CHAPTER VII: CRIMINAL CODE

Article

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ARTICLE 1: ALARM USER


VII-1.00. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section:

ALARM SYSTEM. A device or an assembly of equipment or devices arranged to signal the presence of a hazard requiring urgent attention and to which police officers and/or firefighters are expected to respond.

ALARM USER. Any person on whose premises an alarm system is maintained within the township except for alarm systems on motor vehicles. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises, the person using the alarm system is an alarm user. Also excluded from this definition and from the coverage of this article are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or hold-up attempt. If the system, however, employs an audible signal emitting sounds or flashing lights or beacon designed to signal persons outside the premises, the system shall be within the definition of an alarm system and shall be subjected to this article.

FALSE ALARM. Any alarm condition which is registered at the Police Department, Fire Department or elsewhere not resulting from the activity for which the alarm was intended.

VII-1.01. False alarm fine.

(A) The alarm user shall be required to pay a fine, as set forth in Section VI-3.00C, for each false alarm in excess of two false alarms occurring within the calendar year. The calendar year shall be defined as January 1 to December 31 of any given year. Upon the occasion of the second false alarm occurring within the calendar year, the alarm user shall be advised in writing by the Police Department of the township’s recording of the occurrence of the two false alarms and shall be advised of the existence of this article.

(B) Alarm conditions caused by the following extenuating circumstances shall not constitute a false alarm and no false alarm shall be charged by the township:
(1) Alarm conditions being activated by persons working on the alarm system with prior notification to the Police or Fire Department of the township;

(2) Alarm conditions being activated by severe weather or other violent conditions beyond the control of the alarm user;

(3) Alarm conditions activated by disruption or disturbance of telephone or other communication systems.

(C) Notwithstanding any penalties provided for in the event of a conviction for violation of this article, and notwithstanding whether or not a prosecution has been commenced, any person, corporation, partnership or other legal entity who uses, leases, installs or directs the installation of an alarm system described in this article shall be subject to fines as set by Township Board Resolution for the following:

(1) First two false alarms requiring response by Police/Fire Department, occurring within the calendar year: No fine.

(2) Third false alarm requiring response by Police/Fire Department occurring within the calendar year: To be set by Township Board Resolution.

(3) Fourth false alarm requiring response by Police/Fire Department occurring within the calendar year: To be set by Township Board Resolution.

(4) Fifth false alarm requiring response by Police/Fire Department occurring within the calendar year: To be set by Township Board Resolution.

(5) Sixth false alarm requiring response by Police/Fire Department occurring within the calendar year: To be set by Township Board Resolution.

(6) Any false alarm in excess of six occurring within the calendar year: To be set by Township Board Resolution.

VII-1.02. Interference with telephone communication systems.

No person shall sell, install, operate, adjust, arrange for or contract to provide a device or combination of devices that will upon activation, either mechanically, electronically or by other means, initiate the automatic intrastate calling, dialing or connection to any telephone number assigned to any subscriber thereof by a public telephone company for the purposes of delivering a recorded message without the proper written consent of the subscriber.
VII-1.03. **Audible or visual signals.**

No person shall use, install or direct to be installed any alarm system which emits a sound and/or visual signal for a period of longer than 15 minutes from the time of the initial signaling of the device(s).

VII-1.04. **Violation and penalty.**

Any person, corporation, partnership or other legal entity who violates the provisions of this ordinance shall be guilty of a misdemeanor and may be fined not more than $500 or imprisoned not more than 90 days, or both, at the discretion of the court. Each day that the violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense.
ARTICLE 2: CRIMINAL CODE


The Charter Township of Plymouth, pursuant to and as allowed by Section 23 of Public Act 359 of 1947, M.C.L.A. § 42.23, adopts by reference the following provisions of the State Penal Code, Public Act 328 of Public Acts of 1931, as amended, and the State Public Health Code, Public Act 368 of the Public Acts of 1978: M.C.L.A. §§ 333.7404, 750.15, 750.27, 750.28, 750.33(a), 750.38, 750.39, 750.40, 750.42b(2), 750.49, 750.50, 750.50a, 750.51, 750.52, 750.57, 750.74(1)(a), 750.77(1)(a), 750.81, 750.95a, 750.103, 750.108, 750.109a, 750.115, 750.120b, 750.137, 750.141 through 750.145, 750.168(1), 750.169, 750.170, 750.174a(2), 750.181(2), 750.214, 750.216, 750.216a, 750.216b, 750.217a, 750.217g, 750.217h, 750.218(2), 750.219a(2)(a), 750.221, 750.223(1), 750.227d, 750.229, 750.231c, 750.232, 750.232a(1), 750.233, 750.234d, 750.234e, 750.234f, 750.235a, 750.237(2), 750.241, 750.291, 750.292, 750.337, 750.352, 750.355, 750.364, 750.367, 750.368(3), 750.369, 750.370, 750.377a(1)(d), 750.380(5), 750.381, 750.382, 750.383, 750.384, 750.385, 750.387, 750.388, 750.390, 750.391, 750.394 through 750.396, 750.398, 750.400, 750.411a, 750.411g, 750.411h, 750.414a, 750.415, 750.416, 750.419, 750.421b, 750.421c, 750.448, 750.449a through 750.451, 750.461, 750.463, 750.464a, 750.465, 750.467, 750.468, 750.469, 750.471, 750.473, 750.477a, 750.481, 750.483, 750.485, 750.487, 750.489, 750.490a, 750.492a(1)(d), 750.493, 750.493a, 750.493b, 750.493c, 750.493d, 750.493e, 750.495, 750.495a(1), 750.496, 750.497, 750.498, 750.498b(1), 750.501, 750.502c, 750.507, 750.507b, 750.510, 750.518, 750.533, 750.534, 750.535(5), 750.536a, 750.539b, 750.540a, 750.540b, 750.540e, 750.540f(1), 750.540g(1)(a), 750.541, 750.542, 750.543, 750.546, 750.547, 750.548, 750.549, 750.550, 750.551, 750.552, 750.552a, 750.556, 750.562, 750.563, 750.564, 750.565, and 750.566.

VII-2.01. Curfew, adoption by reference.


VII-2.02. Citations.

The MCL section number shall be used as the section number for purposes of issuing a citation for violation of the State Penal Code and the Curfew for Children Act sections adopted hereby.
VII-2.03. **Larceny.**

It shall be unlawful for any person to commit the offense of larceny by stealing, converting or wrongfully withholding the property of another, including, but not limited to: chattels or services; any bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate; any book of accounts for or concerning money or goods due or to become due or to be delivered; any deed or writing containing a conveyance of land; any other valuable contract in force; any receipt, release or defeasance; or any writ, process or public record.

VII-2.04. **Unauthorized practice of law.**

It shall be unlawful for any person to practice law or to engage in the law business or in any manner whatsoever to lead others to believe that he or she is authorized to practice law or to engage in the law business or in any manner whatsoever to represent or designate himself as an attorney and counselor, attorney at law of lawyer unless the person so doing is regularly licensed and authorized to practice law in this state. This section does not apply to a person who is duly licensed and authorized to practice law in another state while temporarily in this state and engaged in a particular matter.

VII-2.05. **Attempts.**

Any person who shall attempt to commit an offense prohibited by law and in such attempt shall do an act toward the commission of the offense but shall fail in the perpetration or shall be intercepted or prevented in the execution of the same shall, upon conviction thereof, be punished by imprisonment in the county jail for not more than 45 days or by a fine of not more than $250 or by both fine and imprisonment in the discretion of the court.

VII-2.06. **Accessory liability.**

Every person concerned in the commission of an offense, whether he or she directly commits the act constituting the offense or procures, counsels, aids or abets in its commission, may hereafter be prosecuted, indicted, tried and, on conviction, shall be punished as if he or she had directly committed the offense.

VII-2.07. **Obstructing or Hindering a Police Officer.**

It is unlawful for any person or entity to obstruct, hinder or interfere with any police officer or any person duly empowered with police authority while in the discharge or apparent discharge of his or her including any investigation. Upon conviction, a violation of this section shall be a misdemeanor.
VII-2.08. Violation and penalty.

The penalty for violation of the hereby adopted by reference State Penal Code sections shall be a maximum of 90 days in jail and/or a maximum fine of $500 or both, unless the penalty under state law for a violation of the pertinent section is a maximum 93 days in jail, in which case the penalty for violation under this ordinance shall be a maximum of 93 days in jail and/or a maximum fine of $500 or both.
ARTICLE 3: GARAGE SALES REGULATION


VII-3.00. Purpose and intent.

It is the intent of this article to regulate and control the holding of garage sales, as they may become nuisances and safety hazards if not so regulated, and so that residential areas do not become commercialized through a proliferation of garage sales and similar commercial activity.

VII-3.01. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section:

GARAGE SALE. A sale of used household effects, appliances, clothing, china, glassware and other items by a person from his or her residence by means of a display of items in the yard, garage, patio, parking area or other like place in, around or near the residence. It shall not mean the sale of a single automobile by means of a “For Sale” sign in the window of the vehicle parked near a residence.

SALESPERSON’S OR FREE SAMPLES. Items which were packaged and designed to introduce products to consumers and which were distributed by salespeople or otherwise without charge.

WHOLESALE. Sales in bulk or individually to dealers or persons who intend to resell the items.

VII-3.02. Restriction on number; duration.

(A) No person shall have more than two garage sales at any residence during a consecutive 12-month period without the express approval of the Township Board.

(B) No garage sale may last more than 72 hours.

VII-3.03. Sales Limitations.

(A) No wholesale sales shall be made at any garage sale.

(B) No salesperson’s or free samples or the like shall be sold at any garage sale.

(A) No garage sale shall continue later than one-half hour after sunset nor begin prior to 9:00 a.m.

(B) No garage sale shall be situated so as to obstruct traffic nor shall any garage sale patrons park their vehicles so as to obstruct traffic.

(C) Excessive noise emanating from the area of any garage sale is expressly prohibited.

VII-3.05. Signs.

Signs advertising the garage sale may be posted, subject to the following:

(A) They shall not be posted more than seven days prior to the sale and must be removed within two days after the sale.

(B) They shall be posted at no greater distance than the entrance to the subdivision where the sale is being held and the person posting signs shall obtain permission from the owner of the property upon which the sign is located.

(C) No garage sale sign is to exceed one square foot in area and, in the case of a ground-mounted sign, the height may not exceed four feet.

VII-3.06. Penalty; municipal civil infraction.

Any person who shall violate or fail to comply with any of the provisions of this ordinance is responsible for a municipal civil infraction and may be fined and assessed costs and otherwise penalized as provided in Public Act 236 of 1961, as amended (M.C.L.A. §§ 600.8701, et seq.), but a minimum fine shall be imposed as follows: 1st offense $50, 2nd offense and subsequent offenses $100.
ARTICLE 4:  HUNTING


VII-4.00.  Prohibition.

Hunting with or the discharge of a firearm is unlawful in the Charter Township of Plymouth except on the property owned by the Western Wayne Conservation Club and maintained as a target range.

VII-4.01.  Penalty.

Any person, firm or corporation who shall violate any provisions of this code shall be punished as provided in the General Provisions of the township code. Each day that the violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense.
ARTICLE 5: NOISE CONTROL


VII-5.00. Purpose.

This article provides for the regulation of the emission and reception of noise and vibration.

VII-5.01. Statement of policy.

It is the declared policy of this article to promote and assure an environment free from noise which threatens or affects the physiological and psychological well being of the people; to protect, promote, and preserve the public health, safety, and welfare by reducing and otherwise regulating noise levels; to promote the use and enjoyment of property; to protect the value of property; to protect the enjoyment of sleep and repose; to promote commerce; and to protect and improve the quality of life.

VII-5.02. Definitions.

The following definitions shall apply in the interpretation and enforcement of these regulations, and, unless otherwise specified herein, the acoustical terminology shall be in conformance with the definitions and provisions contained in the document designated by A.N.S.I. Standard SI.1-1960, or most recent version.

A-WEIGHTING. Prescribed frequency response provided in a sound level meter defined by A.N.S.I. Standard SI.4-1983.

AMBIENT NOISE. The all encompassing noise associated with given environment, being usually a composite of sounds from many sources near and far.

A.N.S.I. American National Standards Institute or its successor bodies.

BOUNDARY. The line of demarcation which separates the real property owned by one person from that owned by another person.

CIRCULATION DEVICE. Any device which circulates a gas or fluid including any air conditioner, fan, blower, or pump.
COMMERCIAL LOT. All property which is used primarily for the sale of merchandise or goods, or for the performance of a service, or for office or clerical work.

CONSTRUCTION ACTIVITIES. The on-site erection; fabrication; installation; alteration; demolition or removal of any structure, facility, highway, sewer, public utility; or all related activities including, but not restricted to, clearing of land, earth moving, blasting, landscaping, and tree trimming.

CONTINUOUS NOISE. Any noise from a source which is constant, and unvarying in level, or at least in a range of no more than three dB over the course of at least 15 minutes.

FREQUENCY. The repetitive rate at which sound or vibration is occurring; subjectively, the pitch of an audible tone.

DECIBEL (dB). Unit of sound pressure level; a logarithmic unit of amplitude which denotes the ratio of two sound pressures.

dB(A). Unit of sound pressure level in decibels obtained by the use of the A-weighting filter as specified in A.N.S.I. Standard S1.4-1983.

DWELLING UNIT. A room or group of rooms located within any dwelling and forming a single habitable unit with facilities for living and sleeping.

EMERGENCY WARNING DEVICE. Any gong, siren, whistle, horn, or similar device that is designed to be used to warn of the exposure of any human being or property to danger.

EMERGENCY WORK. Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons from danger to health or safety.

FAST RESPONSE. The dynamic characteristics of a sound level meter as defined in A.N.S.I. Standard S1.4-1983.

FREQUENCY RESPONSE. The output of a system resulting from a stimulus of a periodic function with varying frequencies.

GROSS COMBINATION WEIGHT RATING (GCWR). Value specified by the manufacturer as the loaded weight of a combination vehicle.

GROSS VEHICLE WEIGHT RATING (GVWR). Value specified by the manufacturer as the loaded weight of a single vehicle.

GROUND VIBRATION. Any internally or externally generated vibration from one property which propagates through the ground and crosses a real property line.

HERTZ (Hz). Unit of sound frequency, also known as cycles per second.
**IMPULSIVE NOISE.** A noise characterized by brief excursions of less than one half second, of which the A-weighted sound pressure level exceeds the ambient noise level by more than five dB(A), when measured by a sound level meter on fast response.

**IMPULSIVE VIBRATION.** Vibration resulting from an impact source, including, but not limited to, pile driving, stamping presses, or blasting.

**INDUSTRIAL LOT.** Any property which is used primarily for manufacturing or processing, or for an airport.

**MICROPHONE LINE.** An unmarked reference line running parallel to a motor vehicle path and passing through the microphone.

**MICROPHONE POINT.** An unmarked location in the center of the lane of travel that is closest to the microphone.

**MIXED LOT.** Property on which two or more combinations of residential, commercial, or industrial use occurs.

**MOTOR VEHICLE.** Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway which is self-propelled except vehicles which move upon or are guided by a track or travel by rail which are used only for intrastate public transportation.

**MOTORCYCLE.** Every motor vehicle having a saddle for the use of riders and designed to travel on not more than three wheels in contact with the ground, including motorized bicycles and powered scooters.

**MULTI-FAMILY DWELLING.** A dwelling containing more than one dwelling unit.

**NOISE.** The intensity, duration, frequency, and character of vibration or sounds from a source or number of sources, including, but not limited to, sounds and vibrations of subaudible frequencies.

**NOISE LEVEL.** For the purposes of this document, has the same meaning as *SOUND LEVEL*; the two terms may be used interchangeably herein.

**NOISE SOURCE.** Any place, facility, product, machine, vehicle, equipment or appliance, or activity, stationary or mobile, from or by reason of which there is emitted noise.

**NON-IMPULSIVE NOISE.** Any noise that is not characterized by brief excursions of less than one-half second (i.e., impulsive noise.)

**OCTAVE BAND.** An interval of sound or vibration having a basic frequency ratio of two. The preferred series of octave bands for acoustic measurements covers the audible range in ten bands whose center frequencies are 31.5, 63, 125, 250, 500, 1,000, 2,000, 4,000, 8,000 and 16,000 Hz.
OWNER. A person who alone or jointly or severally with others has title to real or personal property, either with or without possession, or has charge care, or control of the real or personal property either as agent or trustee of the person who has title to the real or personal property or as administrator, administratrix, executor, executrix, guardian of the estate of the owner of the real or personal property, or is the lessor, lessee or mortgagee in possession of the real or personal property.

PERSON. Any individual, public, or private corporation for profit or nonprofit, association, partnership, firm, trust, estate, city, borough, township, authority, or other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PUBLIC RIGHT-OF-WAY. Every road, way or place of whatever nature open to the use of the public as a matter of right for purposes of travel.

PURE TONE. A single adjacent third octave band levels by: (1) five decibels or more for frequency sound which, when measured on a third octave or narrowband sound analyzer, is greater than the arithmetic average of two bands with center frequencies of 500 and above, (2) eight decibels or more for frequency bands center frequencies of 160 to 400 Hz, and (3) ten decibels or more for frequency bands with center frequencies of 25 to 125 Hz.

REFERENCE NOISE LEVEL. The noise levels identified in Table 1.

REFUSE VEHICLES. A motor vehicle designed to compact and/or transport refuse.

RESIDENTIAL LOT. All property on which people live and sleep, or parkland, hospitals, schools or nursing homes, or that which is not commercial or industrial or the individual lots within a mobile home park assigned by the owner of the park.

SOUND. An audible oscillation of pressure in air.

SOUND ANALYZER. A device for measuring sound or vibration as a function of frequency. Octave and third octave sound analyzers shall conform to Class II or better as specified in A.N.S.I. Standard SI.11-1983.

SOUND LEVEL. A frequency weighted sound pressure level obtained by the use of metering characteristics and the weightings A, B, or C, as specified in A.N.S.I. Standard SI.4-1983.

SOUND LEVEL METER. Any instrument, including a microphone amplifier, an output meter, and frequency weighting for the measurement of sound levels in a manner which complies with or exceeds Type 1 (for time varying and impulsive noise) and Type 2 (for measurement of steady, continuous noises only) standards established in the A.N.S.I. Standard SI.4-1983.

SOUND PRESSURE LEVEL (SPL). Twenty times the logarithm to the base ten of the ratio of the pressure of sound to the reference pressure. For the purposes of this standard, the reference pressure shall be 20 Pa.
**STATIONARY MOTOR VEHICLE.** Any motor vehicle which has an operable motor or engine, and is either in driveable or undriveable condition, and is temporarily or permanently parked or otherwise situated at a fixed position on either public or private parking areas, grounds or rights-of-way.

**THIRD OCTAVE BAND.** An interval of sound or vibration having a basic frequency ratio of two raised to the one-third power.

**TIME VARYING NOISE.** Any noise from a source which varies in level more than 3dB over an observation period of at least five minutes.

**VIBRATION.** A spatial oscillation of displacement, velocity, and acceleration in solid material.

**VIBRATION, EXTERNAL.** Vibrations in a building caused by sources located beyond the boundary line of the property on which the building is located.

**VIBRATION, INTERNAL.** Vibrations in a building caused by sources located either inside the structure or within the boundary line of the property on which the building is located.

**VII-5.03. Prohibition of noise pollution.**

No person shall cause or permit noise or ground vibration to emanate from real or personal property, or from real or personal property of which he or she is the owner, that is not in compliance with the rules and regulations of this article. Noise or vibration emitted that is not in compliance with the rules and regulations of this article is declared a public health nuisance and it shall be unlawful for any person to continue to allow the noise or vibration to emanate.

**VII-5.04. Specific prohibitions.**

The following acts, and the causing or permitting thereof, are declared to be in violation of this article:

(A) Radios, television sets, musical instruments, and similar devices. Operating, playing, or permitting the operation or playing, of any radio, television, phonograph, drum, musical instrument, or similar device which produces or reproduces sound, as follows:

(1) Between the hours of 10:00 p.m. and 7:00 a.m. of the following day in a manner as to create a noise disturbance across a residential or commercial real property line, or at any time to violate the provisions of Section VII-5.05, except for activities granted a variance by the appropriate authority.

(2) In a manner as to exceed the levels set forth for public space in Section VII-5.05, measured at a distance of at least 50 feet (15 meters) from the device which is operating on a public right-of-way or public space.
(B) Loudbspeakers. Operating for any purpose a loudspeaker, public address system, or similar
device, between the hours of 10:00 p.m. and 7:00 a.m. of the following day so that the sound therefrom
creates a noise disturbance across a residential real property line; or at any time violating the provisions,
of Section VII-5.05, except for any non-commercial activity of public speaking or public assembly, or
other activity for which the appropriate authority has granted a variance.

(C) Street sales. Offering for sale, selling, or advertising by shouting or by playing or otherwise
reproducing and/or amplifying music, sound, or other attention attracting noise within any residential or
commercial area or noise-sensitive zone of the Charter Township of Plymouth, except by variance issued
by the appropriate authority.

(D) Animals and birds. Owning, possessing, or harboring any animal or bird which frequently, or
for continued duration, howls, barks, meows, squawks, squeals, roars, or makes other sounds creating a
noise disturbance across a residential or commercial real property line or within a noise-sensitive zone.

(E) Loading and unloading. Loading, unloading, opening, closing, or other handling of boxes,
crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m.
and 7:00 a.m. of the following day in a manner as to cause a noise disturbance across a residential real
property line; or at anytime to violate the provisions of Section VII-5.05.

(F) Construction. Operating or causing the operation of any tools or equipment used in
construction, drilling, repair, alteration, or demolition work between the hours of 10:00 p.m. and 6:00
a.m. of the following day, Monday through Saturday, or at any time on Sundays, or on holidays, so that
the sounds therefrom create a noise disturbance across a residential or commercial real property line or at
any time violates the provisions of Section VII-5.05, except for emergency work of public service
utilities or by variance issued by the appropriate authority. This section shall not apply to the use of
domestic power tools as specified in Section VII-5.04(N).

(G) Vehicle, motorboat, or aircraft repairs and testing.

1. Repairing, rebuilding, modifying, or testing any motor vehicle, motorboat, or aircraft in a
manner as to create a noise disturbance across a residential real property line; or to violate the provisions
of Section VII-5.05 at any time.

2. Nothing in this section shall be so construed as to prohibit, restrict, penalize, enjoin, or in
any manner regulate the movement of aircraft which is in all respects conducted in accordance with
applicable federal laws or regulations.

(H) Explosives, firearms, and similar devices. Using or firing explosives, firearms, or similar
device so that the sound therefrom creates a noise disturbance across a real property line, or within a
noise-sensitive zone, public space, or public right-of-way, without first obtaining a variance issued by the
appropriate authority. A variance need not be obtained for licensed game hunting activities on property
where activities are authorized.
(I) Powered-model vehicles. Operating or permitting the operation of powered-model vehicles:

(1) Between the hours of 10:00 p.m. or 7:00 a.m. of the following day so as to create a noise disturbance across a residential or commercial real property line; or at any time to violate the provisions of Section VII-5.05.

(2) In a manner as to exceed the levels set forth for public space land use in Section VII-5.05, when measured at a distance not less than 100 feet (30 meters) from any point on the path of a vehicle operating on public space or public right-of-way.

(J) Stationary non-emergency signaling devices.

(1) Sounding or permitting the sounding of any mechanically, pneumatically and/or electronically generated or amplified signal, from any stationary bell, chime, siren, whistle, or similar device, intended primarily for non-emergency purposes, from any place, for more than ten seconds in any hourly period.

(2) Houses of religious worship shall be exempt from the operation of this provision.

(3) Sound sources covered by this provision and not exempted under subsection (2) shall be exempted only by a variance issued by the appropriate authority.

(K) Emergency signaling devices.

(1) The intentional sounding, or permitting the sounding, outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device except for emergency purposes or for testing, as provided in subsection (2), below. However, the following restrictions will apply:

   (a) Testing of a stationary emergency signaling device shall not occur between 10:00 p.m. and 7:00 a.m. and shall use only the time needed to test the minimum cycle. In no case shall the test time exceed 60 seconds.

   (b) 1. Testing of the complete emergency signaling system, including the functioning of the signaling device, shall not occur more than once in each calendar month.

      2. The testing shall not occur before 7:00 a.m. or after 10:00 p.m. The time limit specified in subsection (1) shall not apply to testing of the complete system.

(2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, unless the alarm is automatically terminated within 15 minutes of activation.

(L) Motorboats. Operating or permitting the operation of any motorboat in any lake, river, stream, or other waterway in such manner as to cause a noise disturbance across a residential or commercial real property line; or at any time to violate the provisions of Section VII-5.05.
(M) Noise-sensitive zones.

(1) Creating or causing the creation of any sound within 500 feet of any noise-sensitive zone, so as to exceed the residential land-use levels set forth in Section 34.060 when measured at a distance of at least 25 feet (7.5 meters) from the sound source, provided that conspicuous signs are displayed indicating a noise-sensitive zone.

(2) Creating or causing the creation of any sound within or adjacent to any noise-sensitive zone containing a hospital, nursing home, school, court, or other designated area, so as to interfere with the functions of such activity or annoy the participants in the activity. This is a violation only if conspicuous signs are displayed indicating a noise-sensitive zone.

(N) Domestic power tools.

(1) Operating or permitting the operation of any electronically or mechanically powered saw, sander, drill, grinder, lawn, garden, or similar tool, (excepting the normal operation of snow removal equipment), between the hours of 10:00 p.m. and 7:00 a.m. of the following day, so as to create a noise disturbance across a residential or commercial real property line.

(2) Operating any motor, machinery, or circulation device that is improperly muffled or in poor working order so as to create a noise disturbance.

(O) Multi-family dwellings. Operating or permitting the operation, within a multi-family dwelling of any source of sound in a manner as to exceed a room average sound level of 45 dB(A) from 7:00 a.m. to 10:00 p.m., or 35 dB(A) from 10:00 p.m. to 7:00 a.m., when measured within an adjacent intra-building dwelling and when at least 5 dB above the interior background noise level of that adjacent unit.

VII-5.05. Maximum permissible sound level along lot boundary lines.

No person shall cause or no person who has charge, care, or control of any lot shall permit sound to emanate from a lot which exceeds the maximum permissible sound level established by this section.

(A) Maximum permissible sound levels. The following maximum permissible sound levels are hereby established:
Table 1
Permissible *(1) Reference Noise Level, dB(A) for Impulsive and Non-Impulsive Noise as Measured at the Property Line Adjoining:

<table>
<thead>
<tr>
<th></th>
<th>Residential* (2)</th>
<th>Commercial</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daytime *(3) (7:00 a.m. to 10:00 p.m.)</td>
<td>55</td>
<td>60</td>
<td>65</td>
</tr>
<tr>
<td>Nighttime *(3) (10:00 p.m. to 7:00 a.m.)</td>
<td>45</td>
<td>55</td>
<td>65</td>
</tr>
</tbody>
</table>

Notes to table:
*1 The permissible level for a given district or lot depends upon the receiving land use category, such that if residential adjoins industrial, the industrial lot is required to meet residential property line noise level limits.
*2 Includes hospitals, schools, nursing homes.
*3 Prevailing time.

(1) In all instances in which the lot from which noise emanates does not directly adjoin a residential, commercial, or industrial lot, the performance standards governing noise shall apply at the nearest residential, commercial, or industrial lot boundary.

(2) In order for a person to be in violation of this section, the source or sources of noise must be identifiable in relation to the ambient noise and must raise the A-weighted ambient noise level by five decibels or more in at least one A-weighted frequency band.

(3) If a mixed lot exists, the most restrictive lot standard shall be used when establishing maximum permissible sound levels under this section.

(4) For any source of sound which emits a pure tone (or pure tones), the maximum permissible noise level shall be reduced by 10 dB(A).

(5) Between the hours of 7:00 a.m. and 10:00 p.m. prevailing time, the maximum permissible noise levels may be temporarily exceeded by ten dB(A) for noise created by building repair and/or ground maintenance activity. The repairs or activity shall not exceed the maximum permissible noise levels for a period of more than 14 calendar days, unless the appropriate authority has granted a variance.

(6) The following deviations from the maximum permissible noise levels are permitted for non-impulsive sounds:

Table 2

<table>
<thead>
<tr>
<th>Duration of Non-Impulsive Sound</th>
<th>Permitted Maximum, A-Weighted Fast Response Noise Above the Permissible Reference Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 30 minutes in any hour</td>
<td>0</td>
</tr>
<tr>
<td>Up to 15 min. (25%) of any hour</td>
<td>+3 dB</td>
</tr>
<tr>
<td>Up to six min. (10%) of any hour</td>
<td>+7 dB</td>
</tr>
<tr>
<td>Up to three min. (5%) of any hour</td>
<td>+10 dB</td>
</tr>
</tbody>
</table>
(7) The following deviations from the maximum permissible noise levels are permitted for impulsive sounds. The reference levels may be exceeded according to the number of impulse sounds per hour, as follows:

<table>
<thead>
<tr>
<th>Duration of Non-Impulsive Sound</th>
<th>Permitted Maximum, A-Weighted Fast Response Noise Above the Permissible Reference Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to one min. and 30 sec. (2.5%)</td>
<td>+13 dB of any hour</td>
</tr>
<tr>
<td>Up to 36 sec. (1%) of any hour</td>
<td>+17 dB</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Duration of Non-Impulsive Sound</th>
<th>Permitted Maximum, A-Weighted Fast Response Noise Level Above the Permissible Reference Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>30 dB</td>
</tr>
<tr>
<td>2</td>
<td>27 dB</td>
</tr>
<tr>
<td>4</td>
<td>24 dB</td>
</tr>
<tr>
<td>8</td>
<td>21 dB</td>
</tr>
<tr>
<td>10</td>
<td>20 dB</td>
</tr>
<tr>
<td>16</td>
<td>18 dB</td>
</tr>
<tr>
<td>32</td>
<td>15 dB</td>
</tr>
<tr>
<td>64</td>
<td>12 dB</td>
</tr>
<tr>
<td>100</td>
<td>10 dB</td>
</tr>
<tr>
<td>128</td>
<td>9 dB</td>
</tr>
<tr>
<td>256</td>
<td>6 dB</td>
</tr>
<tr>
<td>512</td>
<td>3 dB</td>
</tr>
<tr>
<td>1024 and greater</td>
<td>0 dB</td>
</tr>
</tbody>
</table>

Or the average repetition rate of periodically repeating impulses, if the repetition is sporadic, interrupted, or otherwise is not continual for at least one-half hour of observation.

**VII-5.06. Exemptions.**

The provisions of this article shall not apply to:

(A) The unamplified human voice.
(B) Interstate railway locomotives and cars.

(C) Nonstationary farming equipment.

(D) Aircraft in the process of landing or take-off.

(E) Routine maintenance of public service utilities.

VII-5.07. **Maximum sound levels for motor vehicles.**

(A) Motor vehicles and motorcycles on public right-of-ways. No person shall operate, or cause to be operated, a public or private motor vehicle or motorcycle on a public or private right-of-way, at any time, in a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the levels set forth in Table 4.

<table>
<thead>
<tr>
<th>Vehicle Class</th>
<th>Sound Level in dB(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Speed Limit 35 mph of less</td>
</tr>
<tr>
<td>All motor vehicles of GVWR or GCWR of 10,000 lbs. or more</td>
<td>86</td>
</tr>
<tr>
<td>Any motorcycle</td>
<td>82</td>
</tr>
<tr>
<td>Any other motor vehicle or any combination of vehicles towed by any motor vehicle</td>
<td>76</td>
</tr>
</tbody>
</table>

**NOTES TO TABLE:**
*6 Measured at 20 inches from vehicle exhaust outlet(s)
*7 Measured at 75 inches from vehicle exhaust outlet(s)

(B) Adequate mufflers or sound-dissipative devices.

1. No person shall operate, or cause to be operated, any motor vehicle or motorcycle not equipped with muffler or other sound-dissipative device in good working order and in constant operation.

2. No person shall remove or render inoperative any muffler or sound-dissipative device on a motor vehicle or motorcycle other than for purposes of maintenance, repair, or replacement.

(C) Motor vehicle horns and signaling devices. No person shall sound the horn or other auditory signaling device on or in any motor vehicle, on any public or private right-of-way, public or private space, except as an emergency warning of danger.
(D) **Vehicles operation in a fast or slow idle.**

(1) No person shall operate, allow, or cause to be operated any stationary motor vehicle or motorcycle, except refuse collection vehicles in a fast or slow idle for a period of time in excess of two minutes from any public or private right-of-way, garage, parking area, lot, or property.

(2) Stationary motor vehicles or motorcycle operation, which idle or otherwise operate with vehicle movement for time periods in excess of two minutes, the total noise level emitted from the stationary motor vehicle or motorcycle whether from the engine, exhaust, cooling fan, power take-off (PTO) units, PTO driven or otherwise powered auxiliary equipment including but not limited to refrigeration units, and cargo loading/unloading devices or mechanisms, shall meet the requirements of Table 1 in Section 34.060.

(F) **Motorized recreational vehicles operating off a public right-of-way.** No person shall operate, or cause to be operated, any recreational motorized vehicle off a public right-of-way in a manner that the sound levels emitted therefrom violate the provisions of subsection (F). This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered; including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, amphibious craft, campers, and dune buggies, but not including motor-boats.

(G) **Emergency exceptions.** The provisions of this article shall not apply to:

(1) The emission of sound for the purpose of alerting persons to the existence of an emergency.

(2) The emission of sound in the performance of emergency work.

**VII-5.08.** **Reserved.**

**VII-5.09.** **Maximum permissible vibration levels.**

No person shall cause or no person who has charge, care, or control of any lot shall permit vibration to emanate from a lot which exceeds the maximum permissible vibration levels established by this section.

(A) **Maximum permissible vibration levels.** The following maximum vibration acceleration levels are hereby established.
### Table 5
Permissible Vibration Acceleration Levels *1 as Measured at the Property Line Adjoining

<table>
<thead>
<tr>
<th>Frequency (Kz)</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Day</td>
<td>Night</td>
<td>Day</td>
</tr>
<tr>
<td>1.0</td>
<td>57.5</td>
<td>54.5</td>
<td>63.5</td>
</tr>
<tr>
<td>2.0</td>
<td>57.5</td>
<td>54.5</td>
<td>63.5</td>
</tr>
<tr>
<td>2.5</td>
<td>58.0</td>
<td>55.0</td>
<td>64.0</td>
</tr>
<tr>
<td>3.15</td>
<td>58.5</td>
<td>55.5</td>
<td>64.5</td>
</tr>
<tr>
<td>4.0</td>
<td>59.0</td>
<td>56.0</td>
<td>65.0</td>
</tr>
<tr>
<td>5.0</td>
<td>59.5</td>
<td>56.5</td>
<td>65.5</td>
</tr>
<tr>
<td>6.3</td>
<td>60.0</td>
<td>57.0</td>
<td>66.0</td>
</tr>
<tr>
<td>8.0</td>
<td>60.5</td>
<td>57.5</td>
<td>66.5</td>
</tr>
<tr>
<td>10</td>
<td>62.5</td>
<td>59.5</td>
<td>68.5</td>
</tr>
<tr>
<td>12.5</td>
<td>64.5</td>
<td>61.5</td>
<td>70.5</td>
</tr>
<tr>
<td>16</td>
<td>66.5</td>
<td>63.5</td>
<td>72.5</td>
</tr>
<tr>
<td>20</td>
<td>68.5</td>
<td>65.5</td>
<td>74.5</td>
</tr>
<tr>
<td>25</td>
<td>70.5</td>
<td>67.5</td>
<td>76.5</td>
</tr>
<tr>
<td>31.5</td>
<td>72.5</td>
<td>69.5</td>
<td>78.5</td>
</tr>
<tr>
<td>40</td>
<td>74.5</td>
<td>71.5</td>
<td>80.5</td>
</tr>
<tr>
<td>50</td>
<td>76.5</td>
<td>73.5</td>
<td>82.5</td>
</tr>
<tr>
<td>63</td>
<td>78.5</td>
<td>75.5</td>
<td>84.5</td>
</tr>
<tr>
<td>80</td>
<td>80.5</td>
<td>77.5</td>
<td>86.5</td>
</tr>
<tr>
<td>100</td>
<td>82.5</td>
<td>79.5</td>
<td>88.5</td>
</tr>
</tbody>
</table>

Notes to table:
*1 - in decibels (dB) re: 1 x 10 G acceleration

(1) In all instances in which the lot from which vibration emanates does not directly adjoin a residential, commercial, or industrial lot the performance standards governing vibration shall apply at the nearest residential, commercial or industrial lot boundary.

(2) In order for a person to be in violation of this section, the source or sources of vibration must be identifiable in relation to the ambient vibration and must exceed the ambient vibration level by five decibels or more in at least one frequency band.
(3) If a mixed lot exists, the most restrictive lot standard shall be used when establishing maximum permissible vibration levels under this section.

(4) Between the hours of 10:00 p.m. and 7:00 a.m. prevailing time, the maximum permissible vibration levels provided above at residential boundaries shall be reduced by three decibels in each frequency band.

(5) The maximum permissible vibration levels shall apply to any type of impulsive or non-impulsive, continuous or intermittent source of ground vibration.

**VII-5.10. Penalty.**

Unless otherwise provided, any person, corporation, partnership or any other legal entity who violates the provisions of this ordinance shall be guilty of a misdemeanor and may be fined not more than $500 or imprisoned for not more than 90 days, or both, at the discretion of the court.
ARTICLE 6: NUISANCE ANIMALS


VII-6.00. Purpose.

It is hereby determined that the release of non-domesticated nuisance animals such as rats, raccoons, opossums, and the like, into the township by persons or parties hired to capture and remove the animals from residential areas, may endanger the public health, safety and welfare if left unregulated. The purpose of this article is to establish reasonable regulations controlling the release of nuisance animals to make certain that the public health, safety and welfare of the community is protected.

VII-6.01. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section:

NUISANCE ANIMAL. Any non-domesticated animal that is commonly regarded as a nuisance including but not limited to: raccoons, opossums, skunks, rats, mice, bats, muskrats, and other verminous animals.

VII-6.02. Prohibition.

No person or entity shall commercially trap and then release or permit to be released within the Charter Township of Plymouth any nuisance animal unless otherwise provided for in this code of ordinances.

VII-6.03. Penalty.

Any person or persons who violates any provision of this article shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than 90 days or by a fine of not more than $500, or by both fine and imprisonment in the discretion of the court.
ARTICLE 7: PARKS AND PLAYGROUND AREAS


[Effective date: June 23, 2016 – Amendment 18 to Ordinance 1016]

VII-7.00. Destruction of property.

It is hereby unlawful to destroy, damage or remove any tree, shrub, wildflower or other vegetation or to destroy, damage, deface or remove any publicly owned property in any public park or recreation area.

VII-7.01. Prohibited use of parks, playgrounds.

It shall be unlawful for any person to use, occupy, frequent, loiter or be in any public park in the township between dusk and dawn (as defined by the National Oceanic and Atmospheric Administration of the United States Department of Commerce for Detroit, Michigan) unless posted otherwise on the Township web site, unless otherwise provided by order of the Supervisor, or unless a special permit for the use or occupancy has been previously given by the Supervisor or unless the person is employed by the township. The application for the special permit shall be made in writing by any resident of the township, stating his or her name and address and the group of persons he or she represents who will use the special permit and the proposed hours of the use. The approval for the issuance of the special permit rests in the sound discretion of the Supervisor. In any event, the Supervisor may order any public park closed at any time whatsoever whenever he or she deems the action is necessary to conserve the peace, suppress disorder, preserve property or protect the public safety and welfare.


It shall also be unlawful for persons to have dogs, cats, horses or mini bikes in any public park in the township. Licensed motorcycles and other licensed motor driven vehicles are prohibited upon or across the land used for other recreational use and are only allowed upon the roadway to get to a given location or an intended recreation use within the public parks. Posted speed limits within the public parks must be adhered to or violations will be imposed.

VII-7.03. Park Rules

The Township Board may adopt Park Rules, which shall be published on the Township web page at www.plymouthtwp.org.
VII-7.04. **Penalty.**

Any person, corporation, partnership or other legal entity who shall violate or fail to comply with any provision of Section II A, II B, or II C this Ordinance shall be guilty of a misdemeanor and upon conviction thereof may be fined not more than Five Hundred ($500.00) Dollars or imprisoned not more than Ninety (90) days, or both, in the discretion of the court. Any person, corporation, partnership or other legal entity who shall violate or fail to comply with any Park Rule (not otherwise punishable hereunder as a misdemeanor) adopted by the Township Board shall be responsible for a municipal civil infraction punishable by payment of a fine not to exceed Five Hundred ($500.00) Dollars in the discretion of the court.
ARTICLE 8: YOUTH TOBACCO ACT


The Youth Tobacco Act, Public Act 31 of 1915 is hereby adopted by reference.

VII-8.01. Violation and penalty.

This section provides that any person or entity that violates any provision of this ordinance may, upon conviction, be fined not more than $500 or imprisoned not more than 90 days, or both, in the discretion of the court.
ARTICLE 9: MEDICAL MARIHUANA ACT MORATORIUM

[Effective date: June 12, 2014, Amendment 7 to Ordinance 1016]]

VII-9.00 MORATORIUM/MEDICAL MARIHUANA ACT USES; FINDINGS; APPEAL; ADMINISTRATIVE APPEAL PROCESS; WRITTEN FINDINGS ON APPEAL.

It is the finding of the Plymouth Charter Township Board that the possession, transport, delivery, use, packaging and storage of a drug listed on the Federal Controlled Substances Act is a criminal act. In response to the passage of the Michigan Medical Marihuana Act, (MMA), Initiated Law of 2008, the Township Board adopted a Zoning Ordinance provision similar to that held to be void in the Michigan Supreme Court case of Ter Beek vs. City of Wyoming, _____ Mich _____ 2014 (Docket #145816) (Decided Feb. 6, 2014).

Based on the Michigan Supreme Court decision in the Ter Beek case, a six (6) month extension of the Moratorium established by Township Ordinance is a reasonable amount of time for and is hereby established as to any applications for any permits or approval for uses under the Michigan Medical Marihuana Act. During the six (6) month Moratorium the Planning Commission shall study the issue and make its best effort to hold a public hearing and recommend a reasonable zoning approach to the Township Board. This Moratorium extension shall expire on October 15, 2014.

Section A. Moratorium. A six (6) month extension of the moratorium established by Township Resolution and Ordinances is a reasonable amount of time for undertaking Planning Commission action in light of the Ter Beek Michigan Supreme Court decision and to establish a reasonable Zoning approach and is hereby established for applications for any permits or approvals for uses under the Michigan Medical Marihuana Act. During the six (6) months, the Planning Commission shall study the issue and make its best effort to, after public hearing, recommend a reasonable zoning approach. The Moratorium established hereby shall expire on October 15, 2014.

Section B. Appeal. An individual shall have the right to file a claim regarding the hereby established moratorium. The claim shall include an explanation describing and substantiating the basis for the alleged wrong occasioned by the moratorium. The claim shall be heard by an Administrative Body made up of the Planning Commission Chair, the Chief Building Official, and the Township Board representative on the Planning Commission.

Section C. Administrative Appeal Process. Within 14 days of receipt of the claim by the Township Clerk the Administrative Body shall conduct a public hearing with notice of the time, date, location and purpose being posted no less than five days prior thereto and the hearing being conducted otherwise in compliance with the Open Meetings Act, at which hearing the claimant may make a written and oral presentation to the Administrative Body. Within seven days the Administrative Body shall issue and deliver to the Township Clerk a written recommendation addressed to the Township Board, signed by the members of the Administrative Body, which recommendation shall contain the collective or individual opinion(s) of the Administrative Body members regarding disposition of the claim. Upon receipt by the Clerk of the recommendation from the Administrative Body, at the next regular or special board meeting the Township Board shall review the recommendation and may take any of the following
actions, provided said action complies with all township ordinances:

a. grant a waiver of the moratorium as to the stated claim;
b. deny the claim;
c. grant in part and deny in part the claim;
d. refer the matter back to the Administrative Body for further consideration or hearing;
e. refer the matter to the Planning Commission and/or the Planning or Building Department for further review and recommendation;
f. any other relief found reasonable and necessary under the circumstances.

Section D. Written Findings on Appeal; Service. The Township Board shall adopt written findings and statement of action which shall within 5 business days of the publication of the minutes of the Board meeting be served by regular mail on the claiming party at the address shown on the claim.

SECTION 2. VIOLATION AND PENALTY.

Unless otherwise provided, any person, corporation, partnership or any other legal entity who violates the provisions of this Ordinance shall be guilty of a misdemeanor and may be fined not more than Five Hundred ($500.00) Dollars or imprisoned for not more than ninety (90) days, or both, at the discretion of the Court.
ARTICLE 10: FIREWORKS

[Effective date: November 30, 2014, Amendment 9 to Ordinance 1016]

VII.-10.00. 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:


*Articles pyrotechnic* shall mean pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction, but are not intended for consumer use, that meet the weight limits for consumer fireworks, but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

*Consumer fireworks* shall mean firework devices that are designed to provide 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 are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

*Consumer fireworks certificate or certificate* shall mean a certificate issued under Section 28.467a of Act 256.

*Department* shall mean the Michigan Department of Licensing and Regulatory Affairs.

*Display fireworks* shall mean 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.

*Fireworks* shall mean 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.

*Low-impact fireworks* shall mean ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1.1.1 to 3.1.1.8, and 3.5.

*Novelties* shall mean the term defined under APA standard 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 (i) 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 1/8 inch in diameter.
National holiday shall mean the following legal holidays:

(1) New Years' Day, January 1
(2) Martin Luther King, Jr., Day, the third Monday in January
(3) George Washington's Birthday, the third Monday in February
(4) Memorial Day, the last Monday in May
(5) Independence Day, July 4
(6) Labor Day, the first Monday in September
(7) Columbus Day, the second Monday in October
(8) Veteran's Day, November 11
(9) Thanksgiving Day, the fourth Thursday in November

Person shall include an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated association, or any other legal or commercial entity.

Special effects shall mean a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

VII-10.02. Exemptions.

A permit is not required under this division for the possession, ignition or discharge of novelties or low-impact fireworks. A permit for the discharge of consumer fireworks may be required under section F.

VII-10.03. Permit or registration required.

(1) No person shall sell consumer fireworks in the township without having obtained a consumer fireworks certificate from the department as required by, and complied with all the requirements of Act 256, as amended. The consumer fireworks certificate shall be prominently displayed at the retail location for which the certificate was issued.

(2) No person shall sell low-impact fireworks without having registered with the low impact fireworks retail registry maintained by the department.

VII-10.04. Discharge or novelties, low-impact fireworks and consumer fireworks.

(1) Except in the case of a consumer permit issued by the township under section F, consumer fireworks shall not be ignited, discharged, or used by any person at any time, except on the day preceding, the day of, or the day after a national holiday. On these holiday dates only, the ignition, discharge or use of consumer fireworks is permitted between the hours of 8:00 a.m. and 12:00 a.m. (midnight) only, except that consumer fireworks shall be permitted between the hours of 8:00 a.m. and 1:00 a.m. on New Year's Eve, and always only in accordance with state and local law.
(2) When permitted, consumer fireworks and low-impact fireworks shall not be ignited or discharged on public property, school property, church property, or property of another person without that organization's or person's written permission to use consumer fireworks and low-impact fireworks on the premises.

(3) Low-impact fireworks shall not be ignited, discharged or used between the hours of 10:00 p.m. and 8:00 a.m.

(4) No fireworks shall be ignited or discharged within 70 feet of any building, or on any public street.

(5) Minors shall be prohibited from possessing, using, igniting or discharging consumer fireworks.

(6) No person shall use consumer fireworks while under the influence of alcoholic liquor or a controlled substance or both.

VII-10.05. Permit for pyrotechnic displays or other use.

(1) The township board, upon application in writing, on forms provided by the department may grant a permit for the use of fireworks otherwise prohibited by section D, within the township, manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks, or other organizations or groups of individuals approved by the township board, if the applicable provisions of this division and the Act are complied with. After a permit has been granted, the possession or transportation of fireworks for the purposes described in the permit only may be made. A permit granted under this subsection shall not be transferable, nor shall a permit be issued to a person under the age of 18 years.

(2) Before a permit for articles pyrotechnic or display fireworks is issued, the person making application therefor shall furnish proof of financial responsibility by a bond or insurance in 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, or any agent or employee thereof, in the amount, character and form the township board determines necessary for the protection of the public.

(3) No permit shall be issued under this section to a nonresident person for conduct of articles pyrotechnic or display fireworks until such person has appointed in writing a resident member of the bar of this state or a resident agent to be his legal representative upon whom all process in an action or proceeding against him may be served.

(4) The township board shall rule on the competency and qualifications of operators of articles pyrotechnic or display fireworks as the operator has furnished in his application form, and on the time, place and safety aspects of the displays, before granting permits.

VII-10.06. Permit for discharge of consumer fireworks.

(1) Persons wishing to discharge consumer fireworks on a day other than the day preceding, day of, or day after a national holiday shall do so only after paying a fee and obtaining a permit from the township.

(2) Application for a permit to discharge consumer fireworks under this section shall be made on forms available from the township clerk.
(3) Approval of a permit to discharge consumer fireworks shall be subject to the following minimum conditions:

(i) A minimum radial setback of 70 foot per one inch of the largest aerial device proposed to be discharged from the proposed launch site to the nearest occupied structure.

(ii) Satisfactory inspection by the fire prevention division of the township fire department upon delivery of the consumer fireworks to the proposed launch site.

(iii) Written permission of the property owner, if different than the applicant, shall be provided.

(iv) Additional reasonable conditions the fire prevention division deems necessary to protect the public health, safety and welfare.

(4) A permit under this section shall not be issued to a minor.

(5) A permit shall not be issued for any public property, including roads, road rights-of-way, or sidewalks.

(6) The required inspection shall be requested by the applicant not later than 24 hours prior to the proposed discharge. For a proposed discharge on a Saturday or Sunday, the request shall be made not later than 8:30 a.m. of the Thursday preceding the proposed day of discharge.

**VII-10.07. Transportation and storage.**

Transportation and storage of fireworks through and in the township shall be in accordance with the requirements set forth in Act 256.