

**STATE OF MICHIGAN
COUNTY OF BERRIEN
CITY OF BRIDGMAN**

**AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE IGNITION,
DISCHARGE AND USE OF CONSUMER FIREWORKS IN THE CITY OF
BRIDGMAN.**

ORDINANCE 2019-205

Motion by Council Member Gedeon-Kuhn, seconded by Council Member Trapani to adopt the following ordinance:

Purpose. This is an ordinance to provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, Act 634 of the Public Acts of Michigan of 2018, being MCL 28.451, et seq., as amended.

The City of Bridgman finds that fireworks endanger property, can cause physical injury, and disrupt the peace and quality of residential neighborhoods and other zoning districts. The City of Bridgman endeavors to reconcile the rights that the Act confers upon sellers and consumers, with the rights of citizens and families to reside in a safe, peaceful, and harmonious community. This ordinance is adopted to repeal existing fireworks ordinances that conflicted with the Act, and to impose conditions on the time, place, manner of use, discharge, and ignition of fireworks deemed to be within the purview of local regulation, and to protect the public health, safety and general welfare.

The City of Bridgman ordains:

Section 1. Definitions.

As used in this chapter, the following definitions shall apply:

- (1) "*Act 634*" means the Michigan Fireworks Safety Act, Act 634 of the Public Acts of Michigan of 2018, being MCL 28.451, et seq., as it may be amended from time to time.
- (2) "*Consumer fireworks*" means that term as defined in Act 634.
- (3) "*Firework*" or "*fireworks*" means that term as defined in Act 634
- (4) "*Homemade fireworks*" means that term as defined in Act 634.
- (5) "*Retailer*" means that term as defined in Act 634.
- (6) "*City*" means City of Bridgman.
- (7) "*Wholesaler*" means that term as defined in Act 634.

Section 2. Compliance with Applicable Ordinances and Codes.

The manufacture or sale of fireworks is prohibited within the City unless otherwise provided by the City Zoning Ordinance, as well as all building codes and regulations.

Section 3. Use of Consumer Fireworks Prohibited.

- (1) Unless otherwise provided in this Ordinance, no person shall ignite, discharge, or use consumer fireworks in the City.
- (2) A person may only ignite, discharge, or use consumer fireworks on private property owned or controlled by that person, or with the owner's permission, in the City of Bridgman on the following days, after 11:00 a.m.:
 - a. December 31 until 1:00 a.m. on January 1.
 - b. The Saturday and Sunday immediately preceding Memorial Day, until 11:45 p.m. on each of those days.
 - c. June 29 to July 4 until 11:45 p.m. on each of those days.
 - d. July 5, if that date is a Friday or Saturday, until 11:45 p.m.
 - e. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.
- (3) No person shall ignite, discharge, or use consumer fireworks on any public property in the City of Bridgman at any time, including on any public street, in any City park, or at Weko Beach or Campground.
- (4) Burn Ban. Due to the City's natural topography, location on Lake Michigan, and the extreme weather events, including severe draughts that have become more common in recent years, the City has a considerable amount of natural dune grasses which are highly flammable in the event of unusually high temperatures combined with very dry or draught-like conditions. In extreme circumstances, the City's Fire Chief may issue a burn ban to protect the City residents' health, safety and welfare. In the event of a City-wide ban on burning, the discharge of fireworks of any nature or sort shall also be temporarily prohibited until the burn ban is lifted.

Section 4. Firework Safety.

No person shall recklessly endanger the life, health, safety, or well-being of any person and/or property by the ignition, discharge, or use of consumer fireworks.

Section 5. Applicability of General Ordinances.

Nothing in this Ordinance or in the Act shall preclude the enforcement of ordinances prohibiting conduct that is secondary or incidental to the use, discharge, or ignition of fireworks.

Section 6. Violations, Fines and Penalties.

Any person violating the provisions of this Chapter shall be guilty of a municipal civil infraction, punishable by a fine of \$1,000.00.

Section 7. Repealer.

City Ordinance Number 2013-184 and Ordinance 181 Section 1(E) are hereby repealed in their entirety. Any other ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

Section 8. Severability.

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the City that this ordinance shall be fully severable.

Section 9. Effective Date.

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman.

AYES: Gedeon-Kuhn, Stine, Trapani, Rose, Fuller, Gipson, Buist

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Allyson Holm, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Bridgman, County of Berrien, State of Michigan, at a Regular Meeting, held on the 16th day of September, 2019, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended.

Allyson Holm, City Clerk