

**CITY OF IONIA
IONIA COUNTY, MICHIGAN
ORDINANCE NO. 570**

**AN ORDINANCE TO AMEND PART SIX, CHAPTER 692 ENTITLED
“FIREWORKS” TO ADD NEW SECTIONS 692.07 AND 692.08 REGARDING
APPLICATION PROCESS, REQUIREMENTS, RESTRICTIONS, AND
PROCEDURES FOR DISPLAY OF PROFESSIONAL FIREWORKS, TO THE
CODIFIED ORDINANCES OF THE CITY OF IONIA**

The City of Ionia Ordains:

Section One: Addition

That Part Six of the Codified Ordinances of the City of Ionia is amended to add Sections 692.07 and 692.08 to Chapter 692, entitled “Fireworks” to read in their entirety as follows:

692.07 – Professional Fireworks

(a) Application Form, Site Plan, and Fee

Any person wishing to conduct a professional fireworks display, show or demonstration (hereinafter, “Fireworks Display”), consistent with the Michigan Fireworks Safety Act, Act 256 of 2011, as amended, shall, not less than 60 days prior to the event, submit a completed application to the City on a form furnished by the Michigan Department of Licensing and Regulatory Affairs (currently Form BFS-417) and shall further secure permission from the City Council by means of the approval of said application, resulting in the issuance of a permit prior to the fireworks display. The City Council may waive such 60-day application deadline for good cause shown by the applicant, but in no event will the City approve an application filed with the City less than 14 days before the event.

In addition to the fully completed application form, the applicant must submit:

1. A site plan of the area, showing and titled, “Fireworks Discharge and Display Area.” 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 all distances separating the equipment used to launch the fireworks from all structures and buildings, and shall also show the distance separating the equipment from the spectators viewing the Fireworks Display, including off-street parking of spectator vehicles. All site plans are subject to review and approval by the City of Ionia Public Safety Department, in accordance with NFPA 1123, Code for Fireworks Display, prior to submittal to or approval of the application by the City Council.
2. Proof of insurance consistent with Section 692.07(b), below.
3. A non-refundable application fee in an amount determined by City Council resolution from time to time.

(b) Permit Requirements

Before a permit for Fireworks Display is issued, the applicant shall furnish proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the City of Ionia to protect the public and 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. The applicant agrees that at all times during the term of this permit it shall maintain a general comprehensive liability insurance policy and/or an excess or umbrella policy or policies protecting against liability for damages to real and personal property and for injuries and death resulting from the Fireworks Display with minimum liability limits of \$1,000,000 per occurrence and \$5,000,000 in the aggregate. The insurance policy or policies shall name the City as an additional insured. A certificate of Insurance showing the required coverages shall be provided by the applicant to the City before the permit is issued. The Certificate shall be sent to the City and marked to the attention of the City Manager.

(c) Competency and Qualifications

Before granting a permit, the City Council shall rule on the competency and qualifications of an articles pyrotechnic and display fireworks operator, as furnished by the operator on the operator’s application form, in accordance with the requirements provided under NFPA 1123, and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks.

692.08 - Severability

If any portion of this Chapter is determined to be unenforceable or unconstitutional by a court of competent jurisdiction, then that part shall be deemed severable from the remainder of the Chapter, and such severance shall not affect the remainder of the Chapter, which shall remain in full force and effect.

Section Two: Repealer

That all ordinances and parts of ordinances in conflict herewith are repealed to the extent of such conflict.

Section Three: Publication and Effective Date

The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect immediately upon publication of a summary thereof as permitted by law, along with the date of its adoption, in the *Daily News*, a newspaper of general circulation in the City.

CITY OF IONIA

Dated: _____

By: Mary Patrick, City Clerk

Introduction and First Reading:
Notice of Public Hearing:
Public Hearing, Second Reading, Adoption:
Effective: