

**CITY OF NEW BALTIMORE
MACOMB COUNTY, MICHIGAN
NOTICE OF ADOPTION
ORDINANCE NO. 221**

THE CITY OF NEW BALTIMORE ORDAINS:

Section 1. The City of New Baltimore Code of Ordinances, Chapter 32, Article VI, Fireworks - Sec. 32-142(a) is hereby amended by repealing subsection (10) National Holiday, and to renumber subsequent subsections in chronological order.

Section 2. The City of New Baltimore Code of Ordinances, Chapter 32, Article VI, Fireworks - Sec. 32-142(d)(1) is hereby repealed and the remaining subsections shall be renumbered accordingly.

Section 3. The City of New Baltimore Code of Ordinances, Chapter 32, Article VI, Fireworks - Sec. 32-142(d)(2) shall now be subsection (1) and shall be amended to provide as follows:

- (1) Persons only shall ignite, discharge, or use consumer fireworks, or aid or abet in, permit, or allow the ignition, discharge, or use of consumer fireworks on the following days after 11:00 a.m.:
 - a. December 31 until 1:00 a.m. on January 1;
 - b. the Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days;
 - c. June 29 to July 4 until 11:45 p.m. on each of those days;
 - d. July 5, if that day is a Friday or Saturday, until 11:45 p.m.;
 - e. the Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days

Section 4. The City of New Baltimore Code of Ordinances, Chapter 32, Article VI, Fireworks - Sec. 32-142(d)(3) is hereby amended to be Sec. 32-142(d)(2); Sec. 32-142(d)(4) is hereby amended to be Sec. 32-142(d)(3); and a new subsection (d)(4) shall provide as follows:

- (4) A person shall not discharge, ignite, or use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. Any person who violates this subsection is responsible for a civil infraction and may be ordered to pay a fine of not more than \$1,000. As used in this subsection:
 - a. "Alcoholic liquor" means that term as defined in Section 1d of the Michigan Vehicle Code, 1949 PA 300, MCL 257.1d.

- b. "Controlled substance" means that term as defined in Section 8b of the Michigan Vehicle Code, 1949 PA 300, MCL 257.8b

Section 5. The City of New Baltimore Code of Ordinances, Chapter 32, Article VI, Fireworks - Sec. 32-142(d)(5) is hereby amended to provide as follows:

- (5) Any person who violates subsection (d)(1) shall be responsible for a civil infraction and a fine of not more than \$500.

Section 6. The City of New Baltimore Code of Ordinances, Chapter 32, Article VI, Fireworks - Sec. 32-142(d)(6) is hereby amended to provide as follows:

- (6) Any person who violates subsection (d)(3) shall be responsible for a civil infraction and a fine of not more than \$1,000. For a second or subsequent violation of this subsection, a person is responsible for a civil infraction punishable by a fine of up to \$2,500.

Section 7. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 8. 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, being the intent of the City that this ordinance shall be fully severable.

Section 9. Effective Date. Provisions of this Ordinance shall become effective immediately upon publication. This ordinance being deemed to be of an emergency nature.

THE CITY OF NEW BALTIMORE ORDAINS:

AYES: Duffy, Hayman, Butler, Hepp, Covert

NAYS: None

ABSENT: Weinreich

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I, Marcella Shinska, City Clerk for the City of New Baltimore, County of Macomb, State of Michigan, do hereby certify that Ordinance No. 221 was adopted by the City Council of New

Baltimore, assembled in regular session on January 31, 2019. Said Ordinance was posted in the following places:

Notice of said posting was published in the Voice Newspaper on February 27, 2019.

Marcella Shinska, City Clerk