

**TOWNSHIP OF CHESTER
OTTAWA COUNTY, MICHIGAN**

(Ordinance No. 2007-04-01)

At a regular meeting of the Township Board for Chester Township held on April 17, 2007, at the Township Hall beginning at 7:00 p.m., Township Board Member Berenbrock made a motion to adopt this Ordinance, which motion was supported by Township Board Member Redding:

AN ORDINANCE TO PROVIDE FOR APPLICATIONS TO CHESTER TOWNSHIP FOR FIREWORKS DISPLAYS, SHOWS, OR DEMONSTRATIONS; TO ESTABLISH PROCEDURES RELATED TO THE SAME; TO PROVIDE FOR PERMITS TO BE ISSUED BY THE TOWNSHIP; AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

THE TOWNSHIP OF CHESTER (the "Township"), OTTAWA COUNTY, MICHIGAN, 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

- a. Any party wishing 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 the fireworks display occurring. The Township Board may waive such 30-day application deadline for good cause shown by the applicant, but in no event shall a fully complete application be filed with the Township less than 14 days before the event unless the Township Board expressly allows such a submission less than 14 days before the event based upon both good cause and an emergency situation.
- b. A site plan of the area where the fireworks display is to be conducted shall be submitted together with the application. The site plan shall set forth all structures and buildings in the area and the discharge site fallout area. 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 the spectators viewing the fireworks display. All site plans must be approved by the Chester Township Fire Department prior to Township Board approval.
- c. The Township Board may require that an application fee (payable to the Township) accompany any such application.
- d. The Township Board can attach reasonable conditions to the issuance of a permit hereunder, including, but not limited to, the following requirements:
 - (i) The 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 approval hereunder, as well as to provide security for any damages caused.
 - (ii) The imposition of setback and isolation areas.
 - (iii) The reimbursement of police and firefighter costs and expenses.
 - (iv) Requiring the applicant to sign an indemnification/hold harmless agreement benefiting the Township (as well as its employees, officers, officials, agents, and personnel).
 - (v) A requirement that the applicant 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 hold harmless/indemnification agreement).

Section 3: REQUIREMENTS AND RESTRICTIONS

- a. The fireworks company, person, or firm conducting the fireworks display shall follow National Fire Protection Association (NFPA) Code 1123 for the fireworks display.
- b. The fireworks 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.

- c. The fireworks company, person, or firm shall be responsible for all shells being fired. 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.
- d. The consumption of alcohol prior to and during a fireworks display by the shooters or any person on site employed by the fireworks company is strictly prohibited.
- e. All fireworks displays shall be conducted in a safe and lawful fashion.
- f. All fireworks display events shall obtain any and all required state and county permits (where applicable) and shall comply with all applicable state and county regulations, rules, and laws.

Section 4: ENFORCEMENT AND PENALTIES

- a. This Ordinance may be enforced by such person(s) as shall be so designated by the Township Board.
- b. Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding \$500.00 (five hundred dollars) or by imprisonment for not more than 93 days, or by both such fine and imprisonment at the discretion of the court.

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.

YEAS: Goodno, Berenbrock, J. Kelly, Redding, E. Kelly

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

**CHESTER TOWNSHIP
FIREWORKS/SPECIAL EVENT APPLICATION**

Non-Refundable Permit Fee _____

Applicant _____ Date _____

Contact Person _____ Phone _____

Address _____

City & State _____

Location of Event _____

Date of Event _____ Starting Time _____ End Time _____

Full description of all events to be covered-

List Security Protection Required:

Charged to Applicant by Township & Paid in Advance of Event-

Township Fire Dept. \$ _____, per truck & \$ _____ for fire personnel. \$ _____ Other (specify)

Describe emergency evacuation procedures for medical, fire, weather, etc.-

Estimate total attendance per day _____

Number of years the event has been held _____

Who is shooting off the fireworks _____

Independent Contractor Y____N____ Are they licensed? Y____N____

If not licensed, are they certified trained? Y____N____

When & where trained _____

Number of years of experience _____ And shooters experience _____

Insurance certificate is mandatory and Chester Township must be named as insured.

Amount of insurance of company _____

Policy Number _____
Policy must be submitted to Township's insurance carrier for approval by risk management prior to event

Complete list of shell sizes and number being shot off-

Are fireworks being shot off over water Y____N____

If no, describe surrounding area of site

Has the NFPA Code 1123 been complied with Y____N____

All sites and site plans must have the prior approval of the Chester Township Fire Department and comply with the Chester Township Fireworks Ordinance.

Please complete sketch showing shooting area, spectator area, crowd control features, & impact area. This shall include all distances, structures in the area & direction shells are to be shot.

Issued by action of the Chester Township Board of Trustees on the _____ day of _____, _____.

Signature and Title of Board Representative _____