

## ORDINANCE #669

### AN ORDINANCE TO AMEND MARQUETTE CITY CODE CHAPTER 26, FIRE PREVENTION AND PROTECTION; ARTICLE IV. – FIRE AND EXPLOSIVES; SECTION 26-88. – FIREWORKS

The City of Marquette Ordains:

**Section 1. Chapter 26, FIRE PREVENTION AND PROTECTION; ARTICLE IV. – FIRE AND EXPLOSIVES; SECTION 26-88. – FIREWORKS, subsections (c) through (f) are hereby repealed.**

**Section 2. Chapter 26, FIRE PREVENTION AND PROTECTION; ARTICLE IV. – FIRE AND EXPLOSIVES; SECTION 26-88. – FIREWORKS, new subsections (c) through (i) are adopted as follows:**

*(c) Use of consumer fireworks prohibited.*

1. A person shall not ignite, discharge, or use consumer fireworks at any time other than permitted hours on the day preceding, the day of, or the day after a national holiday.
2. A person shall not ignite, discharge, or use consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m. on the day preceding, the day of, or the day after a national holiday.

*(d) Safety.* No person shall recklessly endanger the life, health, safety or well-being of any person by the ignition, discharge, or use of consumer fireworks.

*(e) Use of alcohol or controlled substances and fireworks prohibited.* No person shall discharge, ignite or use fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, consistent with the Michigan Fireworks Safety Act.

*(f) Possession of consumer fireworks by minor prohibited.* A minor shall not possess consumer fireworks. Consumer fireworks shall not be sold to a minor. Age verification shall be made by checking a driver's license or another form of acceptable identification, pursuant to the Michigan Fireworks Safety Act.

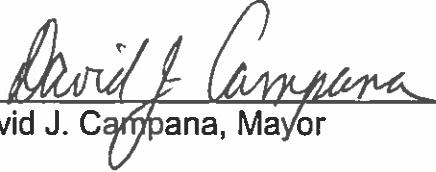
*(g) Permissible locations.* A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without express permission from that organization or person to use those fireworks on those premises at that time.

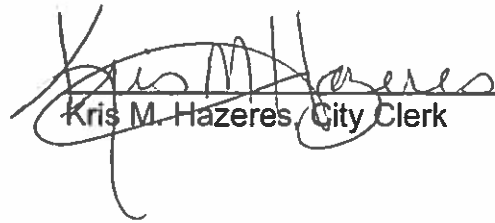
*(h) Determination of violation; seizure.* If a police officer determines that a violation of this section has occurred, the officer may seize the consumer fireworks as evidence of the violation.

*(i) Violation and penalties.*

1. A violation of this section is a civil infraction punishable by a fine of up to \$500.00 for each violation.
2. In addition to a civil infraction, fines and penalties state within the Michigan Fireworks Safety Act may be imposed.
3. Following final disposition of a finding of responsibility for violating this section, the city may dispose of or destroy any consumer fireworks retained as evidence in that prosecution.
4. In addition to any other penalty, a person that is found responsible for a violation of this section shall be required to reimburse the city for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated for a violation of this section.

**Section 3. Publication.** This ordinance shall take effect ten days after adoption but not before publication.

  
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David J. Campana, Mayor

  
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Kris M. Hazeres, City Clerk

Date Adopted: September 24, 2018

Date Published: September 27, 2018