

ALLENDALE CHARTER TOWNSHIP

Ordinance No. 2010- 8

FIREWORKS POSSESSION, DISPLAYS, SHOWS, DEMONSTRATIONS, STORAGE
OR SALE

OTTAWA COUNTY, MICHIGAN

AN ORDINANCE TO REGULATE FIREWORKS POSSESSION, DISPLAYS, SHOWS OR DEMONSTRATIONS IN ALLENDALE CHARTER TOWNSHIP, COUNTY OF OTTAWA, STATE OF MICHIGAN; TO PROVIDE FOR APPLICATIONS TO THE ALLENDALE CHARTER TOWNSHIP FOR FIREWORKS POSSESSION, DISPLAYS, SHOWS, OR DEMONSTRATIONS; TO ESTABLISH PROCEDURES RELATED TO THE SAME; TO PROVIDE FOR PERMITS TO BE ISSUED BY THE TOWNSHIP; AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

THE ALLENDALE CHARTER TOWNSHIP ORDAINS:

Section 1: PURPOSE AND INTENT

The purpose of this Ordinance is to establish a safe environment for the storage and discharge of fireworks and to ensure protection for the viewing public and the property owners surrounding the storage, discharge site (s) and display site (s).

Section 2: APPLICATION AND SITE PLAN

Any person wishing to stage or conduct a fireworks Display, Show, or Demonstration (hereinafter, "Fireworks Display") shall, at least 60 days prior to the event, submit an application to the Township on a form furnished by the Bureau of Fire Services (or successor entity) and shall secure permission from the Township Board (by means of the issuance of a Township Permit) prior to the fireworks display occurring. The Township Board may waive such 60-day application deadline for good cause shown by the applicant, but in no event will the Township approve a fully complete application filed with the Township less than 14 days before the event.

- a.** A site plan of the area of the fireworks Discharge Site and Display Site shall be submitted together with the application. The Site Plan shall set forth all structures and buildings in the area and the Discharge Site fallout area. The Site Plan shall set forth all distance separating the mortars used to launch the fireworks from all structures and buildings, and shall also set forth the distance separating the mortars from the spectators viewing the Fireworks Display, including off street parking of spectators vehicles. All Site Plans must be subject to the approval of the Allendale Charter Township Fire Department following NFPA 1123 Guidelines prior to Township Board approval.
- b.** A non-refundable application fee in an amount determined by Township Board resolution (payable to the Township) must accompany any such application.
- c.** The Township Board can attach reasonable conditions to the issuance of a permit hereunder, including, but not limited to , the following:

 - i.** Requiring of a bond, irrevocable letter of credit, or other monetary security to ensure full compliance with Michigan Law, this Ordinance, and any approval hereunder, as well as to provide security for any damages caused;
 - ii.** Imposing/requiring of setback and isolation areas;
 - iii.** Requiring reimbursement of police and firefighter cost and expenses;
 - iv.** Requiring the applicant to sign an indemnification/hold harmless agreement benefiting the Township (as well as its employees, officers, officials, agents and personnel); and
 - v.** Requiring the applicant to pay for any and all damages and cost related to, arising out of, or caused by the Fireworks Display (which shall be in addition to any other requirements imposed on the applicant , including insurance coverage requirements and the signing of any hold harmless/indemnification agreement).

Section 3: REQUIREMENTS AND RESTRICTIONS

- a.** The Federal Safe Explosives Act of 2002 shall be followed and proof of required License and Permit from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives shall be submitted for verification.
- b.** All fireworks shall be stored in an approved magazine.
- c.** The Fireworks Company, Person, or Firm conducting the Fireworks Display shall follow National Fire Protection Association (NFPA) Code 1123, 1124, and 1126 for the Fireworks Display and or the Township requirements, whichever is more restrictive.
- d.** The Fireworks Company, Person, or Firm shall maintain personal injury liability insurance/property damage liability insurance in the minimum amount of \$1,500,000 during each event. The Township shall be named as an additional insured on the insurance policy. The insurance policy shall also include coverage for the cleanup after the Fireworks Display has ended.
- e.** The Fireworks Company, Person, or Firm shall be responsible for all shells being fired. In the event one of the shells does not explode, the Fireworks Company, Person, or Firm shall secure the area until the unexploded shell is found and properly disposed of.
- f.** The consumption of alcohol or any drugs that could impair the user prior to and during a Fireworks Display by the Operator, Shooter, Spotter or any Person on site employed by the Fireworks Company is strictly prohibited.
- g.** The Fireworks Display shall have a time of ONE HOUR, starting with the first discharge to the completion of the event. At no event shall the discharge time be 12:00 am to 6:00 am.
Exception: With board approval for New Years Eve/Day.
- h.** All Fireworks Displays shall be conducted in a safe and lawful fashion.
- i.** All Fireworks Display events shall obtain any and all required Federal, State and County permits (where applicable) and shall comply with all applicable State and County regulations, rules and laws.

Section 4: PROCEDURES

Any Fireworks Company, Person, or Firm intending to sell, transport, possess, discharge or cause to discharge any CLASS 1.3 and or CLASS 1.4 as described by MCLA 750.243a of must meet all requirements of Chapter 39 of Michigan PA 328 of 1931, as amended, and this Policy. The following is the minimum that a Fireworks Company, Person, or Firm must meet prior to the issuance of a permit by the Allendale Charter Township Board.

- a. Complete the application for a permit as required by the Allendale Charter Township Board. 60 days prior to event for all sub approvals to be completed.
- b. Pay the permit application fee as established by the Township Board.
- c. Submit to the Township copies of any State and Federal required permits and licenses.
- d. Submit a scaled drawing of the Discharge Site and Display Site, including but not limited to surrounding buildings and parking areas (off street) as required per NFPA 1123.
- e. Provide copies of letters of approval or disapproval of all property owners with in a ¼ mile radius of the discharge site.
- f. Provide proof of one of the following:
 1. The applicant is licensed as a Pyrotechnic Operator by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives.
 2. The Applicant has contracted with a Pyrotechnic Operator licensed by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives has been contracted to conduct the display.
 3. That the Applicant is at least age (21), and has completed the required training, competency and qualifications as the Pyrotechnic Operator. As per MCL 750.243b (5) for approval, to be the operator of requested permit.
- g. Demonstrate knowledge of the recommended safety requirements outlined in NFPA 1123, 1124, and 1126.
- h. Provide proof of required liability insurance with the Allendale Charter Township listed as an additional insured on the policy. Such proof of insurance shall be subject to the approval of the Township Insurance Carrier.

- i. The Allendale Charter Township Fire Department's representative shall conduct a Discharge Site and Display Site review and make recommendations to the Township Board based on his/her observations.
- j. When the Applicant has met all the above stated requirements, the Applicant shall contact the Township Clerk to schedule an appearance at a meeting of the Allendale Charter Township Board, at which time the Board will either consider the permit application.

Section 5: ENFORCEMENT AND PENALTIES

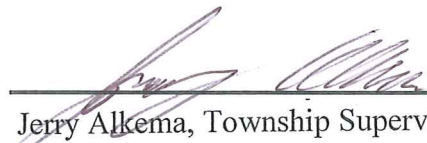
- a. This Ordinance may be enforced by such Person(s) as shall be so designated by the Township Board.
- b. Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding \$500.00 (five hundred dollars) or by imprisonment for not more than 90 days, or by both such fine and imprisonment at the discretion of the court.

Section 6: SEVERABILITY

If any portion of this Ordinance is determined to be unenforceable or unconstitutional by a court of competent jurisdiction, then that part shall be deemed severable from the remainder of the Ordinance, and such severance shall not affect the remainder of the Ordinance, which shall remain in full force and effect.

Section 7: EFFECTIVE DATE

This ordinance was approved and adopted by the Township Board on
____ June 14, 2010 ___, after introduction and a first reading on
____ May 10, 2010 ___, and publication after such first reading as
required by Michigan Act 259 of 1947, as amended. This Ordinance shall
be effective immediately upon publication on June 22, 2010, in the
Advance, a newspaper having general circulation in the Township.



Jerry Alkema, Township Supervisor



Candy Kraker, Township Clerk