



cityofnovi.org

## CITY of NOVI CITY COUNCIL

**Agenda Item 7**  
**June 4, 2012**

**SUBJECT:** Consideration of adoption of Ordinance 12-113.03, an Ordinance to amend the City of Novi Code of Ordinances, Chapter 25, "Parks and Recreation," Article IV, "Parks and Recreation Protection," Division 1, "Generally," Section 25-63, "Firearms and Fireworks," in order to incorporate changes to state law regarding both firearms and fireworks and to confirm that ignition and discharge of fireworks is not permitted in parks. **FIRST READING.**

**SUBMITTING DEPARTMENT:** Public Safety *DM*

**CITY MANAGER APPROVAL:** *[Signature]*

### **BACKGROUND INFORMATION:**

This proposed ordinance amends the existing provisions of the City's parks and recreation ordinance that prohibit the discharge of fireworks in the City's parks. The recently-adopted Michigan Fireworks Safety Act, Act 256 of 2011, purports to preempt certain local regulation of the discharge of consumer fireworks, which are fireworks that are designed to produce visible and/or audible effects by combustion--firecrackers, Roman Candles, bottle rockets, and the like--on national holidays, as well as the days before and after the holidays. It does permit the City to prohibit the discharge of such fireworks on others days.

However, it also permits prohibition of the discharge of fireworks on certain public properties without permission, at MCL 28.462:

(1) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.

This proposed ordinance would expressly confirm the City's current prohibition on discharge within the City's parks, and would update the reference to fireworks to include the new definitions in the new statute.

The attached revised ordinance also takes the opportunity to update the provisions relating to firearms as well. Currently, the ordinance strictly prohibits them in City parks, which is inconsistent with more recent provisions of state law relating to the carrying of firearms.

**RECOMMENDED ACTION:** Adoption of **FIRST READING** of Ordinance 12-113.03, an Ordinance to amend the City of Novi Code of Ordinances, Chapter 25, "Parks and Recreation," Article IV, "Parks and Recreation Protection," Division 1, "Generally," Section 25-63, "Firearms and Fireworks," in order to incorporate changes to state law regarding both firearms and fireworks and to confirm that ignition and discharge of fireworks is not permitted in parks.

	1	2	Y	N
<b>Mayor Gaff</b>				
<b>Mayor Pro Tem Staudt</b>				
<b>Council Member Casey</b>				
<b>Council Member Fischer</b>				

	1	2	Y	N
<b>Council Member Margolis</b>				
<b>Council Member Mutch</b>				
<b>Council Member Wrobel</b>				

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12-113.03

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, CHAPTER 25, "PARKS AND RECREATION," ARTICLE IV, "PARKS AND RECREATION PROTECTION," DIVISION 1, "GENERALLY," SECTION 25-63, "FIREARMS AND FIREWORKS," IN ORDER TO INCORPORATE CHANGES TO STATE LAW REGARDING BOTH FIREARMS AND FIREWORKS AND TO CONFIRM THAT IGNITION AND DISCHARGE OF FIREWORKS IS NOT PERMITTED IN PARKS

THE CITY OF NOVI ORDAINS:

**PART I.** That Chapter 25, "Parks and Recreation," of the City of Novi Code, at Article IV, "Parks and Recreation Protection," Division 1, "Generally," Section 25-63, "Firearms and Fireworks," is hereby amended to read as follows:

**25-63. Firearms and fireworks.**

It shall be unlawful for any person to bring into any park or have in his possession in any park:

- (1) Any firearm as defined in Act No. 189 of the Public Acts of Michigan of 1959 (MCL8.3t, MSA 2.212(20)), as amended, BB gun, pellet gun, air gun, spring gun, slingshot, bow, or other weapon from which a dangerous projectile may be propelled by explosives, spring, gas or air, except as otherwise expressly authorized by law;
- (2) Any starter pistol or other device from which blank cartridges may be discharged; or
- (3) ~~Any fireworks as defined in Article II of Chapter 15, "Fire Prevention Code."~~ Any fireworks as defined in the Michigan Fireworks Safety Act, Act 256 of 2011, Section 28.452, as amended.

**PART II.**

**Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART III.**

**Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

**PART IV.**

**Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART V.**

**Effective Date: Publication.** The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Robert J. Gatt, Mayor

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

Adopted:  
Published:  
Effective: