

Chapter 26

OFFENSES AND MISCELLANEOUS PROVISIONS*

* **Cross References:** Traffic and vehicles, ch. 38.
State Law References: Authority to adopt ordinances for public health and safety, MCL 42.14, 42.1, 41.181.

Article I. In General

Sec. 26-1. Curfew for minors.
Secs. 26-2--26-30. Reserved.

Article II. Offenses Involving Property Rights

Division 1. Generally

Secs. 26-31--26-50. Reserved.

Division 2. Trespass

Sec. 26-51. Purpose of division.
Sec. 26-52. Definitions.
Sec. 26-53. Enforcement.
Sec. 26-54. Trespassing prohibited.
Sec. 26-55. Restrictions on operation of motor vehicle by minor.
Sec. 26-56. Permitting motor vehicle or animal to be used in violation of division.
Sec. 26-57. Assisting or allowing violation by minor.
Secs. 26-58--26-80. Reserved.

Article III. Offenses Involving Public Safety

Division 1. Generally

Sec. 26-81. Hunting prohibited.
Sec. 26-82. Trapping.
Secs. 26-83--26-100. Reserved.

Division 2. Firearms

Sec. 26-101. Definitions.
Sec. 26-102. Use restricted.
Sec. 26-103. Firing across or upon roads.
Sec. 26-104. Approval of practice ranges.
Sec. 26-105. Possession by person under 18 years of age.
Secs. 26-106--26-130. Reserved.

Article IV. Offenses Involving Public Peace and Order

Division 1. Generally

Secs. 26-131--26-150. Reserved.

Division 2. Noise

Sec. 26-151. Determination of violation.
Sec. 26-152. Unreasonable noise prohibited.
Sec. 26-153. Specific noises prohibited.
Sec. 26-154. Exemptions.

ARTICLE I.
IN GENERAL

Sec. 26-1. Curfew for minors.

(a) *Hours.* It shall be unlawful for any minor under 16 years of age to be or remain in or upon any of the public streets, alleys, parks, playgrounds, wharves, or docks, or in public or semipublic places and buildings, or in places of amusement or entertainment, vacant lots or other unsupervised places, between the hours of 10:00 p.m. and 6:00 a.m., local time, on Sunday, Monday, Tuesday, Wednesday and Thursday of each week, and between the hours of 11:00 p.m. and 6:00 a.m., local time, of the following day on Friday and Saturday of each week.

(b) *Exceptions.* The provisions of this section shall not apply if the minor is:

- (1) Accompanied by the minor's parent or guardian or an adult designated by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian or an adult designated by the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency. In this subsection, the term "emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;
- (6) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the township, a civic organization, or another similar entity that takes responsibility for the minor;
- (7) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (8) Married or had been married or had disabilities of minority removed in accordance with law.

(c) *Responsibility of parent or guardian.* It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under 16 years of age to allow or permit such minor to go or be upon any of the public streets, alleys, parks, playgrounds, wharves, or docks, or in public or semipublic places and buildings, or in places of amusement or entertainment, vacant lots or other unsupervised places, in violation

of subsection (a) of this section.

(d) *Lack of knowledge by parent or guardian.* It shall not constitute a defense under this section that the parent, guardian or other person having the care and custody of a minor who violates subsection (a) of this section did not have knowledge of the presence of the minor in and upon any street, alley, park, playground, wharf, dock or public or semipublic place or building, or place of amusement or entertainment, vacant lot or other unsupervised place, contrary to subsection (a) of this section.

(e) *Duties of proprietors of places of amusement or entertainment.* It shall be unlawful for the proprietor or the person in charge of any place of amusement or entertainment to allow or permit any minor to be or to remain in such place of amusement in violation of this section.

(f) *Custody of minors found in violation.* Any minor found by any police officer upon the public streets, alleys, parks, playgrounds, wharves, docks, or public or semipublic places and buildings, or in places of amusement or entertainment, vacant lots or other unsupervised places, in violation of subsection (a) of this section shall be taken into custody by the police officer and delivered as soon as may be to the parent, guardian or other adult person having the care and custody of the minor, or, if such person cannot be found within a reasonable time, such minor shall be lodged in the county detention home.

(Ord. No. 15, §§ 2.01--2.05)

State Law References: Curfew, MCL 722.751 et seq.

Secs. 26-2--26-30. Reserved.

ARTICLE II.

OFFENSES INVOLVING PROPERTY RIGHTS

DIVISION 1.

GENERALLY

Secs. 26-31--26-50. Reserved.

DIVISION 2.

TRESPASS*

* **State Law References:** Trespass, MCL 750.546 et seq.

Sec. 26-51. Purpose of division.

The purpose of this division is to prohibit trespasses on private or public property within the township by any person and, in particular, by persons on animals or motorized vehicles.

(Ord. No. 57, § 1.02)

Sec. 26-52. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motorized vehicle means any snowmobile, trail bike, motor scooter, motorbike, motorcycle, dune buggy or other vehicle modified for use off the traveled portion of the road or designed for such use.

Owner, in the case of motorized vehicles or animals, includes both the lessor and lessee or contract purchaser, and in the case of private property includes the title holder, land contract vendee and lessee.

Private property means any land, title to which is held by one or more natural persons or corporations, copartnerships or voluntary associations.

Trespass means going upon the lands owned or leased by another or public lands without the expressed permission of the owner, other than upon public roads, except in case of emergency such as a fire or police emergency or in conjunction with maintenance and operation of public utilities by employees of such public utilities in the normal course of their duties or by police officers in the course of their duties.

(Ord. No. 57, § 2.01)

Cross References: Definitions generally, § 1-2.

Sec. 26-53. Enforcement.

Any police officer, peace officer, or ordinance enforcement officer of the township is authorized to issue appearance tickets for violations of this division pursuant to section 9c of the Code of Criminal Procedure (MCL 764.9c). In any proceedings involving a violation of this division, the registration number displayed on any motorized vehicle shall constitute prima facie evidence that the owner of the motorized vehicle was the person operating the vehicle at the time of the offense, unless the appearance ticket and complaint specifically cite another person.

(Ord. No. 57, § 3.02)

Sec. 26-54. Trespassing prohibited.

No person shall trespass on private or public property in the township, and no owner or operator of a motorized vehicle shall permit the vehicle to trespass on private or public property in the township, and no one riding or leading any animal shall trespass on private or public property in the township.

(Ord. No. 57, § 3.01(1))

Sec. 26-55. Restrictions on operation of motor vehicle by minor.

No person under the age of 12 shall operate a motorized vehicle except under the direct supervision of an adult, and then only on land owned or under the control of such adult. No person between the ages of 12 and 16 may operate a motorized vehicle unless such person is under the direct supervision of a person who is 18 years of age or older, unless authorized to do so by law and with the consent of the owner of the property upon which it is operated.

(Ord. No. 57, § 3.01(2))

Sec. 26-56. Permitting motor vehicle or animal to be used in violation of division.

No owner of a motorized vehicle or animal, or parent or legal guardian of such person under the age of 18 years, shall permit the use of a motorized vehicle or animal by such person in violation of this division.
(Ord. No. 57, § 3.01(3))

Cross References: Animals, ch. 6; traffic and vehicles, ch. 38.

Sec. 26-57. Assisting or allowing violation by minor.

Any person of the age of 18 years or over assisting, aiding, abetting, allowing, permitting or encouraging any minor under the age of 18 to violate the provisions of this division shall be guilty of a misdemeanor.
(Ord. No. 57, § 3.01(4))

Secs. 26-58--26-80. Reserved.

ARTICLE III.

OFFENSES INVOLVING PUBLIC SAFETY

DIVISION 1.

GENERALLY

Sec. 26-81. Hunting prohibited.

No hunting shall be permitted anywhere within the township.
(Ord. No. 27, § 3.02)

Sec. 26-82. Trapping.

(a) *Definitions.* As used in this section, the following terms shall have the following meanings:

Owner. Where written permission is required from the owner in this section, the following shall be considered the owner: the land contract vendee; the lessee, if for a term of one year or more, otherwise the lessor; or a file tenant. If the property is owned by a partnership, permission from a partner or managing partner if a limited partnership will be sufficient for purposes of this section. If property is held jointly, permission from any of the joint owners will be sufficient for purposes of this section.

Public property includes any property owned or held by the state, county, city, or township or any public corporation or authority whose membership is made up of representatives from municipalities.

Trapping means the capturing of animals by traps, but does not include ground mole traps, mouse traps or rat traps.

(b) *Trapping on public property.* No person shall engage in trapping on any public property in the township.

(c) *Trapping on private property.* Persons may engage in trapping on private property subject to the

following conditions:

- (1) Written permission from the owner of the property shall first be obtained and a copy thereof filed with the police department of the township prior to setting any traps. The permission shall be dated and be for the length of the season as identified by the state department of natural resources.
- (2) Such person shall be licensed as required by state law and comply with all of the requirements, including duly adopted rules and regulations of the state department of natural resources.
- (3) No traps in excess of a five-inch jaw spread as measured through the pivot points shall be utilized.
- (d) *Trapping on own property.* The owner of property may trap on his own property, subject to the following conditions:

following conditions:

- (1) Such persons shall be licensed as required by state law and comply with all the requirements, including duly adopted rules and regulations of the state department of natural resources.
- (2) No traps in excess of a five-inch jaw spread as measured through the pivot points shall be utilized.
- (3) The owner is not required to file a written permission with the police department, but shall have in his possession and display on request of any law enforcement official evidence of ownership of the property in the form of a copy of a tax bill receipt or other instrument demonstrating ownership.

(Ord. No. 28, §§ 2.01, 3.01--3.03)

Secs. 26-83--26-100. Reserved.

DIVISION 2.

FIREARMS*

* **State Law References:** Local regulation of firearms, MCL 123.1101 et seq.

Sec. 26-101. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved range means a range for the shooting of firearms, constructed in such manner as to prevent the projectile from any weapon fired on the range from exceeding the physical limits of the range.

Building, structure and edifice mean a space within walls and usually, but not necessarily, covered with

a roof.

Firearm means any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet or other mass by means of explosives, compressed air or gas, or by means of levers or other mechanical devices. (Ord. No. 27, § 2.01)

Cross References: Definitions generally, § 1-2.

Sec. 26-102. Use restricted.

No person shall discharge any pistol, revolver or rifle within the township, except as follows:

- (1) Authorized officers of the law are permitted to discharge their weapons in the performance of their duties.
- (2) A person may discharge a weapon for target practice purposes, in a safe manner, upon a range which has been approved by the township board for the specified type of weapon so discharged.
- (3) A person may discharge a shotgun for purposes of controlling rodents where a problem exists, in areas specifically designated by the chief of police, after obtaining a permit for that purpose from the chief of police.

(Ord. No. 27, § 3.01)

Sec. 26-103. Firing across or upon roads.

It shall be unlawful to discharge any firearms upon or across any public road or highway within the township.

(Ord. No. 27, § 3.03)

Sec. 26-104. Approval of practice ranges.

The township board shall approve firearms practice ranges provided that the range so approved shall be so constructed as to prevent the discharge from the specified type of firearms exceeding the limits of the approved range. Approval of any practice range shall specify in the approval the type of firearm that may be used on the practice range. Use of any firearms not approved for the practice range shall be grounds for withdrawal of approval of the range.

(Ord. No. 27, § 3.04)

Sec. 26-105. Possession by person under 18 years of age.

(a) Except as provided in subsection (b) of this section, an individual less than 18 years of age shall not possess a firearm in public except under the direct supervision of an individual 18 years of age or older.

(b) Subsection (a) of this section does not apply to an individual less than 18 years of age who possesses a firearm in accordance with part 401 (wildlife conservation) of the Natural Resources and Environmental Protection Act (MCL 324.40101 et seq.) or part 435 (hunting and fishing licensing) of such act (MCL 324.43501 et seq.). However, an individual less than 18 years of age may possess a firearm without a hunting license while at, or going to or from, a recognized target range or trap or skeet shooting ground if, while

going to or from the range or ground, the firearm is enclosed and securely fastened in a case or locked in the trunk of a motor vehicle.

(Ord. No. 27, § 3.05)

State Law References: Similar provisions, MCL 750.234f.

Secs. 26-106--26-130. Reserved.

ARTICLE IV.

OFFENSES INVOLVING PUBLIC PEACE AND ORDER

DIVISION 1.

GENERALLY

Secs. 26-131--26-150. Reserved.

DIVISION 2.

NOISE*

* **State Law References:** Motor vehicle noise, MCL 257.707 et seq.

Sec. 26-151. Determination of violation.

The determination of whether any noise or disturbance is a violation of the provisions of this division shall be in the absolute discretion of the superintendent of the township, or his agent, subject only to review of the township board upon proper application therefor, made by the alleged violator, within seven days after such determination by the superintendent or his agent. In the case of an appeal, the township board will conduct a hearing at its next regular meeting.

(Ord. No. 9, § 2.01(4))

Sec. 26-152. Unreasonable noise prohibited.

No person shall cause or create any unreasonable or improper noise or disturbance injurious to the health, peace or quiet of the residents and property owners of the township.

(Ord. No. 9, § 2.01(1))

Sec. 26-153. Specific noises prohibited.

The following noises and disturbances are hereby declared to be a violation of this division; provided, however, that the specification of such noises is not thereby to be construed to exclude other violations of this division not specifically enumerated:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle for any purpose other than to avoid an accident or collision.

- (2) The playing of any radio, phonograph or musical instrument in such a manner or with such violence as to annoy or disturb the quiet, comfort or repose of other persons.
- (3) Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
- (4) The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort and repose of any person in the vicinity.
- (5) The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or so constructed as to cause loud and unnecessary grating, grinding, rattling, exhausting, or other noise disturbing to the quiet, comfort or repose of other persons.
- (6) The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger, or for other purposes upon special permit therefor from the township board.
- (7) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting therefrom.
- (8) The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the township, including the streets and highways therein, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 6:00 a.m. and sundown on weekdays, except in cases of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefor from the township building official, which permit shall limit the period that the activity may continue.
- (9) The emission or creation of any excessive noise on any street which unreasonably interferes with the operation of any school, church, hospital or court.
- (10) The creation of any loud or excessive noise, unreasonably disturbing to other persons in the vicinity, in connection with the loading or unloading of any vehicle, trailer, boxcar, or other carrier, or in connection with the opening or destruction of bales, boxes, crates, or other containers.
- (11) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.

(Ord. No. 9, § 2.01(2))

Sec. 26-154. Exemptions.

None of the prohibitions enumerated in this division shall apply to any of the following:

- (1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- (2) Excavation or repair of bridges, streets or highways by or on behalf of the township, between the hours of 6:00 p.m. and 7:00 a.m., when the public welfare, safety and convenience render it impossible to perform such work during other hours.

(Ord. No. 9, § 2.01(3))

ARTICLE IV. OFFENSES INVOLVING PUBLIC PEACE AND ORDER

§ 26-131

DIVISION 1. FIREWORKS

Sec. 26-131. Purpose of division.

The purpose of this ordinance is to provide for the regulation of the ignition, discharge, and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended.

The Charter Township of St. Joseph finds that fireworks endanger property, can cause physical injury, and disrupt the peace and quality of residential neighborhoods and other districts. The Charter Township of St. Joseph 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.

Sec. 26-132. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when context clearly indicates a different meaning:

Act. The Michigan Fireworks Safety Act, Act 256 of 2011, and any amendments to the Act which may be from time to time adopted.

APA standard 87-1. 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

Consumer fireworks. Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

Display fireworks. Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

Articles pyrotechnic. Pyrotechnic devices for professional use, that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

Fireworks. Any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

Low-impact fireworks. Ground and hand-held sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

Novelties. That term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- (i) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual 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.
- (ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- (iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- (iv) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 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.

Special effects. A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

Minor. An individual who is less than 18 years of age.

National holiday. The following legal public holidays:

- (1) New Year's Day, January 1.
- (2) Birthday of Martin Luther King, Jr., the third Monday in January.
- (3) Washington's Birthday, the third Monday in February.
- (4) Memorial Day, the last Monday in May.
- (5) Independence Day, July 4
- (6) Labor Day, the first Monday in September.
- (7) Columbus Day, the second Monday in October.
- (8) Veteran's Day, November 11.
- (9) Thanksgiving Day, the fourth Thursday in November.
- (10) Christmas Day, December 25.

Natural water ways. Includes the St. Joseph River and its tributaries, and Lake Michigan.

Person. Any individual, agent, legal representative, association, charitable organization, church, non-profit organization, unincorporated organization, labor organization, partnership, limited liability company, corporation, or any other entity or organization. An individual shall include a minor as defined in this article.

Sec. 26-133. Manufacture of Fireworks.

The manufacture of fireworks is prohibited within the Township.

Sec. 26-134. Prohibited Fireworks.

- (a) Consumer fireworks. A person shall not ignite, discharge or use consumer fireworks, except between the hours of 8:00 a.m. and 1:00 a.m. on the day preceding, the day of, or the day after a national holiday, provided that a person shall not ignite, discharge or use consumer fireworks in violation of the Act and/or this article.
- (b) Low Impact and Novelty Fireworks. Low impact or novelty fireworks may not be discharged between the hours of 11:00 p.m. and 7:00 a.m., or after dusk, whichever is earlier, and may not otherwise be discharged in violation of this article and /or the Act.
- (c) Illegal fireworks. Any use, possession, or discharge of fireworks that is illegal and not approved by the State of Michigan or the State Fire Marshall is prohibited, regardless of how it is labeled.

Sec. 26-135. Minors.

- (a) A minor shall not possess, use, discharge or ignite any consumer fireworks, at any time, nor on any day, including national holidays, and the day before and day after a national holiday.
- (b) A minor shall not use, discharge, or ignite any low impact fireworks or novelty fireworks, unless under the supervision of a parent or guardian, and the use, discharge and/or ignition is within permitted hours, and does not violate the provisions of this article and/or the Act.

Sec. 26-136. General Restrictions.

- (a) Unless specifically authorized, on any day, the use, discharge or ignition of any fireworks, including consumer fireworks, is prohibited on public property.
- (b) Fireworks, including consumer fireworks, shall not be ignited within 20 feet of an open flame, a burner, gasoline, ignited gas or electric grill, or in any enclosed structure, garage, tent, or shed, or under any canopy, or overhanging cover, of any nature.
- (c) Excessive use of fireworks, including consumer fireworks, which results in the disruption of residents is prohibited, notwithstanding anything to the contrary in the Act. Excessive use is defined as conduct that includes the continuous or intermittent ignition of fireworks continuing for more than 20 minutes.
- (d) No person shall either individually or in concert with another person, cause damage to any private or public property by the use, discharge or ignition of any fireworks.
- (e) No consumer fireworks may be ignited, launched or discharged within 200 feet of a residential building or vehicle or natural waterway.

Sec. 26-137. Applicability of General Ordinances

Nothing in this article 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.

Sec. 26-138. Zoning Ordinances.

Any person selling, distributing or transporting fireworks shall otherwise comply with the Act, and is required to comply with the zoning ordinances of the Township, including obtaining necessary approvals there under. Failure to obtain necessary zoning approvals is subject to penalty as provided in the code of zoning ordinances of the Township.

Sec. 26-139. Imminent Dangers.

Notwithstanding the Act, any use, discharge or ignition of fireworks that is presenting an imminent danger or threat to the public health, safety, or welfare, as deemed by the Fire Chief, Police Officer, or designated Township Official shall be prohibited and the fireworks may be immediately seized.

Sec. 26-140. Seizure.

All fireworks used, discharged, or ignited in violation of the Act and/or this article are subject to seizure. Any costs incurred by the Township to seize and store the fireworks shall be paid by the responsible party.

Sec. 26-141. Display fireworks.

No display fireworks shall be used, discharged, ignited or displayed unless approved by Township Board of Trustees, upon application made to the Township Clerk providing proof that the display and applicant are adequately insured and bonded to the satisfaction of the Township Board of Trustees, the applicant has submitted a security plan, safety compliance plans, and an application fee in the minimum amount of \$100.00, plus any additional costs incurred by the Township to administer the permit. A permit for display fireworks is supplemental to any other requirement for such display under the Township's ordinances.

Sec. 26-142. Penalty.

- (a) A violation of this article is a civil infraction, punishable by a minimum fine of \$150.00, up to a fine of \$500.00, plus the costs of prosecution.
- (b) Following final disposition of a finding of responsibility for violating this article, the Township may dispose of or destroy any fireworks retained as evidence in the prosecution.
- (c) In addition to any other penalty, a person that is found responsible for a violation of this article shall be required to reimburse the Township for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated by the Township in accordance with this article.

Sec. 26-143. 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 Township that this ordinance shall be fully severable.

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

RECEIVED
FEB 12 2014
ST. JOSEPH CHARTER TOWNSHIP

AFFP
ST. JOSEPH CHARTER TOWNSHIP

Affidavit of Publication

STATE OF MICHIGAN)
COUNTY OF BERRIEN) SS

ST. JOSEPH CHARTER TOWNSHIP
BERRIEN COUNTY, MICHIGAN

FIREWORKS ORDINANCE

Jennifer Flewelen, being duly sworn, says:

At the February 3, 2014, St. Joseph Charter Township Board of Trustees meeting, an ordinance to provide for regulation of the ignition, discharge, and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended, was adopted. Copies of the ordinance are available at the Township Hall, 3000 Washington Ave., St. Joseph, MI 49085 and at the Township website www.sjct.org.

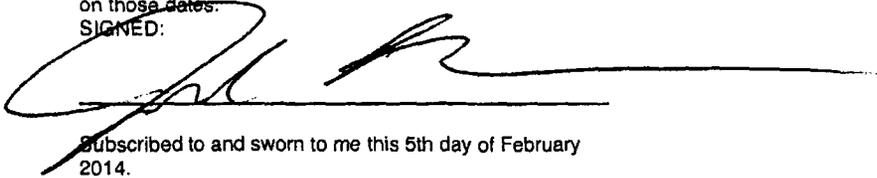
That she is Classified Manager of the Herald Palladium, a Daily newspaper of general circulation, printed and published in St Joseph, Berrien County, Michigan; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

February 05, 2014

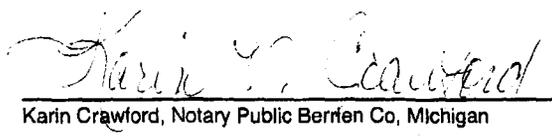
Publisher's Fee: \$ 53.76

That said newspaper was regularly issued and circulated on those dates:

SIGNED:



Subscribed to and sworn to me this 5th day of February 2014.


Karin Crawford, Notary Public Berrien Co, Michigan

60000257 60477939 269-429-2079

ATT ACCT MD#1400
ST JOSEPH CHARTER TOWNSHIP
PO BOX 147
3000 WASHINGTON AVENUE
SAINT JOSEPH, MI 49085



Committee/Department Trustee

Subject Adopt Fire Works Ordinance

Meeting Date February 3, 2014

RECOMMENDED ACTION:

Move to adopt and add **Article IV. Offenses Involving Public Peace and Order – Division 1. Fireworks as Section 26-131** into St. Joseph Charter Township Codified Ordinances. (Copy of ordinance attached).

Motion by: R Griffin

Supported by: C Garlanger

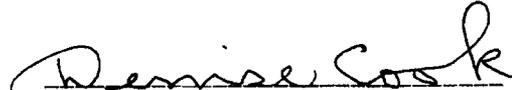
Roll Call Vote:	Yeas	Nay	Abstain	Absent
Gary Bluschke , Trustee	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Denise Cook, Clerk	<u> </u>	<u> </u>	<u> </u>	<u> x </u>
Charles Garlanger, Trustee	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Ronald Griffin, Trustee	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Melissa Hahn, Trustee	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Roger Seely, Supervisor	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
David Vonk, Treasurer	<u> x </u>	<u> </u>	<u> </u>	<u> </u>

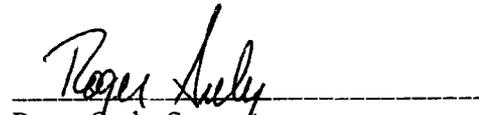
The Supervisor declared the motion passed.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of St. Joseph Charter Township at a regular meeting held on February 3 2014, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meeting Act, Act 267 of the Public Acts of Michigan 1976, (MCL 15.261 *et seq.*).

Dated: February 3, 2014


Denise Cook, Township Clerk


Roger Seely, Supervisor