

NOTICE OF PUBLIC HEARING

VILLAGE OF DEXTER

Notice is hereby given that the Dexter Village Council will hold a public hearing on Monday, July 22, 2013 at 7:30 pm at the Dexter Senior Center, 7720 Dexter Ann Arbor Road, Dexter, Michigan, for the purpose of hearing public comment regarding amendments to Chapter 26, Article IV, Division 2 – Weapons and Explosives of the Village of Dexter General Code. The proposed changes are as follows. Words underlined are to be added; words with a strikethrough are to be removed.

Sec. 26-106. - 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:

Act. The Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 *et seq.*

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 3.1.5. Consumer fireworks are often commonly known as, but not limited to sky rockets, bottle rockets, missile-type rockets, helicopters, aerial spinners, roman candles, mine and shell devices, aerial shell kits, firecrackers, chasers and certain multiple tube fireworks devices. Consumer fireworks does not include low-impact fireworks.

~~Fireworks means fireworks as defined by chapter 39 of the Michigan Penal Code, Public Act No. 328 of 1931 (MCL 750.243a et seq.)~~

Low Impact Fireworks. Ground and handheld sparkling devices as that phrase is defined in APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5. Low impact fireworks are often commonly known as, but not limited to, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, certain toy smoke devices, certain wire sparklers/dipped sticks and certain multiple tube fireworks devices.

National Holiday. As used in this article, a national holiday is any of the following: New Years Day (January 1), Birthday of Martin Luther King Jr (third Monday in January), Washington's Birthday (third Monday in February), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Columbus Day (second Monday in October), Veterans Day (November 11), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25)

Explosive means explosive as commonly defined and shall include inter alia, dynamite, gunpowder, and blasting caps. Explosive does not include consumer fireworks or low impact fireworks.

Public place means any street, sidewalk, alley, park, government-owned or government-controlled building, common hallway or public room of any place of business or assembly open to the public, common hallway or public room of any dwelling of greater than two units, and any other place to which the public has lawful access.

Sec. 26-112. – ~~Use of Fireworks.~~ Low Impact Fireworks

~~No person shall knowingly fire, discharge, display or possess any fireworks except of the type and under the conditions permitted by chapter 39, of the Michigan Penal Code, Public Act. 328 of 1931 (MCL 750.343a et seq.) as amended and after approval of applications for such permits by the fire chief and the chief of police.~~

(a) The use of low impact fireworks is permitted year-round

(b) An individual under the age of 18 shall not use low impact fireworks unless under the direct supervision of an adult

(c) An individual who uses, ignites or discharges low impact fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of alcoholic liquor and a controlled substance is guilty of a misdemeanor, punishable by up to 30 days in jail and/or a fine up to \$500, or if the violation caused damage to the property of another person, by up to 90 days in jail and/or a fine up to \$500.00

Sec. 26-113 – Consumer Fireworks

(a) Consumer Fireworks may not be used, discharged and or ignited except between 8 am and 1 am on the day before, the day of and the day after a National Holiday.

(b) A person shall not ignite, discharge and/or use Consumer Fireworks in any public place, school property, church property or the property owned by another person or entity without the organization's or person's written permission.

(c) A person shall not discharge Consumer Fireworks in such a manner so as remnants from Consumer Fireworks land on any public place or the property of another, including but not limited to, apartment property and condominium property, without that person or organization's written permission.

(d) An individual under the age of 18 shall not use consumer fireworks unless under the direct supervision of an adult.

(e) An individual who uses, ignites or discharges Consumer Fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of alcoholic liquor and a controlled substance is guilty of a misdemeanor, punishable by up to 30 days in jail and/or a fine up to \$500, or if the violation caused damage to the property of another person, by up to 90 days in jail and/or a fine up to \$500.00

(f) Any individual who violates Section 26-113 (a-d) of this Ordinance shall be responsible for a municipal civil infraction and subject to a fine of at least \$100 and no more than \$500.

(g) An individual who owns property that knowingly allows a violation of Section 26-113 (a-d) to occur on his/her property shall be responsible for a municipal civil infraction and subject to a civil fine of at least \$100 and no more than \$500.

Secs. 26-114 Permit for Consumer Fireworks

Upon application in writing by any association or group of individuals Council may grant permission for the public display of Consumer Fireworks subject to such conditions as deemed necessary to safeguard the welfare of the public and property and upon approval of the local fire department

Information regarding the proposed text amendments is available for public inspection at the Village Offices, 8123 Main Street, Dexter, weekdays between 9:00 a.m. to 5:00 p.m., by phone at (734) 426-8303 Ext. 17, or online at www.dextermi.gov. Written comments regarding the proposed ordinance amendments should be submitted to the Village Offices, and must be received no later than 5:00 p.m., Friday, July 19, 2013. Sign language interpreter, or other assistance, is provided upon request to the Clerk, at least 72 hours in advance of the meeting. Minutes of all meetings are available at Village Offices and on the Village website, www.dextermi.gov