

KASSON TOWNSHIP
LEELANAU COUNTY, MICHIGAN

ORDINANCE NO. 2019- 01

ADOPTED: June 11, 2019

EFFECTIVE: July 27, 2019

An ordinance to amend Kasson Township's Fireworks Ordinance No. 2015-02.

THE TOWNSHIP OF KASSON, LEELANAU COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION I:

The title of **SECTION VII: SANCTIONS** of Fireworks Ordinance No. 2015-02 is amended to state:

SECTION VII: SANCTIONS AND PERSONS AUTHORIZED TO ENFORCE THIS ORDINANCE AND TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS

SECTION II:

The following changes shall be made to Section III: Definitions: Removal of Item 9: National holiday; renumbering of all subsequent definitions.

The following changes shall be made to Section V: Consumer Fireworks (italics indicate new text, strikethroughs indicated removed text):

The ignition, discharge, and use of Consumer Fireworks in the Township is prohibited at all times except for certain times on the *following days*:

1. *December 31 - January 1 (New Years Eve/New Years Day)*
2. *The Saturday and Sunday immediately preceding Memorial Day; Memorial Day*
3. *June 29 and 30 and July 1, 2, 3, and 4*
4. *July 5, if that date is a Friday or Saturday*
5. *The Saturday and Sunday immediately preceding Labor Day; Labor Day*

~~day preceding, the day of, and the day after a National Holiday and~~ This is further limited by the following:

1. The ignition, discharge, and use of Consumer Fireworks in the Township is prohibited between the hours of 1:00 a.m. and 8:00 a.m. on the *days listed above* ~~day preceding, the day of, and the day after a National Holiday.~~

The following changes shall be made to Section VII (italics indicate new text, strikethroughs indicated removed text):

Any person that violates any provision of this Ordinance shall be deemed responsible for a municipal civil infraction and fined \$1,000. ~~in accordance with the following schedule:~~

	Minimum Fine	Maximum Fine
1st offense within 3 year period	\$75.00	\$500.00
2nd offense within 3 year period	\$150.00	\$500.00
3rd offense within 3 year period	\$325.00	\$500.00
4th offense within 3 year period	\$500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Kasson Township has been put in connection with the municipal civil infraction. ~~In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A remittance of \$500.00 of the fine collected under the ordinance must be made to the local law enforcement agency responsible for enforcing the ordinance.~~ In addition, the Township shall have the right ...

The following two new paragraphs are added to Section VII:

If the person responsible for the municipal civil infraction shall fail to pay any fines or costs as set forth within this Section (including any and all costs incurred by the Township, Township officials or their representative in enforcing this ordinance, within 30 days after payment is ordered, the Township may obtain a Lien against the land where the offense occurred. The Lien may be enforced and discharged in accordance with the procedures in the Revised Judicative Act for municipal civil infractions, MCL 600.8701-8735, et seq, as amended, and in the manner prescribed by the General Property Tax Act, MCL 211.1 to 211.151, et seq, as amended.

The following persons are authorized to enforce this Ordinance and to issue municipal civil infraction citations under this Ordinance pursuant to MCL 600.8701-8735, as amended of the Revised Judicature Act:

- A. Township Supervisor;
- B. Township Zoning Administrator;
- C. Leelanau County Sheriff Deputies; and
- D. All other persons authorized by Ordinance or by Resolution of the Township Board.

SECTION III: SEVERABILITY

Should any section, clause or provision of this amendment to the Fireworks Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of this amendment as a whole or any other part thereof other than the parts so declared to be invalid.

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication following its adoption.

Moved by board member: R. Noonan

Supported by board member: B. Noonan

Upon a roll call vote, the following voted:

Aye: R. Noonan, B. Noonan, Julian, Carter, Boomer

Nay: None

The supervisor declared the resolution adopted.

Dana Boomer, Clerk

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