

# ~ City of Keego Harbor ~

## Council Communications

**DATE:** September 13, 2017

**SUBJECT:** Fireworks Permit Application

### **BACKGROUND/ANALYSIS:**

The fireworks permit would be for the private party to hire a professional to exhibit fireworks display. The West Bloomfield Fire Department will have to be involved and would have a few firefighters on site to monitor and if any emergency arises. The fee of \$1,115.00 is made out to the West Bloomfield Township for the coverage of the firefighters on site. The city will be added insured with regards to the fireworks display. The city will be working closely with the West Bloomfield Fire Department making sure all the proper regulations and state requirements are met.

# West Bloomfield Fire Department Right – To – Know DOT Chemical Survey Instructions

Section 14i of the Michigan Occupational Safety and Health Act (MIOSHA), Act no. 154 P.A. of 1974 as amended requires that each fire chief prepare and disseminate to each firefighter information on facilities within their jurisdiction that use or produce hazardous chemicals.

The Michigan Fire Prevention Code, Act No. 201, P.A. of 1941, as amended, requires that any firm handling hazardous chemicals provide information upon request. This allows the Fire Department to gather information on each chemical in order to meet the requirements.

This is an official request to provide information on the chemicals that you use, produce, or store at your facility. Even if you do not use any chemicals at your facility, you are still required to fill out the form.

**Instructions:** This survey is divided into separate hazard classes that are defined by the U. S. Department of Transportation (DOT), and are indicated on the labeling for chemicals that fit these classes. For each hazard class, please indicate by checking the appropriate box if you have chemicals on your site at or above specified quantities, below specified quantities, or do not have at your facility. If a chemical has more than one characteristic type, please indicate in the correct categories. As an example, chlorine is listed both as a corrosive and as a poison. A check mark in each of these categories under the quantities present is required to complete the form.

To complete the survey, you may need to reference Material Safety Data Sheets, SARA Title III reporting forms, any labels present, or the definition pages attached to this packet.

If you do not have any chemicals in a specific category, please mark the do not have box in that category.

What needs to be included on this survey? Every chemical that you use, produce, or store at your facility needs to be included in this survey. Also included in this grouping are chemicals that you have listed in Employee Right to Know for chemicals on the job site.

What does not need to be included in this survey? Chemicals that are not included in this survey are limited to quantities of household chemicals that you would normally find in your own home, such as dish soap, hand soap, window cleaner, etc.

This survey must be completed and returned to the Fire Prevention Officer inspecting your facility before the inspection can be considered complete. Any further questions concerning this form may be directed to the Inspector.

This survey may be followed up with a request for more detailed information. This may include a request for Material Safety Data Sheets, chemical lists maintained under the Employee Right to Know provisions of MIOSHA, as well as other information about quantities, use, storage, etc., of the chemicals involved.

Thank you for your cooperation.

## Requirements for Fireworks Permit Application

- (1) Complete the **Application for Fireworks Display Permit (FM-51)** and return it to the City Clerk's Office. Please review the application package provided, and be sure to adhere to the **National Fire Prevention Association, Ref. NFPA 1123 and 2003 International Fire Code**. The Police and Fire Department Chiefs will review the application for their approvals before your application is presented to the City Council for final approval.

**Note:** Approvals will not be given unless ALL information is provided on the application form.

- (2) **Provide:** Certificate of insurance for general liability insurance in the following amounts, naming CITY OF KEEGO HARBOR as an added insured with regard to your fireworks display:

Bodily Injury	\$2,000,000.00 per occurrence
Property Damage	\$1,000,000.00 per occurrence

- (3) **Fee:** **\$1,115.00** when filing your application with this office.  
(Please make check payable to West Bloomfield Township)
- (4) Please mail or personally submit the application, check and certificate of insurance to the following address:

Tammy Bleashka, Administrative Clerk  
2025 Beechmont  
Keego Harbor, MI 48320

If you have any questions regarding the application or regulations, please contact the Clerk's Office at (248) 682-1930.

APPLICATION FOR FIREWORKS DISPLAY PERMIT

<b>D</b> PUBLIC DISPLAY		<b>D</b> AGRICULTURAL PEST CONTROL	Date of Application
Name of Applicant		Address	A90 (1B or over)
If a Corporation, Name of President		Address	
If a Non-resident Applicant: Name of Mich. Attorney or Res. Agent		Address	Phone No.
Name of Pyrotechnic Operator		Address	Age (18 or over)
No. Years of Experience	No Displays	Where	
Name of Assistant		Address	Age
Name of Other Assistant		Address	Age
Exact Location of Proposed Display			
Date of Proposed Display		(Rain Date)	Time of Proposed Display
No. of Fireworks	Kind of Fireworks to be Displayed		
Manner and Place of Storage Prior to Display (Subject to Approval of Local A1'9 Authorities)			
Amount of Bond or Insurance (to be set by local Govt.)		Name of Bonding Corporation or Insurance Company	
Address of Bonding Corporation or Insurance Company			
Signature of Applicant			

See Other Side for instructions

AUTHORITY: 1968 PA 358  
 COMPLIANCE: Voluntary, but a permit  
 Will not be issued without an application

## INSTRUCTIONS

Applications shall be made to the City of Keego Harbor. A permit shall be issued only as the result of legal action by City Council. 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 Operator Section.
2. A nonresident applicant shall appoint a Michigan attorney or resident agent in writing to be the applicant legal representative upon whom all process in any action or proceeding may be needed.
3. The pyrotechnic operator is the person in charge of the display. The council shall rule on the competency and qualifications of the operator before granting a permit and may require an affidavit from the applicant as the operators 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. Indicated 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 City 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.

WEST BLOOMFIELD FIRE & EMS SERVICES

5425W. Maple Rd. West Bloomfield • MI • 48325

WEST BLOOMFIELD TOWNSHIP FIRE DEPARTMENT  
PLAN REVIEW FOR FIREWORKS DISPLAYS

Date:

Name of Display Site:

Address of proposed display:

Name of Fireworks Contractor:

Name of contract person:

Telephone number:

Date of Show/Rain Date:

The following information is requested to determine that the fireworks display to be exhibited is in compliance with the Michigan Fireworks Law 1931 PA328 as Amended, 2006 Fireworks Display Code NFPA. 1123, 2003 International Fire Code.

1. FM-49 Permit for Fireworks Display
2. FM-51 Application for Fireworks Display Permit
3. Shell
  - a. Size
  - b. Composition (MSDS)
  - c. Ignition type (Electronic, Quick match, Fuse, etc.)
4. Mortars
  - a. Composition
  - b. Mounting and separation distances
5. Site Plan
  - a. Dimensions of discharge site
  - b. Spectator Viewing Area
  - c. Parking areas
  - d. Fallout area
  - e. Associated separation distances
  - f. Approval of dwelling/building owners within display site
6. Operator / Assistant Qualifications
  - a. Age
  - b. License & Copy
  - c. Experience
7. Financial Responsibility
  - a. Proof of Insurance
    - b. Bond
    - c. Federal/State Permit \$
  - a. Fire protection provisions / Crowd control monitoring

Plan Reviewed by Fire Marshal: \_\_\_\_\_

Plans Approved: \_\_\_\_\_ Plans not Approved: \_\_\_\_\_

Business 248-409-1505

Emergency 9-1-1

Fax: 248-409.0060

# National Fire Prevention Association

## Fireworks Diagram Requirements

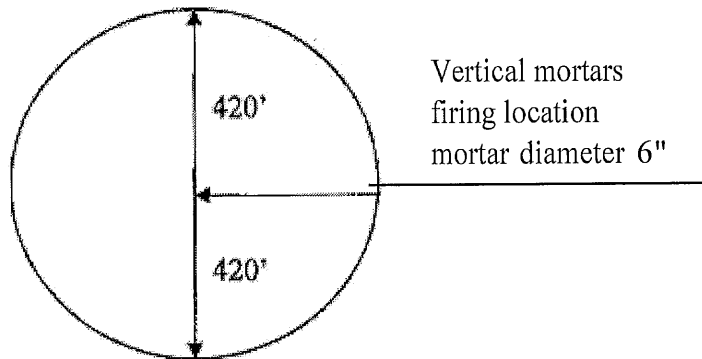
1. Scale drawing required of display site
  - a. length and width of display site
  - b. location of display area in the display site
  - c. diameter of the display area

### Ref. NFPA 1123

2. Minimum separation distance between mortars and spectators should be 70 feet for each inch of internal mortar diameter.

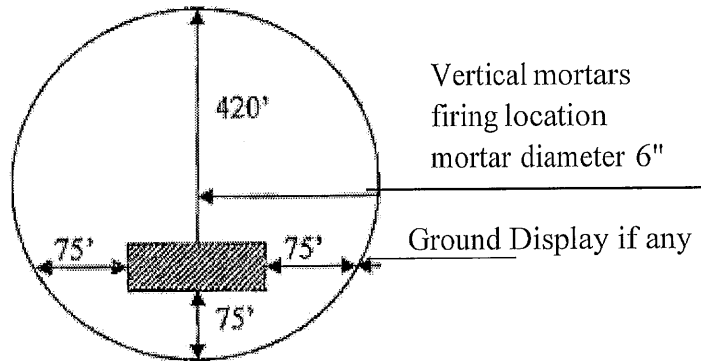
Example: 70 ft. /inch multiplied by S" = 350 ft., the secured diameter is to be 700 feet.

5"	70' X 5"	=350ft., diameter	700ft.
6"	70' X 6,	=420ft., diameter	840ft.
8"	70' X 8"	=560ft., diameter	1,120ft.
12"	70' X 12"	=840ft., diameter	1,680ft.



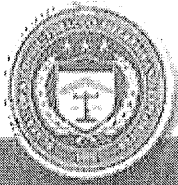
3. The site for the display shall be figured by the largest aerial shell to be fired. If the largest shell is 12" the spectators should be 840ft. away, and the secured diameter of the firing site should be 1,680 ft.

4. Ground display pieces shall be located a minimum distance of 75ft. from spectator viewing and parking areas.



5. *Exception:* Foreground pieces with greater hazard potential (such as large wheels with powerful drivers, Roman candle batteries and items employing large salutes). The minimum separation distance shall be increased to 125 ft.
6. Spectators: dwelling, building, vehicles, readily combustible materials and overhead wires shall not be located within the fallout area during the display.
7. If display is approved, Fire Dept. apparatus and personnel may be required to be at display site perimeter when fireworks are discharged.





# ATF News

Bureau of Alcohol, Tobacco, Firearms and Explosives  
Office of Public Affairs, Washington, D.C.

FY- 03-07  
Contact: Gary M. Comerford  
202-927-8500

For Immediate Release  
[www.atf.gov](http://www.atf.gov)  
April 3, 2003

## PROFESSIONAL FIREWORK DISPLAYS AND SHOWS TO REQUIRE PERMITS FROM ATF

*Requirements Are Part of the Safe Explosives Act*

WASHINGTON-Civic groups, organizations and other private parties planning to acquire Class 1.3 display fireworks for their July 4 celebrations will require a permit under provisions of the new Safe Explosives Act, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) said today.

The requirement takes effect May 24, 2003, but since ATF has 90 days under the law to approve applications, people and organizations requiring a permit should apply as early as possible. Class 1.3 display fireworks are those used in professional fireworks shows and displays. Before the Safe Explosives Act, ATF did not require a permit to acquire and use Class 1.3 fireworks within the same state.

The U.S. Department of Transportation (DOT) established the classification of hazardous materials, which includes Class 1 explosives, for transportation purposes. The 1.3 display fireworks are part of the Class 1 category.

The public should know that consumer fireworks, such as firecrackers, sparklers, bottle rockets similar small fireworks, are not subject to the provisions of the Safe Explosives Act and remain exempt from ATF requirements. Consumer fireworks, rated as Class 1.4 by DOT and previously known as Class C fireworks, still may be subject to Federal, state and local laws and regulations.

Cities, towns or other political subdivisions are exempt from the ATF permit requirements. However, all persons, including cities, towns and other political subdivisions, must store Class 1.3 display fireworks in accordance with the requirements contained in Subpart K-Storage, Part 555.201-217, in ATF Federal Explosives Regulations. The regulations are titled Commerce in Explosives, ATF Explosive Regulations, 27 CFR Part 555 (previously known as Part 55).

The ATF Federal Explosives Law and Regulations are contained in ATF P 5400.7, which is located on the ATF Web Site at [www.atf.gov](http://www.atf.gov)

In order to obtain a Federal explosives license/permit (FEL), contact the National Explosives Licensing Center (NELC) at (404) 417-2750. You may also contact the NELC via e-mail at [NLCLicenseapplication@atf.gov](mailto:NLCLicenseapplication@atf.gov). The e-mail should contain "Request for Application Package" in the subject line.

The NELC will provide all applicable forms and instructions necessary to persons and organizations desiring a permit. The responsible persons on an application must furnish a photograph and a fingerprint card completed by a Federal, state or local Law enforcement agency as part of their application. ATF has 90 days under the Safe Explosives Act to process an application.

A one-time use interstate permit costs \$75. A limited permit, which allows six purchases a year within the same state, costs \$25, and a full, three-year interstate permit is \$100.

Any other questions regarding the acquisition of Class 1.3 display fireworks should be referred to ATF's Public Safety Branch at (202) 927-2310.

*Section 3406.2.4.4. Locations where above-ground tanks are prohibited.* Supplemented to provide:

The storage of Class I and Class II liquids in above-ground tanks is prohibited except: (1) as disclosed and permitted by an approved site plan in connection with a permitted use of property under the City Zoning Ordinance, (2) if determined by the Fire Code Official to be allowed by the State of Michigan Fire Prevention Code, Public Act No 207 of 1941, as amended, or rules promulgated under that Act, and in compliance with all other applicable governmental regulations or (3) in connection with a temporary activity necessary to the use or development of property in conformity with all City and other governmental ordinances, laws, permits and approvals.

*Section 3804.2 Maximum capacity within established limit.* Supplemented to provide:

For the protection of heavily populated or congested areas, the capacity limitations in this Section for storage of liquefied petroleum gas shall apply within any protection area established by current National Fire Protection Association (NFPA) code requirements and to all properties except as disclosed and permitted by an approved site plan for a permitted use under the City Zoning Ordinance.

(Ord. No. 102, § 3, 5-21-79; Ord. No. 102-A, 4-21-80; Ord. No. 102-B1 12-20-82; Ord. No. 102-C, § 2, 1-6-86; Ord. No. C-250, § 1, 12-18-89; Ord. No. C-169-A, § 1, 12-12-94; Ord. No. C-565, § 1, 6-7-99; Ord. No. C-645, § 2, 4-14-03; Ord. No. C-645-A, § 1, 11-7-05; Ord. No. C-646-B, § 1, 10-5-09)

Sec. 11-38. Fireworks.

(a) Except as otherwise provided by law, no person shall offer for sale, expose for sale, sell at retail, keep with the intent to sell at retail, possess, give, furnish; transport, use, explode or cause to explode any of the following, without first having obtained a permit for such purposes as provided in 1968 PA 358 (MCL 750.243a et seq.):

- (1) Any blank cartridge, toy pistol, toy canes, toy canons, toy trick noisemakers or toy gun in which explosives are used;
- (2) An unmanned balloon which requires fire underneath to propel it and is not moored to the ground while aloft;
- (3) Firecrackers, torpedoes, skyrockets; Roman candles, Day go bombs, bottle rockets, whistling chasers, rockets on sticks, or other fireworks of like construction;
- (4) Any fireworks containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, fulminates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorous or any compound containing any of these or other modern explosives.

(b) A permit is not required for any of the following:

- (1) Flat paper caps containing not more than .25 grains of explosive content cap in packages labeled to indicate the maximum explosive content per cap;
- (2) Toy pistols, toy cannons, toy canes and toy guns of a type approved by the director -of · the department of state police in which paper caps as described in subsection (bX1) are used and which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion;
- (3) Sparklers containing not more than .0125 pounds of burning portion per sparkler;
- (4) Filter sparklers in paper tubes not exceeding one-eighth inch in diameter, cone fountains and cylinder fountains;
- (5) Toy snakes not containing mercury, if packed in cardboard boxes with not more than twelve (12) pieces per box for retail sale and the manufacturer's name and quantity contained in each box are printed thereon, and toy smoke devices;
- (6) Possession, transportation, sale or use of signal flares of a type approved by the director of state police, blank cartridges or blank cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for the use by military organizations, or used by railroads, trucks or vehicles for emergency signal purposes.

(Ord. No. 63A, § 42, 6-3-74; Ord. No. 63A-H, 8-6-79)

Cross reference-Offenses against public safety, § 15-161 et seq.  
 State law reference-Similar provisions, MCL 750.243a.

Sees. 11-39-11-49. Reserved.

ARTICLE IY RESERVED\*

Sees. 11-50-11-75. Reserved.

ARTICLE V. OPEN BURNING

Sec. 11-76. Basis and intent; short title.

(a) *Basis and intent.* The Township Board of the Charter Township of West Bloomfield has found that open burning on residential property has and contributes to creating or furthering a detrimental environmental effect, a health hazard, and serious and significant effects on the

\*Editor's note-Ord. No. C-645, § 3, adopted April 14, 2003, repealed Ch. 11, Art. IV, §§ 11-50-11-65, in its entirety. Former Art. IY, pertained to hazardous chemicals and derived from Ord. No. C-230, §§ 1-16, adopted Sept. 5, 1989.

\*Editor's note-Being not specifically amendatory of the Code of Ordinances, the provisions of Ord. No. C-245, adopted by the township board Nov. 20, 1989, have been incorporated herein as a new Art. V to Ch. 11, §§ 11-76-11-80.

Cross references-Fire Prevention Code, § 11-36 et seq.; burning of garbage, § 13-24.