



CITY OF OTSEGO

OTSEGO MI 49078
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Commissioner Milhiem offered Ordinance No. 165 and moved for its adoption, supported by Commissioner Withee.

**CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 165**

**AN ORDINANCE TO AMEND SECTIONS 38-201, 38-202, 38-206 AND 46-121 OF THE
CODE OF ORDINANCES TO RESTRICT FIREWORKS**

THE CITY OF OTSEGO ORDAINS:

Section 1. Amendment.

Chapter 38, “Fireworks”, Section 38-201(h), 38-202 and 38-206 and Chapter 46, “Offenses and Miscellaneous Provisions”, Section 46-121(5) of the Code of Ordinances, City of Otsego, Michigan, are amended to read as follows:

Chapter 38

ARTICLE VIII. FIREWORKS

38-201. Definitions.

(h) Deleted

38-202. Ignition, Discharge and Use of Consumer Fireworks. (replaces existing 38-202(2))

(2) In accordance with state and federal laws and applicable City ordinances, a person may ignite, discharge, or use consumer fireworks only on the following days after 11 a.m.:

(a) December 31 until 1 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 date 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.

38-206. Penalty. (Replaces existing 38-206(1))

(1) A person that violates this subsection is responsible for a civil infraction and shall be ordered to pay a civil fine of \$1000.00 for each violation and no other fine or sanction shall be imposed. \$500.00 of the fine collected shall be remitted to the Otsego Police Department.

Chapter 46

ARTICLE V. OFFENSES AGAINST THE PUBLIC PEACE

46-121. Disturbance of the Peace. (replaces existing 46-121(5))

(5) Fire, discharge, display or possess any fireworks except of the type and under the conditions permitted by applicable state and federal laws and City ordinances, including the Michigan Fireworks Safety Act, 2011 PA 256, as amended, MCL 28.457 *et seq.* and City Ordinance, Article VIII Section 38-202.

Section 2. Effective Date. This ordinance shall take effect upon the latter of publication or the passage of twenty (20) days' time following its final adoption in accordance with the City Charter.

YEAS: Commissioners: Cyndi Trobeck, Stacey Withee, and Brent Milhiem.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Lauri Krueger.

ORDINANCE DECLARED ADOPTED.

Dated: July 1, 2019

Angela Cronen, City Clerk

CERTIFICATION

I, the undersigned duly appointed City Clerk of the City of Otsego, Allegan County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in The Union Enterprise, a newspaper of general circulation in the City on June 20, 2019 and July 5, 2019, and that such ordinance was entered with the Ordinance Book of the City on July 20, 2019.

Dated: July 1, 2019

Angela Cronen, City Clerk