) "Township" as used in this ordinance shall mean Gaines Charter Township, Kent County, Michigan.

B. GENERAL PROVISIONS: The intent of this ordinance is to promote the safety and welfare of the landowners, residents, and visitors of and to the Township by regulating the use of fireworks within the Township.

C. IGNITION, DISCHARGE OR USE OF CONSUMER FIREWORKS: No person shall ignite, discharge, or use any consumer fireworks within the Township except during the following dates and times and as permitted by State or Federal law:

- 1) December 31, after 11:00 a.m. and until 1:00 a.m. on January 1.
- 2) On Saturday and Sunday immediately preceding Memorial Day after 11:00 a.m. and until 11:45 p.m. on each of those days.
- 3) On June 29 to July 4, after 11:00 a.m. and until 11:45 p.m. on each of those days.
- 4) On July 5, if July 5 is a Friday or Saturday, after 11:00 a.m. and until 11:45 p.m.
- 5) On Saturday or Sunday immediately preceding Labor Day, after 11:00 a.m. and until 11:45 p.m. on each of those days.

Current ordinance reads:

Ignition, discharge or use of consumer fireworks. No person shall at any time ignite, discharge or use consumer fireworks within the township between the hours of 11:00 p.m. and 11:00 a.m.

D. OFFENSES AGAINST PROPERTY:

- 1) No person or entity shall ignite, discharge, or use consumer fireworks on any property not their own without the prior written consent of the property owner.
- 2) No person or entity shall leave, or permit any debris, remnants, or unburned fragments of fireworks to remain on any private or public property for more than 24 hours.

E. USE OF FIREWORKS BY INDIVIDUALS UNDER THE INFLUENCE:

No person shall use fireworks while under the influence of alcoholic liquor, a controlled substance, or any combination thereof.

F. FIREWORK SAFETY: No person shall recklessly ignite, discharge, or use fireworks within the Township in a manner that endangers the life, health, safety, or well-being of any person or property.

G. POSSESSION BY OR TRANSFER TO MINOR:

- 1) No person or entity shall gift, give, or transfer, without consideration, consumer fireworks to a person under the age of 18 years within the Township.
- 2) No person under the age of 18 shall possess, control, ignite, discharge, or use any consumer fireworks within the Township, except while in the presence and under the direct control of a parent, guardian, or other responsible adult.
- 3) No person or entity shall permit the ignition, discharge, or use of any consumer fireworks by an unsupervised person under the age of 18 on an owner's or occupant's property within the Township.

H. HOMEMADE AND MODIFIED FIREWORKS: Regardless of any preceding section, no person or entity shall use, ignite, or discharge any homemade, or modified, enhanced, or altered fireworks not otherwise authorized by the Fireworks Act.

I. PENALTIES:

- 1) Any person, or entity in violation of, or permits a violation of, Section C of this Article shall be responsible for a civil infraction and shall be liable for a civil fine in the amount of \$1,000.00, and a remittance to local law enforcement in the amount of \$500.00.
- 2) Any person or entity in violation of or permits the violation of any provision of this Article, other than Section C, shall be responsible for a civil infraction and shall be liable for a civil fine, costs of prosecution, and any other remedy at available at law. The civil fines shall be for no less than \$50.00 and no more than \$500.00 for the first offense; and no less than \$100.00 and no more than \$2,500.00 for any subsequent offense within 365 days of a previous offense.

The Vote to adopt this ordinance amendment was as follows:

YEAS: Terpstra, Haagsma, Fryling, DeWard, Brew, Vander Stel, Lemke

NAYS: None

ABSENT/ABSTAIN: None

THIS ORDINANCE/ORDINANCE AMENDMENT IS DECLARED DULY ADOPTED.