

ORDINANCE NO. 2140

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 12, Article IV, Section 12-72(a) of the Code of Ordinances, City of Madison Heights, Michigan, to prohibit the ignition, discharge, or use of consumer fireworks except on the days that state law preempts a local unit of government from regulating the ignition, discharge, or use of consumer fireworks and to set the penalty for violations.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 12, Article IV, Section 12-72(a) of the Code of Ordinances, City of Madison Heights, Michigan, is amended in its entirety to read as follows:

ARTICLE IV. FIREWORKS

Sec. 12-72. - Ignition, discharge and use of consumer fireworks.

- (a) A person shall not ignite, discharge or use consumer fireworks except on the following days after 11 a.m.:
- (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.

A person that violates this subsection is responsible for a civil infraction and shall be ordered to pay a civil fine of \$1000.00 for each violation and no other fine or sanction shall be imposed. \$500.00 of the fine collected shall be remitted to the Madison Heights Police Department.

- (1) Exception. The city, upon application in writing on forms provided by the city and payment of a fee set by council, if any, may grant a permit for the ignition, discharge or use of consumer fireworks within the city, on days other than the days listed in subsection (a). After a permit has been granted, use of consumer fireworks, for the purposes described in the permit only, may be made in

conformance with this section. A permit granted under this subsection is not transferable and shall not be issued to a minor.

- (i) Before a permit for consumer fireworks ignition is issued, the person, firm, or corporation applying for the permit shall furnish proof of insurance in an amount, character, and form deemed necessary by the city to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation or an agent or employee of the person, firm, or corporation, to protect the public health, safety and welfare.
- (ii) The city shall rule on the competency and qualifications of the applicant as required under NFPA 1123, and on the time, place, and safety aspects of the ignition, discharge or use of consumer fireworks, before granting a permit.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. Effective Date.

This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

SECTION 6. Inspection.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and between the hours of 12:30 p.m. and 4:30 p.m. on regular business days.

First Reading – May 13, 2019

Second Reading – May 28, 2019

Effective – June 6, 2019