

**LONG LAKE TOWNSHIP  
FIREWORKS DISPLAY PERMIT ORDINANCE  
Ordinance No. 133**

AN ORDINANCE PURSUANT TO ACT 256 OF THE PUBLIC ACTS OF 2011,  
AS AMENDED, TO PROSCRIBE THE PROCEDURES AND STANDARDS FOR  
THE ISSUANCE OF FIREWORKS DISPLAY PERMITS AND TO PROVIDE  
PENALTIES FOR VIOLATIONS OF THE ORDINANCE

THE TOWNSHIP OF LONG LAKE ORDAINS:

**Section 1. Title.**

This Ordinance shall be known as the Long Lake Township Fireworks Display Permit Ordinance.

**Section 2. Purpose.**

The Long Lake Township Board acknowledges that the Michigan Fireworks Safety Act, Act 256 of 2011, as amended, authorizes the township board to issue permits for fireworks displays within the township. It is therefore the purpose of this Ordinance to establish a safe environment for firework displays and to ensure protection for the viewing public and the owners and residents of property surrounding the discharge site.

**Section 3. Definitions.** As used in this Ordinance,

"Agricultural and wildlife fireworks" means fireworks devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the United States department of the interior or the department of natural resources of this state.

"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.

"Consumer fireworks" means fireworks devices that are designed to produce 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 that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does 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 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 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.

"Permit" means the permit authorized by Section 16 of the Michigan Fireworks Safety Act, being MCL 28.466, as amended.

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

"Special effects" means 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.

"Township" means Long Lake Township, Grand Traverse County, Michigan.

"Township board" means the Long Lake Township Board.

#### **Section 4. Permit Required.**

No person shall engage in an outdoor fireworks display for public or private display within the Township, including use of articles pyrotechnic, display fireworks, or special effects without first obtaining a permit from the township board pursuant to the requirements of this Ordinance. No person shall use agricultural or wildlife fireworks for the purposes of outdoor pest control or agricultural purposes without first obtaining a permit from the township board pursuant to the requirements of this Ordinance.

#### **Section 5. Application and Fee Requirements.**

A person who desires to engage in activity that requires a permit under Section 4 of this Ordinance shall no less than forty-five (45) days prior to the proposed date of the activity submit a complete application to the township clerk and pay the required fee, which shall be determined from time to time by resolution of the township board. If the applicant fails to provide all the information required by this Ordinance, then the application shall be deemed incomplete, shall not be processed, and may be denied by the township board on that basis. The application shall include all of the following information and any information deemed reasonably necessary by the township board to determine whether the applicable standards for approval provided in Section 6 have been met.

- (a) A completed application form provided to the township by the Michigan Department of Licensing and Regulatory Affairs, Bureau of Fire Services, State of Michigan, or any successor agency.
- (a) Proof that the applicant is 18 years of age or older.
- (b) If the applicant is not a resident of the State of Michigan, then written proof that the applicant has appointed 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.

- (c) Proof of financial responsibility by a bond or insurance policy that names the township as an additional named insured from a company in good standing that is licensed to do business in the State of Michigan in an amount not less than \$1,000,000 for a single occurrence to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the applicant or an agent or employee of the applicant to protect the public.
- (d) Proof of the training and qualifications of the individual who will be conducting the fireworks display or using fireworks regulated under this Ordinance.
- (e) A site plan stating the address where the fireworks will be stored prior to the fireworks display, documenting the type of building in which the fireworks will be stored prior to the fireworks display, stating the address where the fireworks display will be held, documenting how the fireworks display will be conducted, documenting the location where the shells will be discharged (the launch area), documenting the size of the shells that will be used in the fireworks display, documenting all structures in the area of the fireworks display and the distance between the launch area and those buildings, documenting the spectator viewing area and the distance between the launch area and spectator viewing area, documenting the parking area for vehicles and the distance between the launch area and parking area, and documenting all structures in the discharge fallout area.
- (f) A written statement indicating how the applicant plans to ensure that the individual who will be conducting the fireworks display and all persons assisting with the fireworks display will be free from any alcohol in their blood immediately prior to and during the fireworks display.
- (g) A written safety plan documenting how the applicant and the individual who will be conducting the fireworks display will deal with the situation where a fireworks shell does not explode.
- (h) A written plan documenting how the applicant plans to clean up the site of the fireworks display.
- (i) A written statement documenting that the applicant has provided written notice to the owners and residents of property within 300 feet of the site of the fireworks display indicating the date and time of the fireworks display.

**Section 6. Standards for Approval.**

The township board shall approve, or approve with conditions, an application for a fireworks display permit only upon a finding that the application complies with all of the following standards:

- (a) The applicant is an individual 18 years of age or older.
- (b) The applicant or the individual who will be conducting the fireworks display has the training and certification in compliance with the National Fire Protection Association

(NFPA) Codes 1123, 1124 & 1126, as may be amended from time to time, and is in full compliance with the Alcohol, Tobacco, Firearms & Explosives requirements.

- (c) If the applicant is not a resident of the State of Michigan, the applicant has appointed 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) The applicant has obtained a bond or insurance policy that names the township as an additional named insured from a company in good standing that is licensed to do business in the State of Michigan in an amount not less than \$1 million to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the applicant or an agent or employee of the applicant to protect the public.
- (e) The applicant has agreed to, and subsequently prior to the date of activity does, enter into an indemnification agreement with the township that is acceptable to the township attorney that holds the township harmless from any and all liability in connection with the fireworks display.
- (f) The applicant has adequate plans in place (1) to ensure that the individual who will be conducting the fireworks display and all persons assisting with the fireworks display will be free from any alcohol in their blood immediately prior to and during the fireworks display, (2) to ensure public safety and the safety of individuals assisting with the fireworks display when a fireworks shell does not explode, and (3) to ensure the proper clean up of the site following the fireworks display.
- (g) The storage of the fireworks prior to the fireworks display, the manner of conducting the fireworks display, the location of the spectator viewing area and the parking area in relationship to the location of area where the fireworks will be discharged, and the discharge fallout area are reasonably safe for the general public, for the property owners and residents in the immediate area, and for the individuals assisting with the fireworks display.

#### **Section 7. Conditions.**

The township board may impose reasonable conditions on a permit issued under this Ordinance which are reasonably necessary to ensure compliance with the standards for approval provided in Section 6.

#### **Section 8. Permit Filing Requirements.**

Upon the issuance of the permit for a fireworks display, the applicant shall file a copy of the permit with the Long Lake Township Fire Department and the Grand Traverse County Sheriff's Department.

#### **Section 9. Nuisance**

A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

**Section 10. Violations.**

Any person who violates any provision of this Ordinance or who violates the terms and conditions of a permit issued under this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered a separate violation.

**Section 11. Enforcement Official.**

The township ordinance enforcement officer is hereby designated as the authorized official to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

**Section 12. Civil Action**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

**Section 13. Validity.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

**Section 14: Repeal of Ordinance #125**

Long Lake Township Ordinance #125, the Long Lake Township Fireworks Display Ordinance, effective June 25, 2012 is hereby repealed in its entirety.

**Section 15. Effective Date.**

This Ordinance shall become effective thirty (30) days after its publication in a newspaper of general circulation within the township.

TOWNSHIP OF LONG LAKE

Date: 9/10/13

By: Karen Rosa  
Karen Rosa, Supervisor

Date: 9/10/13

By: Carol Hoffman  
Carol Hoffman, Clerk

Publication Date: 9/17/13

Effective Date: 10/17/13