



City of South Haven

# PRESS RELEASE

## City of South Haven

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Local Media

DATE: September 20, 2016

## ADOPTED ORDINANCES RESULT IN LOCAL POLICY CHANGES

FOR IMMEDIATE RELEASE – (South Haven, Michigan) The City of South Haven City Council was asked to consider two ordinance amendments at their September 19, 2016 regular meeting: Fireworks Ordinance Amendment and Unattended Animal Ordinance. A summary of each is found below.

At the September 6<sup>th</sup> meeting of the City Council, members reviewed the Michigan Fireworks Safety Act (“MFSA,”) and approved a resolution which respectfully requested the Michigan Legislature to consider requests for an increased ability on behalf of local units of government to regulate the hours of the day and night for the use of fireworks. Currently, per the MFSA and local ordinance, the City of South Haven does regulate the use of fireworks between the hours of 1:00 a.m. and 8:00 a.m.

Continuing their effort to regulate fireworks locally, the City Council, at their September 19<sup>th</sup> regular meeting, adopted an ordinance amending the penalties for violations of Section 54-167, the sale, possession and transportation of fireworks in the Code of Ordinances. Currently, the penalty is a civil infraction; however, with the proposed changes, the following schedule of fines will apply:

- (1) \$150.00, plus costs for first violation (a change from \$50.00);
- (2) \$250.00, plus costs for first repeat offense (a change from \$100.00); and
- (3) \$500.00, plus costs for any subsequent repeat offense (up from \$250.00).

These changes will serve to act as a stronger deterrent to violators and help to maintain the harmony, peace, tranquility, public safety and best interests of city residents and visitors.

Also at their September 19<sup>th</sup> regular meeting, City Council adopted an ordinance which provides local enforcement to protect unattended animals from being left in parked motor vehicles under conditions that endanger the health or well-being of the animal.

Per the adopted ordinance, “a peace officer, animal control officer or first responder is authorized to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.”

Violations of this ordinance will result in the following fines:

- (1) If the animal did not suffer great bodily injury or death, a violation of this section is punishable by a fine not exceeding \$100.00, imprisonment in a county jail not exceeding 30 days, or by both a fine and imprisonment.
  
- (2) If the animal suffered great bodily injury or death, a violation of this section is punishable by a fine not exceeding \$500.00, imprisonment in a county jail not exceeding 90 days, or by both a fine and imprisonment.

For more information regarding these ordinances, please refer to the adopted ordinances attached to this press release.

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CITY OF SOUTH HAVEN  
ALLEGAN AND VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. 1029

AN ORDINANCE TO AMEND CHAPTER 54, ARTICLE VII, DIVISION 1, SECTION 54-167 TO  
AMEND THE SCHEDULE OF FINES RELATED TO THE DISCHARGE OF CONSUMER  
FIREWORKS

The City of South Haven Ordains:

**SECTION 1**

Amendment. Chapter 54 "Offenses"; Article VII "Offenses Against Public Safety", Division 1 "Generally", Section 54-167, is amended in its entirety to read as follows:

**Sec. 54-167. Sale, possession and transportation of fireworks; permit for public display.**

(a) No person shall explode, or cause to explode any firework as defined in the Michigan Fireworks Safety Act, Michigan Compiled Laws 28.452(j) except on the day preceding, the day of, or the day after a national holiday. On the day preceding, the day of, or the day after a national holiday, no person shall explode or cause to explode any firework between the hours of 1 a.m. and 8 a.m.

(b) A person shall not ignite, discharge, or use consumer fireworks on property owned or controlled by the City of South Haven without permission granted by resolution of the City Council. Property owned or controlled by the City of South Haven includes but is not limited to public right of way, city beaches, parks, city facilities, municipal marinas, vacant land and industrial park property owned by the City or its authorities.

(c) The council may, upon application in writing on forms provided by the Michigan Department of Licensing and Regulatory Affairs and payment of a fee as set by resolution of city council, if any, grant a permit for the use of fireworks within the city, subject to the provisions of the Michigan Fireworks Safety Act. A permit granted under this subsection is not transferable and shall not be issued to a minor.

(d) A violation of this ordinance shall be subject to a civil infraction, to which the following schedule of fines shall apply:

- (1) The fine for a violation shall be \$150.00, plus costs, for each infraction.
- (2) The fine for any offense which is a first repeat offense as defined in Section 1-16 of this Code shall be \$250.00, plus costs.
- (3) The fine for any offense which is a second repeat offense or any subsequent repeat offense as defined in Section 1-16 of this Code shall be \$500.00, plus costs.

SECTION 2

Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: Arnold, Klavins, Kozlik-Wall, Schlack, Smith, Burr

NAYS: None

ABSTAIN: None

ABSENT: Gruber

Introduced: September 6, 2016  
Adopted: September 19, 2016  
Published: \_\_\_\_\_, 2016  
Effective: \_\_\_\_\_, 2016

  
\_\_\_\_\_  
Robert Burr, Mayor

CERTIFICATION

I, Travis Sullivan, Clerk of the City of South Haven, Van Buren and Allegan Counties, Michigan do hereby certify that the above Ordinance was adopted by the South Haven City Council on the 19th day of September, 2016; and the same was published in a paper of general circulation in the City, being the *South Haven Tribune*, on the \_\_\_\_ day of \_\_\_\_\_, 2016.

  
\_\_\_\_\_  
Travis Sullivan, City Clerk

CITY OF SOUTH HAVEN  
ALLEGAN AND VAN BUREN COUNTY, MICHIGAN

ORDINANCE NO. 1030

AN ORDINANCE TO PROTECT ANIMALS IN UNATTENDED MOTOR VEHICLES

The City of South Haven Ordains:

SECTION 1

Amendment. Chapter 6 "Animals", Article I "In General", Section 6-12 "Animals in Unattended Motor Vehicles", is hereby enacted to read as follows:

**Sec. 6-12 Animals in Unattended Motor Vehicles.**

(a) No person shall confine an animal in any unattended motor vehicle, or leave an animal confined in any unattended motor vehicle, under conditions that endanger the health or well-being of the animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or any other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

(b) A peace officer, animal control officer or first responder is authorized to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

(c) A peace officer, animal control officer or first responder who removes an animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.

(d) A peace officer, animal control officer or first responder is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle pursuant to this section, including but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible for the motor vehicle.

(e) A peace officer, animal control officer or first responder who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.

(f) Nothing in this ordinance shall be deemed to prohibit the transportation of horses, cattle, pigs, sheep, poultry or other agricultural animals in motor vehicles designed to transport such animals for agricultural purposes.

(g) A violation of Section 6-12(a) shall be a criminal misdemeanor, subject to the following penalties:

(1) If the animal did not suffer great bodily injury or death, a violation of this section is punishable by a fine not exceeding \$100.00, imprisonment in a county jail not exceeding 30 days, or by both a fine and imprisonment.

(2) If the animal suffered great bodily injury or death, a violation of this section is punishable by a fine not exceeding \$500.00, imprisonment in a county jail not exceeding 90 days, or by both a fine and imprisonment.

SECTION 2

Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: Arnold, Klavins, Kozlik-Wall, Schlack, Smith, Burr

NAYS: None

ABSTAIN: None

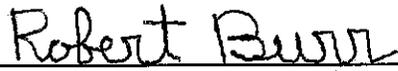
ABSENT: Gruber

Introduced: September 6, 2016

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Robert Burr, Mayor

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I, Travis Sullivan, Clerk of the City of South Haven, Van Buren and Allegan Counties, Michigan do hereby certify that the above Ordinance was adopted by the South Haven City Council on the 19th day of Septmeber, 2016; and the same was published in a paper of general circulation in the City, being the *South Haven Tribune*, on the \_\_\_\_ day of \_\_\_\_\_, 2016.

  
\_\_\_\_\_  
Travis Sullivan, City Clerk