

*Amended
June 10, 2008*

**TOWNSHIP OF BIRCH RUN
SAGINAW COUNTY, MICHIGAN
FIREWORKS ORDINANCE**
Ordinance # 2007-03

An ordinance to regulate the display of fireworks within the Township; to establish an application procedure for persons who display fireworks; and to establish penalties for failure to comply with the provisions of this ordinance.

The Township of Birch Run, Saginaw County Michigan, hereby ordains:

Section 1: PURPOSE AND INTENT

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.

Section 2: APPLICATION AND SITE PLAN

2.1 Application Required. Any person, firm, corporation, or other entity (hereafter "person") who desires to stage or conduct a fireworks display, show, or demonstration (hereinafter, "fireworks display") shall, at least 30 days prior to the event, submit an application to the Township on a form furnished by the Township and shall secure permission from the Township Board (by means of the issuance of a Township permit) prior to conducting the fireworks display. The form furnished by the Township must be in accordance with laws of the State of Michigan and approved by the Michigan State Police Fire Marshal Division.

2.2 Site Plan. A site plan of the area where the fireworks display is to be conducted shall be submitted with the application. The site plan shall include all structures and buildings in the display and discharge site fallout areas. The site plan shall also set forth the distance separating the mortars used to launch the fireworks and all structures and buildings and shall also set forth the distance separating the mortars and all areas where spectators can view the fireworks display. The site plan must be approved by the Birch Run Township Fire Department prior to submission to the Township Board for its approval.

2.3 Application Fee. The Township Board may establish by resolution an application fee, which shall accompany the application. The application fee shall be subject to revision by resolution of the Township Board.

2.4 Permit Conditions. The Township Board may require conditions for the issuance of a fireworks permit, including, but not limited to, the following:

- i. Posting with the Township of a bond, irrevocable letter of credit, or other monetary security to ensure full compliance with Michigan law, this Ordinance, and any conditions established hereunder, as well as to provide security for any damages which could result from the fireworks display;
- ii. Imposition of setback and isolation areas.
- iii. Reimbursement of police and firefighter costs and expenses.
- iv. Requiring the applicant to sign an indemnification/hold harmless agreement for the benefit and protection of the Township (as well as its employees, officers, officials, agents, and personnel).
- v. Requiring the applicant to pay for any and all damages and costs 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 indemnification/hold harmless agreement).

Section 3: REQUIREMENTS AND RESTRICTIONS

Section 3.1 Compliance with NFPA. The person conducting the fireworks display shall comply with the National Fire Protection Association (NFPA) Code 1123 for the fireworks display.

Section 3.2 Insurance. The firework's company, person, or firm shall maintain personal injury liability insurance/property damage liability insurance in the amount of at least \$1,000,000 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.

Section 3.3 Unexploded shell cleanup. The firework's company, person, or firm shall be responsible for all shells being fire. 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.

Section 3.4 Alcohol use prohibited. The consumption of alcohol prior to and during a fireworks display by any person who is involved in conducting the fireworks display, or by any person on site who is employed by or assisting the person conducting the fireworks display is strictly prohibited.

Section 4: ENFORCEMENT AND PENALTIES

Section 4.1 Enforcement authority. This Ordinance may be enforced by such person(s) who are designated by the Township Board.

Section 4.2 Civil Infraction. Any person or entity that violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to civil fine determined in accordance with the following schedule:

| | |
|--|----------|
| 1 st Violation within 3-year period | \$250.00 |
| 2 nd Violation within 3-year period | \$500.00 |

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Township has put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of the Ordinance continues to exist constitutes a separate violation.

Section 5: SEVERABILITY

If any portion of this Ordinance is ever 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 6: EFFECTIVE DATE

This Ordinance shall take effect 30 days after the date that it (or a summary thereof) is published in the newspaper as provided by the laws of the state of Michigan.

Section 7: REPEAL

All ordinances of the Township inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

This Ordinance is declared to have been adopted by the Township Board of the Township of Birch Run, County of Saginaw, Michigan, at a regular meeting held on the 9th day of October, 2007.

I, Amy Cook, Clerk, do hereby certify that the foregoing is a true copy of the Ordinance adopted by the Birch Run Township Board on October 9, 2007.

Adopted:

Aye: Trevino, Magnus, Schlegel, Cook, and Marr
Nay: None
Absent: Putnam and Strahm



Amy Cook, Clerk

Publication Date: October 17, 2007
Newspaper: Birch Run Herald

