



CITY OF BURTON APPLICATION FOR FIREWORKS STANDS

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____

Site Location: _____

On site Contact Person: _____

Emergency Contract Phone #: _____

Each site requires an individual permit to be visibly posted.

Provide a copy of proof of Property owner's approval of stands situated on their sites.

Stands shall not be situated in a right of way or in such a manner that blocks traffics of vision.

A working fire extinguisher shall be available and ready for use at each stand. (Minimum 5# ABC).

No smoking signs shall be posted in plan view at each stand. (No smoking within 100 ft.)

If fireworks are stored on site they must be in NFPA approved explosive proof containers.

No fireworks shall be set off within 100 ft of any firework stand.

Violation of any fireworks ordinance (Chapter 140 – Codified ordinance.) or requirement will cause to void permits and close stands.

All fee's and deposits will be forfeited.

Any illegal fireworks shall be confiscated (which shall include any fireworks that spin, move leave the ground, shoot flaming balls or make a report.)

All Departments must approve and sign before permit is issued.

- | | | |
|--------------------------------------------------------|-------|-----------------------------------|
| <input type="checkbox"/> Zoning approval fee: \$100.00 | _____ | Department Signature |
| <input type="checkbox"/> Clean up deposit: \$500.00 | _____ | Department Signature |
| <input type="checkbox"/> Fire Inspection fee: \$400.00 | _____ | Department Signature (Fireworks) |
| <input type="checkbox"/> Fire Inspection fee: \$50.00 | _____ | Department Signature (Non-Hazard) |

Applicants Signature: _____

Date: _____

CHAPTER 140: FIREWORKS

Section

- 140.01 Definitions
- 140.02 Sale, possession, transportation and use of fireworks
- 140.03 Exceptions; permits
- 140.04 Transportation and storage of fireworks

§ 140.01 DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FIREWORKS. A device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. **FIREWORKS** includes Class B fireworks and Class C fireworks.

CLASS B FIREWORKS. Toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as Class C fireworks, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than 72 grains of flash powder each, and other similar devices.

CLASS C FIREWORKS. Toy smoke devices, toy caps containing not more than .25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, very signal cartridges, sparklers, explosive auto alarms, and other similar devices.

§ 140.02 SALE, POSSESSION TRANSPORTATION AND USE OF FIREWORKS.

Except as provided in § 140.03, a person, firm, partnership, or corporation shall not offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode, or cause to explode any of the following:

(A) A blank cartridge, blank cartridge pistol, toy cannon, toy cane, or toy gun in which explosives are used;

(B) An unmanned balloon which requires fire underneath to propel it and is not moored to the ground while aloft;

(C) Firecrackers, torpedoes, skyrocketes, roman candles, daygo bombs, bottom rockets, whistling chasers, rockets on sticks, or other fireworks of like construction.

(D) Fireworks containing an explosive or inflammable compound or a tablet or other device commonly used and sold as fireworks containing nitrates, fulminates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus, or a compound containing these or other modern explosives.

§ 140.03 EXCEPTIONS; PERMITS.

(A) The prohibitions contained in § 140.02 shall not apply to the following fireworks.

(1) Flat paper caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(2) Toy pistols, toy cannons, toy canes, toy trick noise makers, and toy guns of a type approved by the Director of the Department of State Police in which paper caps as described in subsection (A)(1) above are used and which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion.

(3) Sparklers containing not more than .0125 pounds of burning portion per sparkler.

(4) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter, cone fountains, and cylinder fountains.

(5) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

(6) Possession, transportation, sale, or use of signal flares of a type approved by the director of the department of state police, blank cartridges or blank cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for use by military organizations, and all items described in subsection (A)(2) used by railroads for emergency signal purposes.

(B) The prohibitions against the use or sale of fireworks contained in § 140.02 shall not apply if the person possessing said fireworks is in possession of a permit issued by the City Council of the City of Burton.

(1) Applications for fireworks permits shall be made in writing on forms provided by the Director of the Department of State Police.

(2) The City Council may, in its discretion, issue a fireworks permit for a public display of fireworks by a public body, or, by a fair association, or, amusement park, or, other approved groups or organizations and approved individuals over the age of 18 years.

(3) Permits approved by the City Council shall be on forms provided by the Director of the Department of State Police and shall be non-transferable.

(4) Before a permit for a fireworks display is issued, the person, firm, or corporation making application therefor shall furnish proof of financial responsibility by a bond or insurance in an amount deemed necessary by the City Council to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation, or an agent or employee thereof, in the amount, character, and form the local authority determines necessary for the protection of the public.

(5) A permit shall not be issued under this act to a nonresident person, firm, or corporation for conduct of a fireworks display in this state until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be his or her legal representative upon whom all process in an action or proceeding against him may be served.

(6) The City Council shall rule on the competency and qualifications of operators of fireworks displays, as the operator has furnished in his or her application form, and on the time, place, and safety aspects of the displays before granting permits.

§ 140.04 TRANSPORTATION AND STORAGE OF FIREWORKS.

The transportation and storage of all fireworks including Class B and Class C fireworks shall be in accordance with the requirements set forth at M.C.L.A. §§ 750.243(c) and 750.243(d).