

Procedure for Fireworks Permit

- ❑ Letter requesting Fireworks Display with date, time and rain date and time if possible.
- ❑ Application completely filled out and signed.
- ❑ Invoice of shell description, quantity of what applicant will be shooting off.
- ❑ Copy of Certificate of Liability Insurance with policy expiration date.
- ❑ Acknowledge receipt of the Fireworks Code of Ordinance (1.000 Chapter 20 Article IV) and the NFPA 1123 Code (signed).
- ❑ Copy of map and locations of display.
- ❑ Check to Commerce Township for \$50.00.
- ❑ Once you have all these documents copy them to the Fire Chief and Fire Marshall and wait for their approval letter.
- ❑ After you receive the approval letter from the Fire Department submit all paperwork to Deputy Clerk for it to be on the Township Board agenda.
- ❑ Upon approval from the Township Board, have the Clerk sign off on the application and Resolution.
- ❑ Make a copy for applicant of the resolution and receipt for the \$50.00.
- ❑ Also copy resolution to the Fire Department and Sheriff's Department.
- ❑ Keep original in license drawer.

Make sure you submit all the items that are highlighted above including the application for Fireworks to the Clerk's Department.

FIREWORKS INSTRUCTIONS

Applications shall be made to the city or village council or commission of the township board. A permit shall be issued only as the result of legal action by the council, commission or board. A permit shall be valid only for use within the limits of the issuing political jurisdiction.

1. The applicant may be a person representing an organization, group, firm or corporation or self. If the applicant is also the operator, enter the same name in section 3.
2. A nonresident applicant shall appoint, in writing, a Michigan attorney or resident agent to be the applicant's legal representative upon whom all process in any action or proceeding may be served.
3. The pyrotechnic operator is the person in charge of the display. The council, commission or board shall rule on the competency and qualifications of the operator before granting a permit and may require an affidavit from the applicant as to the operator's experience, former pyrotechnic accidents, criminal record, sobriety, etc.
4. Indicate the total amount of fireworks proposed for the display, such as 10 aerial bombs, 30 aerial rocket bursts, etc.
5. Indicate the manner and place of storage within the political jurisdiction of fireworks that are ready for display, just prior to the display in the area of exhibition. The council, commission or board shall obtain approval from the local fire authorities of the manner and place of storage before any permit is issued.
6. The issuing political jurisdiction shall set the amount of and proof of bond or insurance for the protection of the public to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the person, firm or corporation or any agent or employee of applicant. The applicant shall assure that the bond or insurance required is provided.

**PERMIT
FOR FIREWORKS DISPLAY**

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only.

Issued to:	Age (18 or over):	
Address:		
Name of Organization, Group, Firm or Corporation:		
Address:		
Number and Types of Fireworks:		
Exact Location of Display or Use:		
Township of: Commerce Township, Michigan	Date:	Time:
Bond or Insurance Filed: <input type="checkbox"/> Yes <input type="checkbox"/> No		Amount:

Issued by action of the Legislative Body of Charter Township of Commerce on the	day of
<hr style="border: 1px solid black;"/> (Signature and Title of Legislative Body Representative)	

THE CHARTER TOWNSHIP OF COMMERCE

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MOLLY B. PHILLIPS
TREASURER

TRUSTEES
BOB BERKHEISER
RICK SOVEL
VANESSA MAGNER
GEORGE WEBER

I, _____, (print name) acknowledge receipt of the Charter Township of Commerce Code of Ordinance 1.000 Chapter 20: Article IV, the Fireworks Control Ordinance, and the NFPA 1123 Code for Fireworks Display on this date and agree to comply by the terms and conditions set forth therein.

Signature of Applicant

Date

Witness: _____

Melissa Creech, MiPMC
Clerk, Charter Township of Commerce

The requirements of this section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk when said units are permanently disfigured or marked with a permanent sign identifying the unit as junk.

(Ord. No. 88-7-59-0, § 17, 2-9-1988)

State law reference—Fire extinguishers or fire extinguishing devices, MCL 29.21a.

Sec. 20-63. Street obstructions.

A person shall not erect, construct, place, or maintain any fences, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street, within the boundaries of the municipality. The term "street" as used in the article, shall mean any roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the municipality.

(Ord. No. 88-7-59-0, § 18, 2-9-1988)

Secs. 20-64—20-84. Reserved.

ARTICLE IV. FIREWORKS*

DIVISION 1. GENERALLY

Sec. 20-85. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural and wildlife fireworks means firework devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the United States Department of Interior or the Michigan Department of Natural Resources.

APA means American Pyrotechnics Association.

***Editor's note**—Ord. No. 1.020, § 2, adopted October 9, 2012, amended Art. IV, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. IV pertained to similar subject matter. See also the Code Comparative Table.

State law reference—Fireworks, MCL 750.243a et seq.

Articles pyrotechnic means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but 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.

Commercial fireworks includes display fireworks, articles pyrotechnic, special effects and agricultural and wildlife fireworks.

Consumer fireworks means fireworks devices that are designed to produce visible or audible 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 that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

Display fireworks means 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 16 CFR 1500 and 1507, 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

Firework or fireworks means 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 means ground and an handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

National holiday: A national holiday is defined in 5 USC 6103 and includes the following:

- (1) New Year's Day (January 1st).
- (2) Martin Luther King Jr. Day (third Monday in January).
- (3) Washington's Birthday (third Monday in February).

- (4) Memorial Day (last Monday in May).
- (5) Independence Day (July 4th).
- (6) Labor Day (first Monday in September).
- (7) Columbus Day (second Monday in October).
- (8) Veterans Day (November 11th).
- (9) Thanksgiving Day (fourth Thursday in November).
- (10) Christmas Day (December 25th).

NFPA means National Fire Protection Association.

Special effects means a combination of chemical elements or chemical compounds 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.

State fire marshal means the Michigan State Fire Marshal appointed under section 1b of the Michigan Fire Prevention Code, 1941 PA 207, MCL 29.1b.

(Ord. No. 1.020, § 2, 10-9-2012)

Sec. 20-86. Consumer fireworks.

(a) Consistent with the Michigan Fireworks Safety Act, Public Act 256 of 2011, as amended, no person shall ignite, discharge or use consumer fireworks in the township except on the following national holidays after 11:00 a.m.:

- (1) December 31 until 1:00 a.m. on January 1.
- (2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (3) June 29 to July 4 until 11:45 p.m. on each of those days.
- (4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- (5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

A violation of this subsection is a municipal civil infraction. A civil fine of up to \$1,000.00

shall be imposed for each violation of this section. Fifty percent of said fine imposed for each violation of this section shall be remitted to law enforcement.

(b) A person shall not ignite, discharge or use consumer fireworks on township property, including but not limited to the township's parks, without the express permission of the township. A violation of this subsection is a municipal civil infraction with fines as set forth in this code. (Ord. No. 1.020, § 2, 10-9-2012; Ord. No. 1.022, § 2, 9-10-2013; Ord. No. 1.045, § 2, 3-12-2019)

Sec. 20-87. Commercial fireworks.

Commercial fireworks shall not be discharged in the township without a permit.

(Ord. No. 1.020, § 2, 10-9-2012)

Sec. 20-88. Low impact fireworks.

The display of low impact fireworks is regulated by state law and is not regulated by this article. (Ord. No. 1.020, § 2, 10-9-2012)

Sec. 20-89. Determination of violation; seizure; destruction; storage costs under this article.

(a) If the Oakland County sheriff's office determines through its investigation that a violation of this article has occurred, its officers may seize the firework(s) as evidence of the violation. The Oakland County sheriff's office shall store, or cause to be stored, the evidence seized under this section pending disposition of any proceedings arising from the violation.

(b) Following a final disposition of a finding of responsibility under this article, the Oakland County sheriff's office may dispose of or destroy any fireworks retained as evidence in that proceeding.

(c) A person from whom fireworks are seized under this section shall pay the actual costs of storage and disposal of the seized fireworks if found responsible for a violation of this article. (Ord. No. 1.045, § 2, 3-12-2019)

Secs. 20-90—20-115. Reserved.

DIVISION 2. PERMITS

Subdivision I. In General

Sec. 20-116. Permit required.

A permit is required for the discharge of commercial fireworks.

(Ord. No. 1.020, § 2, 10-9-2012)

Sec. 20-117. Permit application.

(a) A person seeking a permit to discharge commercial fireworks shall complete an application for a permit. The application shall include:

- (1) Proof that the this applicant is over 18 years in age;
- (2) A license or permit to operate commercial fireworks from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
- (3) A scale drawing of the site, including but not limited to surrounding buildings, the display site as described by NFPA 1123, the spectator viewing area and the parking areas;
- (4) Proof of insurance as set forth in this article;
- (5) Information as to the competency and qualifications of the fireworks display operators as required by NFPA 1123;
- (6) A completed application for fireworks display permit from the State of Michigan;
- (7) A description of the display, including the type and number of fireworks to be discharged; and
- (8) Payment of a fee as set forth in the township fee ordinance.

(b) A person seeking a permit to discharge commercial fireworks shall demonstrate to the township fire marshal or his designee, knowledge of the recommended safety requirements outlined in NFPA 1123.

(c) A nonresident applicant shall appoint in writing a resident member of the bar of this state or a resident agent to be the legal representative

upon whom all process in an action or proceeding against the person, firm, or corporation may be served.

(d) A permit application shall be submitted to the township clerk's department at least 45 days in advance of the proposed discharge date.

(Ord. No. 1.020, § 2, 10-9-2012)

Sec. 20-118. Permit approval process.

(a) The township fire marshal or his designee shall review a permit application and make a recommendation to the township board.

(b) The township board shall review the application and issue a permit if it finds that the following standards have been satisfied:

- (1) The permit application is complete and conforms with the requirements of this article.
- (2) The township fire marshal has recommended the application be approved.
- (3) The proposed discharge of fireworks shall not have an adverse effect upon public safety.
- (4) The time, duration and location of the fireworks will not unreasonably disturb the peace of neighboring property owners.

(Ord. No. 1.020, § 2, 10-9-2012)

Sec. 20-119. Requirements of permit holders.

(a) A permit holder shall be responsible for the discharge of fireworks which shall conform with the approved permit and this article.

(b) A permit holder shall be responsible for all shells being fired. In the event one or more shells do not explode, the permit holder shall take appropriate measures to locate and properly dispose of the unexploded shell(s).

(Ord. No. 1.020, § 2, 10-9-2012)

Sec. 20-120. Fee.

The township clerk shall collect the sum as set out in the township fee ordinance for each permit applied for pursuant to this article.

(Ord. No. 1.020, § 2, 10-9-2012)

Sec. 20-121. Transfer

Permits cannot be transferred or assigned without prior review and approval of the township as set forth in this article.
(Ord. No. 1.020, § 2, 10-9-2012)

Sec. 20-122. Revocation.

Permits shall be revoked and inventory seized if at any time during the term of the permit the terms and conditions of this article are violated.
(Ord. No. 1.020, § 2, 10-9-2012)

Sec. 20-123. Insurance.

To protect the public, the applicant shall provide proof of financial responsibility by insurance to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the applicant. At a minimum, the applicant shall maintain (a) Worker's Compensation and Employers Liability coverage covering the statutory requirements of the State of Michigan and insuring the applicant with an employer's liability limit of at least \$500,000.00 and (b) occurrence based commercial general liability coverage covering liability arising out of the operations of the applicant, with an endorsement applying the policy's aggregate limits by location or project, and having minimum liability limits of \$1,000,000.00 combined single limit per occurrence, and a general aggregate limit of at least \$2,000,000.00. The policy shall be issued by an insurer with an A.M. Best rating of "A" or better. The township shall be named as an additional insured if the applicant utilizes township owned property during the display.
(Ord. No. 1.020, § 2, 10-9-2012)

Secs. 20-124—20-170. Reserved.