

**CITY OF MADISON HEIGHTS
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: Melissa R. Marsh, City Manager

SUBMITTED BY: R. Corey Almas, Director of Public Services DATE: 6/2

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 6/13

ACTION REQUESTED

PRESENTATION _____	FUTURE PUBLIC HEARING _____
PUBLIC HEARING – SPECIAL APPROVAL _____	BID AWARDS / PURCHASES _____
PUBLIC HEARING – OTHER _____	ORDINANCE - FIRST _____
COMMUNICATION _____	ORDINANCE - SECOND _____
REPORT _____ ✓ _____	OLD BUSINESS _____

DESCRIPTION OF ITEM

Council Approval of the 2022 Festival in the Park Fireworks Display Permit

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

Please see attached. Staff and I recommend that Council consider two motions:

- To rescind the previous permit approval to Great Lakes Fireworks, due to their inability to commit to delivering the 2022 Festival in the Park Fireworks Display.
- To approve the permit for the 2022 Festival in the Park Fireworks Display from Pyrotecnico Fireworks, and authorize the Mayor to sign on the City's behalf.

FINANCIAL IMPACT

No Impact _____ ✓ _____	Fee Waiver Proposed _____
Budgeted Fund Name(s) _____	Department Name _____
Appropriated in Acct. No. _____	Budget Amount _____
Amount Available in Acct. _____	
Second Account Number _____	Budget Amount _____
Amount Available in 2 nd Acct. _____	Revenue Generated _____
Other Comments _____	

REVIEW CHECKLIST

DEPARTMENT R. Corey Almas, Director of Public Services DATE 06/07/2022

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R. Marsh, City Manager DATE 06/07/22

MEMORANDUM

DATE: June 2, 2022

TO: Melissa R. Marsh, City Manager

FROM: Sean P. Ballantine, Public Works Supervisor
Brooke Heisler, Recreation Coordinator
R. Corey Almas, Director of Public Services

SUBJECT: Approval of 2022 Fireworks Display Permit

At the regular meeting of April 25, Council approved the permit for the 2022 Fireworks Display, and authorized the Mayor to sign on the City's behalf. Since that time, we have been informed by our vendor, Great Lakes Fireworks, that due to supply chain issues, they cannot guarantee that they will be able to provide our fireworks display on the evening of the Festival.

Upon receiving this information, Recreation Coordinator Brooke Heisler immediately began reaching out to other potential vendors, specifically describing our needs and expectations. Through an exhaustive process, it was determined that Pyrotecnico Fireworks would be able and willing to provide a high-quality show for the same budgeted amount. Pyrotecnico is a leader in the industry, with a diverse and impressive company portfolio.

As previously noted, the permit application process for a commercial or public fireworks display in the state of Michigan requires approval by the legislative body, in this case, the City Council. Staff and I therefore recommend that Council consider two motions:

- To rescind the previous permit approval to Great Lakes Fireworks, due to their inability to commit to delivering the 2022 Festival in the Park Fireworks Display.
- To approve the permit for the 2022 Festival in the Park Fireworks Display from Pyrotecnico Fireworks, and authorize the Mayor to sign on the City's behalf.

Department of Public Services

City of Madison Heights

801 Ajax Drive

Madison Heights, Michigan 48071

p (248) 589-2294 | f (248) 589-2679

FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY
DATE PERMIT(S) EXPIRE:

BFS-417 (Rev 01/21)

Bureau of Fire Services
P.O. Box 30700
Lansing, MI 48909
(517) 241-8847

Authority: 1988 PA 358 Compliance: Voluntary Penalty: Permit will not be issued	The Department of Energy, Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, material status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the American with Disabilities Act, you may make your needs known to this agency.
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This permit is not transferable. It authorizes the resident wholesale dealer or jobber named below to have in his or her possession fireworks of any type, for sale only to holders of permits for public display or agriculture control.

☒ PUBLIC DISPLAY

☐ AGRICULTURAL PEST CONTROL

Issued To Pyrotecnico Fireworks, Inc.		Age (18 or over) Yes
Address 4369 E Summit Woods Dr NE, Rockford, MI 49341		
Name of Organization, Group, Firm, or Corporation City of Madison Heights, Michigan		
Address 300 W. 13 Mile Road, Madison Heights MI 48071		
Number and Types of Fireworks Approximately 1000 aerial display shells ranging in size from 1 ¼ inches to 6 inches in diameter.		
Exact Location of Display Civic Center Park, 360 W. 13 Mile Rd., Madison Heights MI 48071		
City, Village, Township City of Madison Heights, MI	Date June 26, 2022 – w/ rain date of June 27, 2022	Time Approx. 10:10 pm
Bond or Insurance Filed? ☒ Yes ☐ No		Amount \$5,000,000.00

Issued by action of: ☐ Council ☐ Commission ☐ Board of the

☐ City ☐ Village ☐ Township of _____
(Name of City, Village, Township)

on the _____ day of _____,

(Signature and Title of Council/Commission/Board Representative)

Instructions for Application for Fireworks Other Than Consumer or Low Impact

Applications shall be submitted to the legislative body of a city, village or township board. A permit may be issued as a result of official action by the legislative body. A permit shall be valid only for use within the limits of the jurisdiction of the legislative body of a city, village or township board.

1. Type of Permit – check all boxes that may apply to the type of permit needed. You may select several permit types depending on your fireworks display. You may check with your legislative body of a city, village or township board for assistance when making your selection. Please review the following definitions to determine which type of permit to select:
 - Agricultural or Wildlife Fireworks – devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the US Department of Interior or Michigan DNR.
 - Articles Pyrotechnic – 1.4G fireworks for professional use only that is classified as UN0431 or UN0432.
 - Display Fireworks – 1.3G fireworks for professional use only
 - Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes – devices with a combination of chemical elements or compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical or thermal effect for pest or animal control.
 - Public Display – a fireworks display that is open to all persons for viewing.
 - Private Display – a fireworks display that is not open to the general public for viewing.
2. Name of applicant – list the name of the applicant. The applicant may be a person representing an organization, group, firm or corporation, or self. If the applicant is also the operator, enter the same name in the operator's section.
3. Address of applicant – complete the address of the applicant; include the street address, city, state and zip code.
4. Name of person or resident agent representing corporation, LLC, DBA or other – list the name of the person or resident agent that represents the corporation, LLC, DBA or other.
5. Address of person or resident agent that represents the corporation, LLC, DBA or other – list the address of the person or resident agent representing the corporation, LLC, DBA or other.
6. Non-resident applicant – list the name of the non-resident applicant. A non-resident applicant shall appoint a Michigan attorney or Michigan resident agent in writing to be the applicant's legal representative upon whom all service of process in any action or proceeding may be served.
7. Name of pyrotechnic operator – list the name of the pyrotechnic operator. The pyrotechnic operator is the person in charge of the display. The legislative body of a city, village or township board shall rule on the competency and qualifications of the operator before granting a permit and may require an affidavit from the applicant as to the operator's experience, former pyrotechnic accidents, criminal record, sobriety, etc.
8. Address of pyrotechnic operator – list the address of the pyrotechnic operator; include the street address, city, state and zip code.
9. Age of the pyrotechnic operator – list the age of the pyrotechnic operator; the operator must be 18 years of age or older.
10. Name of assistant – list the name of the assistant to the pyrotechnic operator;
11. Address of assistant – list the address of the assistant; include the street address, city, state and zip code. If there is more than one assistant, please list additional assistants on a separate sheet and include the address and age of those additional assistants.
12. Age of assistant – list the age of the assistant to the pyrotechnic operator; the assistant must be 18 years or older.
13. Name of other assistant – list the name of other assistant to the pyrotechnic operator.
14. Age of other assistant – list the age of the assistant to the pyrotechnic operator; the assistant must be 18 years or older.
15. Exact location of proposed display – list the address of the exact location of the proposed fireworks display.
16. Date of proposed display – indicate the date of the proposed fireworks display; only one display date can be used per application.
17. Time of proposed display – indicate the time of the proposed fireworks display.
18. Manner and place of storage - indicate the manner and place of storage within the legislative body of a city, village or township board of fireworks that are ready for display, just prior to the display in the area of exhibition. The legislative body of a city, village or township board shall obtain approval from the local fire authorities of the manner and place of storage before any permit is issued.

19. Amount of bond or insurance - the issuing legislative body of a city, village or township board shall set the amount of and proof of bond or insurance for the protection of the public to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the person, firm or corporation, or any agent or employee of the applicant. The applicant shall assure the bond or insurance required is provided.
20. Name of bonding corporation or insurance company – provide the name of the bonding corporation or insurance company for which the bond was issued through.
21. Address of bonding corporation or insurance company – list the address of the bonding corporation or insurance company; include the street address, city, state and zip code.
22. Number of fireworks and kind of fireworks to be displayed– indicate the total amount of fireworks proposed for the display or use and a description of the type of fireworks for display; such as 10 aerial bombs, 30 aerial rocket bursts, etc.
23. The application is valid for the calendar year in which the application was received and permit was issued.
24. Permit fees shall be established by the legislative body of a city, village or township board and shall be submitted to and retained by legislative body of a city, village or township board.
25. Permitting will be in compliance with the [Michigan Fireworks Safety Act, PA 256 of 2011](#), [MCL 28.466, Section 16](#).
26. **Mail the application to the legislative body of a city, village or township board within the location jurisdiction of the display.** DO NOT mail the application to the Bureau of Fire Services (BFS). If mailed to the BFS, it will be returned to the sender.