



500 West Big Beaver
Troy, MI 48084
troymi.gov

I-04

CITY COUNCIL AGENDA ITEM

Date: May 28, 2019

To: Honorable Mayor and City Council Members

From: Mark F. Miller, City Manager
Lori Grigg Bluhm, City Attorney
Frank Nastasi, Chief of Police
David Roberts, Fire Chief
Nicole MacMillan, Assistant City Attorney

Subject: Proposed Revisions to Fireworks Ordinance- Chapter 98.15.01

In 2013, the City of Troy amended its Fireworks Ordinance, Ch 98.15.01 to incorporate recent changes to State law. At that time, the City adopted the most restrictive regulations that were allowed under State law.

Since that time, there have been legislative bills proposed to modify the State law, but none were adopted until the most recent lame duck session (2018). The Michigan Legislature approved 2018 Public Acts 634, 635, and 636. The passage of 2018 Public Act 635 (House Bill 5940) allows for a change to the City's Fireworks Ordinance, modifying the allowable dates for fireworks. Under this new law, a municipality can now pass an ordinance prohibiting fireworks on the following holidays:

- Birthday of Martin Luther King, Jr.
- Washington's Birthday (President's Day)
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day

State law still requires municipalities allow for fireworks discharge on the following holidays:

- New Year's Eve (until 1 am on January 1)
- Saturday and Sunday preceding Memorial Day
- Independence Day (from June 29 until July 4, and including July 5 if a Friday/Saturday)
- Saturday and Sunday preceding Labor Day

Two other changes are allowed under the new State law. A local governmental entity can prohibit fireworks from being discharged earlier than 11 am or later than 11:45 pm. Additionally, the maximum civil penalty is increased from \$500 to \$1000 for an offense. The attached proposed ordinance incorporates these changes, providing the most restrictive fireworks ordinance allowable under State law.



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This proposed ordinance revision is presented as an action item, in order to have the revisions effective prior to the Independence Day holiday. Please let us know if you have any questions or concerns.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 98 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 98, Section 98.05.16 of the Code of the City of Troy.

Section 2. Amendment

Section 98.05.16 shall be renumbered and amended as follows:

FIREWORKS

98.15.01 Fireworks. An individual shall not fire, discharge, display, or possess any fireworks, except as permitted by state law and this ordinance. There shall be no ignition, discharge or use of consumer fireworks on all days except for **the following days:**

- **December 31 until 1 am on January 1**
- **The Saturday and Sunday immediately preceding Memorial Day**
- **June 29 to July 4**
- **July 5, if that date is a Friday or a Saturday**
- **The Saturday and Sunday immediately preceding Labor Day**

~~a national holiday. National holiday is further defined to include only the following federal holidays, including the day preceding and the day following the federal holiday: New Year's Day, the birthday of Martin Luther King, Jr., Washington's birthday (President's Day), Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day. On these holiday dates only, persons are permitted to ignite, discharge, or use fireworks between the hours of 8-11:00 am to 11:45 pm, except as set forth above, 12:00 am (midnight) for each of these days, and between 8:00 am and 4:00 am on New Year's Day only, in accordance with state and local law. A person who ignites, uses or discharges a consumer firework at any time except as set forth above is responsible for a municipal civil infraction, which is punishable by a fine of up to \$1000, with \$500 required to be remitted to the Troy agency enforcing the ordinance. 500. A person who violates any other portion of this section is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days or by a fine or not more than \$500, or both.~~

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of June, 2019.

Dane Slater, Mayor

M. Aileen Dickson, City Clerk