

FISCAL YEAR ORDINANCE
TOWNSHIP OF MANCELONA
COUNTY OF ANTRIM, STATE OF MICHIGAN
ORDINANCE NUMBER 12

Adopted: February 16, 1998

Effective: April 3, 1998

FISCAL YEAR ORDINANCE

An Ordinance to establish the fiscal year of the Township of Mancelona,
Antrim County, Michigan pursuant to Michigan Public Act 596 of 1978.

TOWNSHIP OF MANCELONA

Antrim County, Michigan

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known as the Mancelona Township Fiscal Year Ordinance.

SECTION II

FISCAL YEAR

The fiscal year of the Township shall extend from April 1 of each year through March 31 of the following year.

SECTION III

REPEAL

All ordinances, parts of ordinances, resolution or parts of resolutions in conflict with this Ordinance are hereby repealed upon the effective date of this Ordinance.

MANCELONA TOWNSHIP

ORDINANCE CERTIFICATION

At a regular meeting of the Township Board, Township of Mancelona, Antrim County, Michigan, held in the Mancelona Township Hall, located at 202 W. State St., Mancelona, Antrim County, Michigan, on February 16, 1998, at 7:00 p.m.:

PRESENT: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

ABSENT: none

Ordinance No. 12, the FISCAL YEAR ORDINANCE was considered by the Board and upon motion made and seconded, the Township Board duly adopted said Ordinance upon the following vote:

YES: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

NO: none

I, Margaret Chapman, as Mancelona Township Clerk, hereby certify that said Ordinance was adopted by the Mancelona Township Board at said meeting as set forth above; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act; that a synopsis of said Ordinance was published in the Antrim County News on *March 4*, 1998, and that a true and complete copy of said Ordinance can be inspected or obtained at the office of the Mancelona Township Clerk in the Mancelona Township Hall.


MARGARET CHAPMAN, Clerk
Mancelona Township

SECTION IV

EFFECTIVE DATE

This Ordinance shall become effective immediately after its publication in the Antrim County News.

Dated: April 3, 1998

Margaret Chapman
MARGARET CHAPMAN, Clerk
Mancelona Township

FIREWORKS ORDINANCE

TOWNSHIP OF MANCELONA

COUNTY OF ANTRIM, STATE OF MICHIGAN

ORDINANCE NUMBER 13

Adopted: January 18, 1999

Effective: February 27, 1999

FIREWORKS ORDINANCE

An Ordinance to preserve the peace, general welfare, order, health, and safety of persons and property in the Township, enacted pursuant but not limited to, *Michigan Public Act 246 of 1945*, as amended; and *MCL 750.243a-e*, as amended; to regulate fireworks and to prescribe a penalty for the violation of the provisions of this Ordinance; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

TOWNSHIP OF MANCELONA

Antrim County, Michigan

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known as the Mancelona Township Fireworks Ordinance.

SECTION II

PURPOSE

The purpose of this Ordinance is to promote and secure the public health, safety, and general welfare of persons, property owners, and property in the Township of Mancelona, by establishing reasonable regulations regarding the existence, placement, storage, possession, transportation, use, detonation,

discharge, deflagration, or combustion of fireworks within the Township of Mancelona.

SECTION III

DEFINITIONS

For purposes of this Ordinance, certain terms and words as used herein shall have the following meanings:

A. Fireworks - a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. Fireworks includes class B fireworks and class C fireworks.

B. Class B Fireworks - toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as class C fireworks, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding two (2 oz.) ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than 72 grains of flash powder each, and other similar devices.

C. Class C Fireworks - toy smoke devices, toy caps containing not more than .25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, Very signal cartridges, sparklers, explosive auto alarms, and other similar devices.

D. Person - a natural person. Also includes corporations, partnerships, and associations and their officers and officials, existing under or authorized to exist under the laws of the State of Michigan or of any other state or any foreign country.

SECTION IV

PROHIBITION

Except as provided in Section V, a person, firm, partnership, or corporation shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at

retail, possess, give, furnish, transport, use, detonate, explode, or cause to explode any of the following:

A. A blank cartridge, blank cartridge pistol, toy cannon, toy cane, or toy gun in which explosives are used.

B. An unmanned balloon which requires fire underneath to propel it and is not moored to the ground while aloft.

C. Firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, bottle rockets, whistling chasers, rockets on sticks, or other fireworks of like construction.

D. Fireworks as defined above or other device commonly used and sold as fireworks containing nitrates, fulminates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus, or a compound containing these or other modern explosives.

Exceptions. The following are not included in the above, and do not require a permit:

a. Flat paper caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

b. Toy pistols, toy cannons, toy canes, toy trick noise makers, and toy guns of a type approved by the director of the department of state police in which paper caps as described in subdivision "a." are used and which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion.

c. Sparklers containing not more than .0125 pounds of burning portion per sparkler.

d. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter, cone fountains, and cylinder fountains.

e. Toy snakes not containing mercury, if packed in cardboard boxes with not more than twelve (12) pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

f. Possession, transportation, sale, or use of signal flares of a type approved by the director of the department of state police, blank cartridges or blank cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for use by military organizations, and all items described by statute and used by railroads for emergency signal purposes.

g. The sale of fireworks, provided they are to be shipped directly out of state pursuant to the requirements of this Ordinance and regulations of the United States department of transportation covering the transportation of explosives and other dangerous articles by motor, rail, and water.

SECTION V

PERMITS

The Township Board, upon application in writing, on forms provided by the Director of the department of state police, made at least thirty (30) days in advance of the date of the display or discharge of fireworks, or any pyrotechnic display, may grant a permit for the display or discharge of fireworks otherwise prohibited by this Ordinance, within the Township, manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks, or other organizations or groups of individuals approved by the Township Board, if the applicable provisions of this Ordinance are complied with. The permits shall be on forms provided by the director of the department of state police. After a permit has been granted, sales, possession or transportation of fireworks for the purpose described in the permit only may be made. A permit granted under this subsection shall not be transferrable, nor shall a permit be issued to a person under the age of 18 years. It shall be the sole responsibility of the permit holder to immediately dispose of all unfired fireworks and trash that remain after the use allowed by the permit.

The Township Board, upon application in writing, on forms provided by the director of the department of state police, made at least fifteen (15) days in advance of the date of sale, may grant a permit to a resident wholesale dealer or jobber to have in his possession within the township, fireworks otherwise

prohibited by this Ordinance, for sale only to holders of permits as provided in this section. A permit granted under this subsection is not transferable, nor shall a permit be issued to a person under the age of 18 years.

Before a permit is issued, the person making application therefor shall furnish proof of financial responsibility by a bond or insurance in an amount deemed necessary by the Township Board to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the applicant or an agent or employee thereof, in the amount, character, and form the Township Board determines necessary for the protection of the public. Upon the granting of a permit, fireworks shall not be stored within the Township except as set forth in Section VII.

A permit shall not be issued under this Section until the applicant provides a written opinion, by a person whom the Township Board deems qualified and competent, that all current statutes, regulations, ordinances, codes and standards of the national Fire Protection Association relating to fireworks displays, manufacture, transportation, storage and use of pyrotechnics before a proximate audience, have been fully satisfied. The Township Fire Chief and the Township Board may waive the requirement of a written opinion if they are satisfied that said statutes, regulations, ordinances, codes and standards have been met.

A permit shall not be issued under this Section to a nonresident person until the person has appointed in writing a resident member of the bar of this state or a resident agent to be his or her legal representative upon whom all process in an action or proceeding against him may be served.

The Township Board shall have sole discretion to decide on the competency and qualifications of the operators of the display. The operator shall furnish in the application form the time, place and safety aspects of the display before any permit shall be granted. It shall be the sole discretion of the Township Board to grant or deny any application for any permit if the Board rules that it is not satisfied as to these requirements or any other requirement of this Ordinance or any other law or regulation.

SECTION VI
TRANSPORTATION

Transportation of fireworks intrastate through the Township shall be made only with the permits provided for by law and as follows:

1. In accordance with the United States Department of Transportation regulations for transportation of explosives and other dangerous articles by motor, rail and water, including specifications for shipping containers.

2. In non-passenger-carrying vehicles, in charge of a competent driver not less than 18 years of age, which are equipped with a 15-pound carbon dioxide, or a ten-pound dry chemical fire extinguisher; and in or near which smoking shall be prohibited while loading, unloading and transporting fireworks.

SECTION VII
STORAGE

Storage of fireworks at the sites of permit holders, wholesalers, dealers and jobbers within the Township shall be as follows:

1. In a one-story, noncombustible building, without a basement, which building is weather-resistant, well-ventilated and equipped with a strong door kept securely locked except when open for business.

2. The location of the storage building shall be approved by the Township Board, and shall be located in relation to inhabited buildings, passenger railroads and public highways, as provided in rules promulgated by the department of state police pursuant to Act No. 306 of the Public Acts of Michigan of 1969 (*MCL 24.201 et seq., MSA 3.560{101}et seq.*), as amended, and Act No. 358 of the Public Acts of Michigan of 1968 (*MCL 750.243d, MSA 28.440{4}*), as amended.

3. A person shall not cause or allow smoking, matches, open flames, spark-producing devices or firearms inside of or within fifty (50) feet of a building used for the storage of fireworks. A person shall not store combustible materials within fifty (50) feet of a building used for the storage of fireworks.

4. The interior of a building used for the storage of fireworks shall be kept clean and free from debris and empty containers. A person shall not use a building used for the storage of fireworks for the storage of any metal tools or any commodity other than fireworks.

5. A person shall not provide a building used for the storage of fireworks with heat or lights, except that if lights are necessary an electric safety flashlight or safety lantern shall be used.

6. A building used for the storage of fireworks shall bear lettering on each side and top in letters not less than four (4") inches high, the words - "Explosives-Keep Fire Away."

7. A building used for the storage of fireworks shall be under the supervision of a competent person, who shall not be less than eighteen (18) years of age.

8. In addition to the requirements of this Section, salutes that do not qualify as class C fireworks shall be considered to be hazardous material and shall be stored in accordance with rules for the storage and handling of hazardous material promulgated under section 3(c) of Act No. 207 of the Public Acts of Michigan of 1941 (*MCL 29.3c, MSA 4.559(3c)*), as amended.

SECTION VIII

PENALTY

Any person who shall violate or assist in the violation of any provision of this ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$ 500.00, or imprisonment in the county jail for a period not exceeding ninety (90) days, or both such fine and imprisonment, in the discretion of the judge imposing sentence, plus costs. Every day that such violation shall continue shall constitute a separate misdemeanor under the provisions of this Ordinance.

SECTION IX

ENFORCEMENT

The Township Supervisor and/or the Township Fire Chief are hereby authorized to enforce this ordinance; and each are hereby authorized to

immediately and summarily revoke any permit granted hereunder if there is reason to believe that the requirements of this Ordinance have not been met or in the event that persons or property are in danger. All activities being conducted pursuant to any such revoked permit shall immediately cease. The Supervisor may delegate the enforcement of this ordinance to the Township Constables, the Antrim County Sheriff's Department, the Michigan State Police, or any other delegatee permitted by law. Prosecutions may be commenced by Appearance Ticket issued by the Township Constables, the Antrim County Sheriff's Department, the Michigan State Police, or by a Complaint and Warrant from the District Court.

SECTION X

SEPARATE COURT ACTION

Nothing in this Ordinance shall prohibit the Township or any interested party from seeking such other relief as may be permitted by law or in equity regarding the violation of this Ordinance.

SECTION XI

VALIDITY

If any section, provision, or clause of this Ordinance, or the application thereof, to any person or circumstance is held to be 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 XII

REPEAL

All ordinances, parts of ordinances, resolutions or parts of resolutions, in conflict with this Ordinance are hereby repealed upon the effective date of this Ordinance.

SECTION XIII

EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from the date of its publication in the Antrim County News.


MARGARET CHAPMAN
Mancelona Township Clerk

MANCELONA TOWNSHIP

ORDINANCE CERTIFICATION

At a regular meeting of the Township Board, Township of Mancelona, Antrim County, Michigan, held in the Mancelona Township Hall, located at 202 W. State St., Mancelona, Antrim County, Michigan, on January 18, 1999, at 7:00 p.m.:

PRESENT: Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

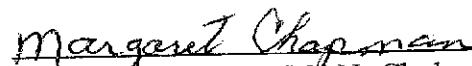
ABSENT: C. Sue Robinson

Ordinance No. 13, the FIREWORKS ORDINANCE was considered by the Board and upon motion made and seconded, the Township Board duly adopted said Ordinance upon the following vote:

YES: Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

NO: none

I, Margaret Chapman, as Mancelona Township Clerk, hereby certify that said Ordinance was adopted by the Mancelona Township Board at said meeting as set forth above; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act; that a synopsis of said Ordinance was published in the Antrim County News on January 27, 1999, and that a true and complete copy of said Ordinance can be inspected or obtained at the office of the Mancelona Township Clerk in the Mancelona Township Hall.


MARGARET CHAPMAN, Clerk
Mancelona Township