

Almont Township Ordinance No. 54
Fireworks Displays
Adopted: July 14th, 2008

Section 1.00: Purpose

The purpose of this Ordinance is to establish a safe environment for the discharge of fireworks and to ensure protection for the viewing public and the property owners surrounding the discharge site. All fireworks regulated under Chapter XXXIX of Act 328 of 1931, as amended (MCL 750.243a.-e.) that require a permit, shall be subject to the terms of this Ordinance.

Section 2.00: Application and Site Plan

- A. Any party wishing to stage a fireworks display utilizing fireworks identified in MCL 750.243a.(2)(a.-d.) shall, at least sixty (60) days prior to the display, submit an application on a form furnished by the Township. The applicant shall secure permission from the Township Board prior to the fireworks display. The Township Board shall base their decision to approve or deny the request on the following criteria:
1. The nature and extent of the proposed fireworks display;
 2. The date and time in which the fireworks display is proposed;
 3. The location of the proposed display and its proximity to residences;
 4. The experience of the applicant in conducting such displays;
 5. The recommendation of the Almont Township Fire Department.
- B. The Township reserves the right to withdraw or delay a previously approved permit if conditions associated with a site where a fireworks display will occur change in a manner that would negatively impact the health, safety and welfare of the residents of Almont Township.
- C. A site plan of the area where the fireworks display is to be conducted shall be submitted with the application. The site plan shall set forth the following information:
1. The location of all structures on neighboring properties and within the discharge site fallout area;
 2. The location of all parking and spectator viewing areas;
 3. The distance separating the mortars used to launch the fireworks and the structures;
 4. The distance separating the mortars and the spectators viewing the display.
- D. All site plans must be approved by an Official of the Almont Township Fire Department prior to Township Board approval. Approval from the Township Fire Department shall be based on the following criteria:
1. There are no structures within the discharge site fallout area;
 2. Parking and spectator viewing areas are designed in such a manner as to not interfere with emergency access to the site;
 3. The distance separating the mortars and structures/spectators is adequate based on the intensity of the fireworks being proposed.

- E. The party applying for a fireworks display permit shall be responsible for all costs incurred by the Township in the application of this Ordinance, including but not limited to Fire and Police Department responses and clean-up costs.

Section 3.00: Requirements and Restrictions

- A. The fireworks company conducting the display shall follow National Fire Protection Association (NFPA) 1123 CODE FOR FIREWORKS DISPLAY and/or the Almont Township Fire Department requirements, whichever is more restrictive.
- B. The fireworks company shall maintain personal injury liability insurance/property damage liability insurance in the amount of \$1,000,000.00 during each event. The Township shall be named as an additional insured on the insurance policy. The insurance policy must be submitted with the aforementioned application and shall be subject to Risk Management review. The insurance policy shall also include coverage for the cleanup after the fireworks display has ended.
- C. The firework company shall be responsible for all shells being fired. In the event one of the shells does not explode, the fireworks company shall secure the area until the unexploded shell is found and properly disposed of.
- D. A minimum safe area of two hundred and fifty (250) feet radius, plus seventy (70) feet per one (1) inch diameter for shells over three (3) inches in diameter shall be provided.
 - 1. A variance may be granted to reduce the distance of the safe area by the Township Board, not to exceed minimum requirements of the NFPA CODE 1123 Fireworks Display.
- E. The consumption of drugs or alcohol prior to and during display by the shooters or any person on site employed by the fireworks company is strictly prohibited.

Section 4.00: Enforcement and Penalties

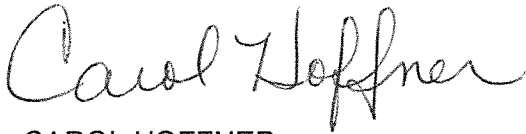
- A. The Ordinance shall be enforced by such persons who shall be so designated by the Township Board.
- B. Violation of this Ordinance shall be a misdemeanor which shall be punishable upon convictions thereof by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment for not exceeding 90 days or by both such fines and imprisonment at the discretion of the Court.

Section 5.00: Effective Date

This Ordinance shall take effect thirty (30) days following the publication hereof, as provided by law.

Certification of Clerk

I hereby certify that the foregoing Fireworks Display Ordinance of the Township of Almont, Ordinance No. 54, was duly adopted by the Almont Township Board at a regular meeting thereof held on July 14, 2008, and was ordered published by the Almont Township Board.

A handwritten signature in cursive script that reads "Carol Hoffner".

CAROL HOFFNER
ALMONT TOWNSHIP CLERK

Affidavit of Publication

IN THE MATTER OF:

Almont Township

STATE OF MICHIGAN

COUNTY OF Lapeer

Delores Heim

Being duly sworn, deposes and says the annexed copy of a notice was taken from The Tri-City Times community newspaper published and circulated in said State and County and that said notice was published in said newspaper on the

August 6

A.D. 2008, that he/she is the Publisher (and or with authority of publisher) of said newspaper and know well the facts stated herein.

Delores Heim

Subscribed and sworn to before me this 6 day of August A.D. 20 08

Rose Mary Ruby
Notary Public in and for said County

My Commission expires November 14 2012

ALMONT TOWNSHIP NOTICE OF ADOPTION

Notice is hereby given that at their meeting of July 14, 2008 the Almont Township Board of Trustees adopted Ordinance No. 54, also known as the Fireworks Ordinance. The ordinance amendment is summarized as follows:

The purpose of the Ordinance is to establish a safe environment for the discharge of fireworks and to ensure protection for the viewing public and the property owners surrounding the discharge site. All fireworks regulated under Chapter XXXIX of Act 328 of 1931, as amended (MCL 750.243a.-e.) that requires a permit, are subject to the terms of this Ordinance.

Copies of the adopted ordinance text are available for inspection at the Township Hall during regular business hours.

The Ordinance will become effective thirty (30) days after publication.

Carol Hoffner
Almont Township Clerk
32-1

ROSE MARY RUBY

NOTARY PUBLIC-LAPEER COUNTY MICH.
MY COMMISSION EXPIRES, 11-14-2012