

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
JULY 23, 2012

The Supervisor called the meeting to order at 7:00 p.m.

Members present: Brandt, Kowalski, Pike (7:05), Arnold, Kochany, Malkin, Miller
Members absent: None

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m. No public present wished to speak and public input was closed.

Motion by Kowalski supported by Kochany to adopt the agenda as presented.
Motion carried.

Motion by Malkin supported by Miller to approve the minutes of the July 09, 2012 regular meeting as presented.
Motion carried.

Motion by Miller supported by Pike to pay the bills in the amount of \$43,668.08 from General Fund.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None

Absent: None

Motion carried.

Motion by Kowalski supported by Malkin to receive the Treasurer's Report for June 2012.
Motion carried.

Second Reading and Adoption of Fireworks Ordinance No. 61

Motion by Kowalski supported by Malkin to have this meeting serve as Second Reading and adoption of Fireworks Ordinance No. 61 as follows:

ORDINANCE NO. 61

**AN ORDINANCE TO REGULATE THE USE, SALE AND
DISPLAY OF FIREWORKS WITHIN THE TOWNSHIP OF
MONITOR; TO PROVIDE FOR PENALTIES; AND TO REPEAL
CONFLICTING ORDINANCES AND PARTS OF ORDINANCES**

THE TOWNSHIP OF MONITOR ORDAINS:

SECTION I:

The purpose of this Ordinance is to preserve the public health, safety, and welfare by establishing regulations for the use, possession and sale of fireworks within the Township.

SECTION II:

DEFINITIONS

- A. "Consumer Fireworks" means 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.
- B. "Display Fireworks" means 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.
- C. "Firework" or "Fireworks" means 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.
- D. "Low-Impact Fireworks" means ground and handheld 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.
- E. "Novelties" means that term as defined under APA standards 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:
- (1) 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.
 - (2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (1) 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.
 - (3) Flitter sparklers in paper tubes not exceeding 1/8inch in diameter.

- (4) 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.

SECTION III

The manufacture of fireworks within the Township is prohibited.

SECTION IV

GENERAL PROVISIONS

- A. A person shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail "Display Fireworks" (formerly known as "Class B" Fireworks), also known as 1.3G Fireworks.
- B. The sale, display, storage, transportation, or distribution of consumer, display or low-impact fireworks is not regulated under this Ordinance, except as set forth in the Monitor Township Ordinance No. 52.
- C. Prohibition on use of consumer fireworks. No person shall ignite, discharge or use consumer fireworks within the township, except this prohibition shall not preclude any person from the ignition, discharge and use of consumer fireworks on the day preceding, the day of, or the day after a national holiday consistent with Section 7(2) of Public Act 256 of 2011.
- D. Low-impact fireworks shall be ignited, discharged, or used so as to not cause injury or damage to any person or property but shall not be ignited, discharged, or used inside any building or structure at any time without a license or permit issued by the Fire Marshall or Fire Chief. Novelty fireworks may be ignited, discharged, or used without restriction, but only in a manner so as to not cause injury or damage to any person or property.

SECTION V

A person, firm, partnership, or corporation shall offer for sale, expose for sale, sell at retail, keep with the intent to sell at retail novelties only by permit as provided in this section.

SECTION VI

Obtaining permit for use of Display Fireworks

- A. Applications for fireworks permits for display shall be made in writing on forms provided by the Monitor Township Office.

- B. The Township Board may, in its discretion, issue a fireworks permit for public display of fireworks by a public body, or by a fair association or amusement park, or other approved groups or organizations and approved individuals over the age of 18 years.
- C. Permits approved by the Township Board shall be on forms provided by the Director of the Department of State Police and shall be non-transferable.
- D. Before a permit for use of fireworks is issued, the person making application therefore shall furnish proof of financial responsibility by a bond or insurance on 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 person, firm or corporation, or an agent or employee thereof, in the amount, character, and form the local authority determines necessary for the protection of the public.
- E. A permit shall not be issued under this act to a nonresident person, firm, or corporation for conduct of a fireworks display in this state until the person, firm, or corporation 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.
- F. The Board shall rule on the competency and qualifications of operators of fireworks displays, as the operator has furnished in his or her application form, and on the time, place, and safety aspects of the displays before granting permits.

SECTION VII

Any violation of this ordinance shall be a municipal civil infraction and punishable as set forth in Ordinance 53A of the Charter Township of Monitor.

SECTION VIII

This Ordinance shall be published in a newspaper of general circulation within the Township of Monitor, Bay County, Michigan, and shall become effective immediately upon publication.

SECTION IX

A copy of this Ordinance may be inspected at the Monitor Township Office, 2483 E. Midland Road, Monitor, Michigan, during regular business hours.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller

No: None

Absent: None

Motion carried.

SUPERVISOR'S REPORT

Brandt gave a status update regarding the former Batschke greenhouse building.

Brandt updated the board regarding the recording of the DWS meetings and the meeting held at Bangor Township pertaining to the proposed new water treatment plant.

The meeting adjourned at 7:50 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor