

October 14, 2005

TO: John Szerlag, City Manager

FROM: William Nelson, Fire Chief *WLN*  
David Roberts, Assistant Fire Chief *DR*

SUBJECT: Marshall Field's Fireworks Permit Application

### BACKGROUND

Marshall Field's at Oakland Mall along with Zambelli Fireworks, Inc., of New Castle, Pennsylvania, have submitted a permit application for a public fireworks display. Michigan's Fireworks Law requires that any person or group that would like to conduct a fireworks display must apply to the local unit of government for a permit. The law defines local unit of government as the council or commission of a city or village, or the township board of a township.

Marshall Field's and Zambelli Fireworks, Inc., are requesting the Troy City Council to grant a permit for a fifteen-minute public fireworks display to occur on Friday, November 11, 2005, at 7:00 PM (or potentially Saturday, November 12<sup>th</sup> in the event of inclement weather) in their west parking lot. This is both parties' first application for a public fireworks display. City Council has previously granted permission for fireworks displays at the annual Troy Daze festival. This application appears similar in nature, with the following general exceptions:

- Four inch aerial shells in addition to three inch
- Fewer barrage cakes (ground displays)

It appears the west parking lot will accommodate the necessary distances required for three and four inch aerial shells. The permit application has been modified from what was initially proposed to delete five-inch aerial shells and to change the start time from 6:00 PM to 7:00 PM.

The Fire Department will arrange to have Fire Station #4 on standby at the event along with the necessary number of Fire Prevention Division staff members. The Police Department has indicated they can handle any traffic and crowd concerns that may arise with on-duty personnel. Oakland Mall Security will provide the necessary security for the site. Alliance Mobile Health (EMS) has been contacted and will be on-hand for standby as required.

### RECOMMENDATION

Staff recommends that City Council issue a fireworks permit to Zambelli Fireworks, Inc., for a public fireworks display. Enclosed for Council's review is the permit application and permit to be signed and issued. If there are any questions regarding this matter, please contact the Fire Department.



OUTDOOR SPECIAL EVENT APPLICATION

CITY OF TROY
DEPARTMENT OF BUILDING INSPECTIONS
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
248-524-3344

RECEIVED

OCT 11 2005

BUILDING DEPT.

OUTDOOR SPECIAL EVENT

Date: 10/7/05

Outdoor Special Events are permitted by the Zoning Ordinance, Chapter 39, Section 41.16.00. Please provide the information requested below and return it to the City of Troy Building Department, 500 West Big Beaver, Troy, MI 48084. Your application will then be reviewed for compliance with the Ordinance. If you have questions or need assistance, please call 248-524-3581.

NAME OF THE EVENT: HOLIDAY FIREWORKS

LOCATION OF EVENT: MARSHALL FIELD'S OAKLAND MALL

SIDWELL (Property ID) NUMBER: 500 WEST 1/4 MILE ROAD TROY, MI 48083

NAME OF APPLICANT: RONNIE BLASZCZYK, MARSHALL FIELD'S

ADDRESS OF APPLICANT: 21500 NORTH WESTERN HWY

CITY: SFLD STATE: MI ZIP: 48075

PHONE NUMBER: 248.443.6247 FAX: 248.443.4501

DATE(S) OF EVENT: FRIDAY, NOV. 11 FROM: 6:00 TO: 6:15 p.m.

WILL TENTS BE ERECTED? (FEE IS \$30) YES: NO: X

(IF YES, SEE ATTACHMENT FROM FIRE DEPARTMENT)

WILL FOOD BE SOLD/SERVED TO PUBLIC? YES: NO: X
(IF YES, CALL OAK. CNTY. HLTH. DIV. AT 248-424-7190)

TEMPORARY LIGHTING OR ELECTRICAL? (MIN. FEE IS \$25) YES: NO: X

(IF YES, OBTAIN ELECT. PERMIT & ARRANGE INSPECTION)

ADDITIONAL SIGNS? (FEE IS \$30) YES: NO: X
(IF YES, OBTAIN SIGN PERMIT)

In addition to the above information, please include a brief written description of the proposed event, including what activities will take place, your plan to handle traffic control, litter, restrooms needs, etc. Also, attach 2 copies of a detailed site plan, drawn to scale, showing where on site the special event will take place, location of existing buildings, parking, access lanes, tents and signs.

APPROVED BY: DATE:

**“Most Magical Place” Holiday Event at Marshall Field’s Oakland  
Friday, November 11, 6-8 pm**

**Event Overview:**

Marshall Field’s will host an event at our Oakland store to kickoff the holidays, and to introduce our Old Fashioned Toy Store which will be in place throughout the holiday season.

**Event Elements:**

- 6-6:15pm** Fireworks in Marshall Field’s parking lot. Note-Zambelli is the company that provides the July 4<sup>th</sup> fireworks display on the Detroit riverfront every year.
- 6:15 pm** Santa arrives via convertible following fireworks finale, drives through mall lot and stops in front of Marshall Field’s door, waves to crowd, Merry Christmas to all, enters store, proceeds to Kids department for visits with Santa.
- 6:20-8pm** Holiday-themed refreshments served throughout store, holiday carolers, holiday cooking demos, Santabear costumed characters, balloon twisters, face painters, etc.

**Advertising:**

- Marshall Field’s events website
- In-store signage
- Marshall Field’s Circular
- 2 x 7 ROP, Detroit News/Free Press
- Press release, pre-publicity campaign

Addendum to Holiday Event at Marshall Field's Oakland, November 11, 2005

- Time change for fireworks display, from 6-6:15pm to 7-7:15pm.
- Fireworks shell size change, largest shell used will be 4" aerial shell.

RECEIVED

OCT 11 2005

BUILDING DEPT.

Post-it* Fax Note	7671	Date	# of pages ▶ 1
To	MARK STIAC	From	Ronnie B
Co./Dept.		Co.	MARSHALL FIELD
Phone #		Phone #	
Fax #		Fax #	

# APPLICATION

## FOR FIREWORKS DISPLAY PERMIT

Act 358, P.A. 1968

DATE OF APPLICATION  
**9/30/2005**

1. TYPE OF DISPLAY:       Public Display       Agricultural Pest Control

2. APPLICANT

NAME OF PERSON <b>MARSHAL FIELDS</b>	ADDRESS <b>21500 NORTH WESTERN HWY SOUTHFIELD, MI 48075</b>	AGE: Must be 21 or over
IF A CORPORATION: Name of President	ADDRESS	

3. PYROTECHNIC OPERATOR

NAME <b>ROBERT MAYS</b>	ADDRESS <b>1709 W. WASHINGTON STREET NEW CASTLE, PA 16101</b>	AGE: Must be 21 or over <b>32</b>
EXPERIENCE:		
NUMBER OF YEARS <b>12+</b>	NUMBER OF DISPLAYS <b>200+</b>	WHERE <b>THROUGHOUT UNITED STATES</b>

NAMES OF ASSISTANTS:

NAME <b>TO BE DETERMINED</b>	ADDRESS	AGE
NAME	ADDRESS	AGE

4. NON-RESIDENT APPLICANT

NAME	ADDRESS	
Name of Michigan Attorney or Resident Agent	ADDRESS	TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

**PARKING LOT @ OAKLAND MALL, TROY, MI - MAP ATTACHED**

DATE <b>11/11/05 (11/12/05 RAIN DATE)</b>	TIME <b>6:00 PM</b>
--	------------------------

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

3" AERIAL SHELLS	1350	<i>420'</i>
4" AERIAL SHELLS	468	<i>500'</i>
5" AERIAL SHELLS	425	<i>700'</i>
BARRAGE CAKES	18	

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

**DELIVERED ON DAY OF DISPLAY ON ZABELLI COMPANY TRUCK**

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE (to be set by municipality)	<b>\$ 10,000,000</b>
B. BONDING CORPORATION OF INSURANCE COMPANY: NAME <b>ALLIED SPECIALTY INSURANCE</b>	ADDRESS <b>10451 GULF BOULEVARD TREASURE ISLAND, FL 33706</b>

# PERMIT

## FOR FIREWORKS DISPLAY Act 358, P.A. 1968

This permit is not transferable. Possession of this permit by the herein named person will authorize him to possess, transport and display fireworks in the amounts, for the purpose, and at the place listed below only.

TYPE OF DISPLAY:       Public Display       Agricultural Pest Control

ISSUED TO:  
NAME  
**ZAMBELLI FIREWORKS MFG. CO., INC.**  
ADDRESS  
**PO BOX 1463 NEW CASTLE, PA 16103**      AGE

REPRESENTING:  
NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION  
**MARSHAL FIELDS**  
ADDRESS  
**21500 NORTH WESTERN HWY SOUTHFIELD, MI 48075**

NUMBER & TYPES OF FIREWORKS:			
3" AERIAL SHELLS	1350	BARRAGE CAKES	18
4" AERIAL SHELLS	468		
5" AERIAL SHELLS	425		

DISPLAY:  
EXACT LOCATION  
**PARKING LOT @ OAKLAND MALL TROY, MI**  
CITY, VILLAGE, TOWNSHIP      DATE      TIME  
**11/11/05 (11/12/05 RAIN DATE)**      **6:00 PM**

BOND OR INSURANCE FILED:       Yes       No      AMOUNT  
**\$10,000,000**

ISSUED BY:

Issued by action of the \_\_\_\_\_  
(council, commission, board)

of the \_\_\_\_\_ of \_\_\_\_\_  
(city, village, township)      (name of city, village, township)

on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
(signature & position of council, commission or board representative)

## CERTIFICATE OF INSURANCE

PRODUCER:

**Allied Specialty Insurance**  
 10451 Gulf Blvd  
 Treasure Island, FL 33706  
 1-800-237-3355

Issue Date MM/DD/YY  
 10/12/05

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

### COMPANIES AFFORDING COVERAGE

INSURED:

**ZAMBELLI FIREWORKS MFG.CO. INC.**  
 ZAMBELLI FAMILY PARTNERSHIP  
 20 SOUTH MERCER  
 NEW CASTLE, PA 16103-1463

COMPANY A T.H.E. INSURANCE COMPANY  
 LETTER  
 COMPANY B REVISED CERTIFICATE #10064 10-12-05  
 LETTER  
 COMPANY C  
 LETTER  
 COMPANY D  
 LETTER

### COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOT WITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFF DATE	POLICY EXP DATE	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> OWNER'S & CONT PROT	M5MF5226	2/1/05	2/1/06	GENERAL AGGREGATE \$3,000,000 PRODUCTS-COMP/OP AGG \$1,000,000 PERSONAL & ADV INJURY \$1,000,000 EACH OCCURRENCE \$1,000,000 FIRE DAMAGE (any one fire) \$50,000 MED EXP (any one person) \$NA
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	M5MF5226	2/1/05	2/1/06	COMBINED SINGLE LIMIT \$1,000,000 BODILY INJURY \$ (per person) BODILY INJURY \$ (per accident) PROPERTY DAMAGE \$
	<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> _____				AUTO ONLY -EA ACCIDENT \$ OTHER THAN AUTO ONLY: \$ EACH ACCIDENT \$ AGGREGATE \$
A	<b>EXCESS LIABILITY</b> <input type="checkbox"/> UMBRELLA FORM <input checked="" type="checkbox"/> OTHER THAN UMBRELLA FORM	M5XF5227	2/1/05	2/1/06	EACH OCCURENCE \$1,000,000 AGGREGATE \$1,000,000
A	<b>WORKERS COMPENSATION AND EMPLOYEES' LIABILITY</b> THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input checked="" type="checkbox"/> EXCL	WC045069	12/30/04	12/30/05	<input type="checkbox"/> STATUTORY LIMITS EACH ACCIDENT \$1,000,000 DISEASE-POLICY LIMIT \$1,000,000 DISEASE-EACH EMPLOYEE \$1,000,000
A	<b>OTHER EXCESS LIABILITY</b> HIRED PHYSICAL DAMAGE	M5XF5228 M5MF5226	2/1/05 2/1/05	2/1/06 2/1/06	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 LIMIT \$100,000 \$2,500 Ded.

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS**

DISPLAY DATE: 11-11-05 or alternate date as per contract. LOCATION: Oakland Mall (Parking Lot) Troy, Michigan  
 THE FOLLOWING ARE NAMED AS ADDITIONAL INSURED AS RESPECTS COMMERCIAL GENERAL LIABILITY INSURANCE PERTAINING TO THE OPERATIONS OF THE NAMED INSURED ONLY: The City of Troy, Michigan, Marshal Fields and Oakland Mall as their interests may appear. Copy of CG 20 26 (07/04) attached.

*Handwritten:* 10/12/05

CERTIFICATE HOLDER  
 The City of Troy, Michigan

**CANCELLATION**  
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

*Handwritten Signature:* Richard A. [unclear]

POLICY NUMBER: 00M5MF5226

COMMERCIAL GENERAL LIABILITY  
CG 20 26 07 04

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**ADDITIONAL INSURED – DESIGNATED  
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE**

Name Of Additional Insured Person(s) Or Organization(s)
" PER CERTIFICATES OF INSURANCE ON FILE WITH THE COMPANY"
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.

THE MICHIGAN PENAL CODE (EXCERPT)  
Act 328 of 1931

**750.243b Permit for use or sale of fireworks.**

Sec. 243b. (1) The council or commission of a city or village or the township board of a township, upon application in writing, on forms provided by the director of the department of state police, may grant a permit for the use of fireworks otherwise prohibited by section 243a, within their political jurisdiction, manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks, or other organizations or groups of individuals approved by the city, village, or township authority, if the applicable provisions of this act are complied with. The permits shall be on forms provided by the director of the department of state police. After a permit has been granted, sales, possession, or transportation of fireworks for the purposes described in the permit only may be made. A permit granted under this subsection shall not be transferable, nor shall a permit be issued to a person under the age of 18 years.

(2) The council or commission of a city or village or the township board of a township, upon application in writing, may grant a permit, on forms provided by the director of the department of state police, to a resident wholesale dealer or jobber to have in his possession within the political jurisdiction, fireworks otherwise prohibited by section 243a, for sale only to holders of permits as provided in this section. A permit granted under this subsection is not transferable, nor shall a permit be issued to a person under the age of 18 years.

(3) Before a permit for a pyrotechnic 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 local governing authority 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.

(4) A permit shall not be issued under this act to a nonresident person, firm, or corporation for conduct of a pyrotechnic 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 legal representative upon whom all process in an action or proceeding against him may be served.

(5) The local governing authority shall rule on the competency and qualifications of operators of pyrotechnic displays, as the operator has furnished in his application form, and on the time, place, and safety aspects of the displays before granting permits.

**History:** Add. 1968, Act 358, Eff. Jan. 1, 1969;—Am. 1972, Act 14, Imd. Eff. Feb. 19, 1972;—Am. 1976, Act 36, Imd. Eff. Mar. 9, 1976.

# Oakland Mall LLC

October 11, 2005

Ms. Ronnie Blaszczyk  
Marshall Field's Special Events  
500 W. 14 Mile Rd.  
Troy, MI 48083

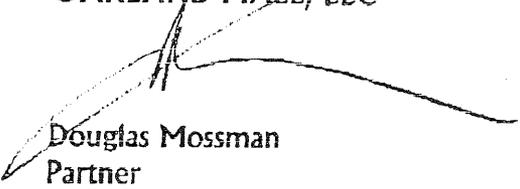
Dear Ms. Blaszczyk:

This letter shall serve as Landlord's approval of your request to conduct your Santa Arrival event, which includes a fireworks display, in the Oakland Mall parking lot on Friday, November 11, 2005 from 6-8 p.m. subject to the return of one fully executed copy of the attached Hold Harmless.

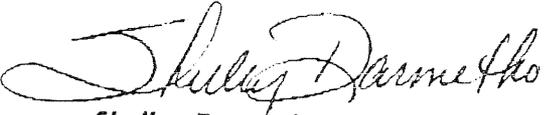
All permits, approvals, fees and costs pertaining to the above mentioned event will be the responsibility of Marshall Field's. Further, an insurance certificate will be required from your exhibitor which names Oakland Mall LLC, Oakland Mall Merchants Association, Sears, Marshall Field's and JCPenney as additional insured prior to the event date.

Sincerely,

OAKLAND MALL, LLC

  
Douglas Mossman  
Partner

OAKLAND MALL MERCHANTS ASSN.

  
Shelley Darnetko  
Marketing Director

SD:sb

Enclosures

**Executive Offices**  
39577 Woodward Ave.  
Suite 110  
Bloomfield Hills  
MI 48304  
248.647.3838 phone  
248.647.6231 fax

**Mall Offices**  
412 W. 14 Mile Road  
Troy, MI 48083  
248.585.4114 phone  
248.585.2440 fax  
www.oaklandmall.com

Jay M. Kogan  
Douglas S. Mossman

Joy S. Powell, CMD, CSM  
Mall Manager

Charles Miller  
Director of Construction

Launie Fielder  
Controller

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OCT 11 2005  
BUILDING DEPT.

MARCY! <sup>(1)</sup> OAKLAND MALL Nov 11 2005

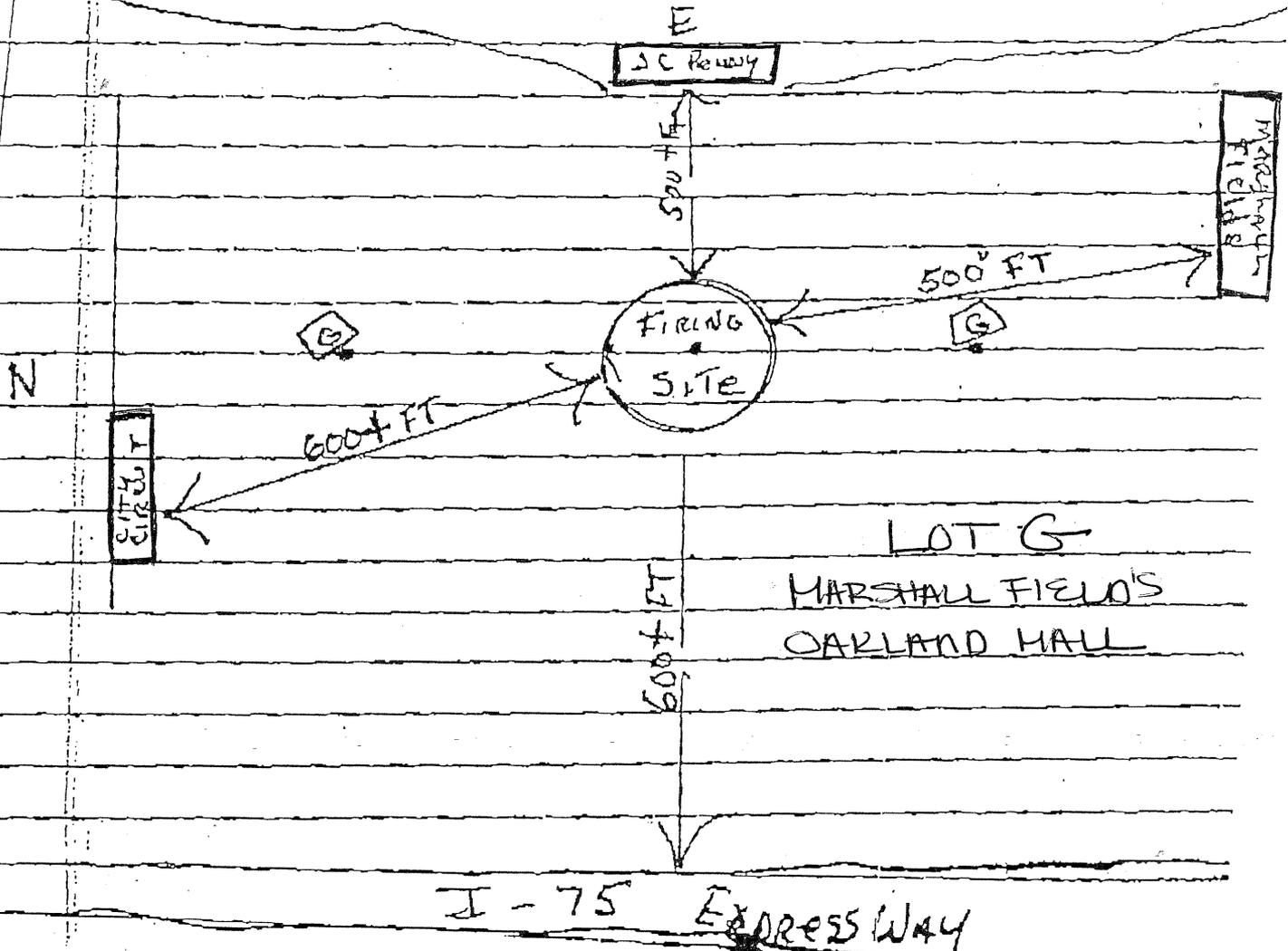
Ronnie BLASZCZYK

6:30 P.M

LAYOUT FOR MARSHALL FIELDS DISPLAY.

BLACK TOP PARKING LOT.

CENTER OF LOT Row G



**REVIEWED**  
**CITY OF TROY**  
**FIRE PREVENTION DIVISION**  
 DATE 9/23/05 BY TRK

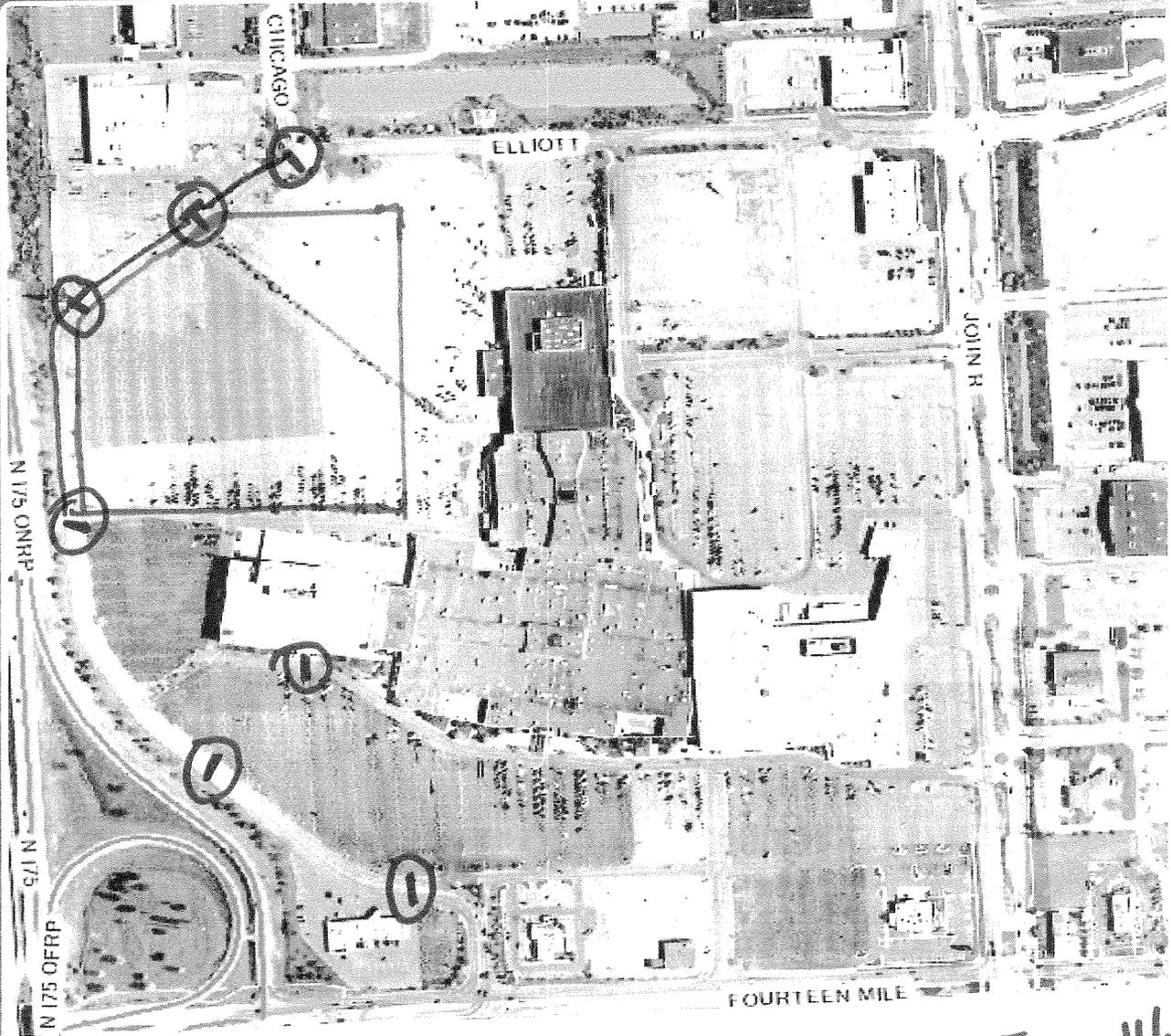
SEE ATTACHED REQUIREMENTS

- VIEWING AREA/PARKING  
 LOT OF OAKLAND MALL  
 (OTHER THAN SECTION  
 SHOWN ON MAP)

- AREA WILL BE BARRICADED/  
 NO ONE ALLOWED INSIDE  
 SHOOTING AREA  
 (OTHER THAN ZAMBELLI)

City of **TROY** Geographical Information System  
 Online

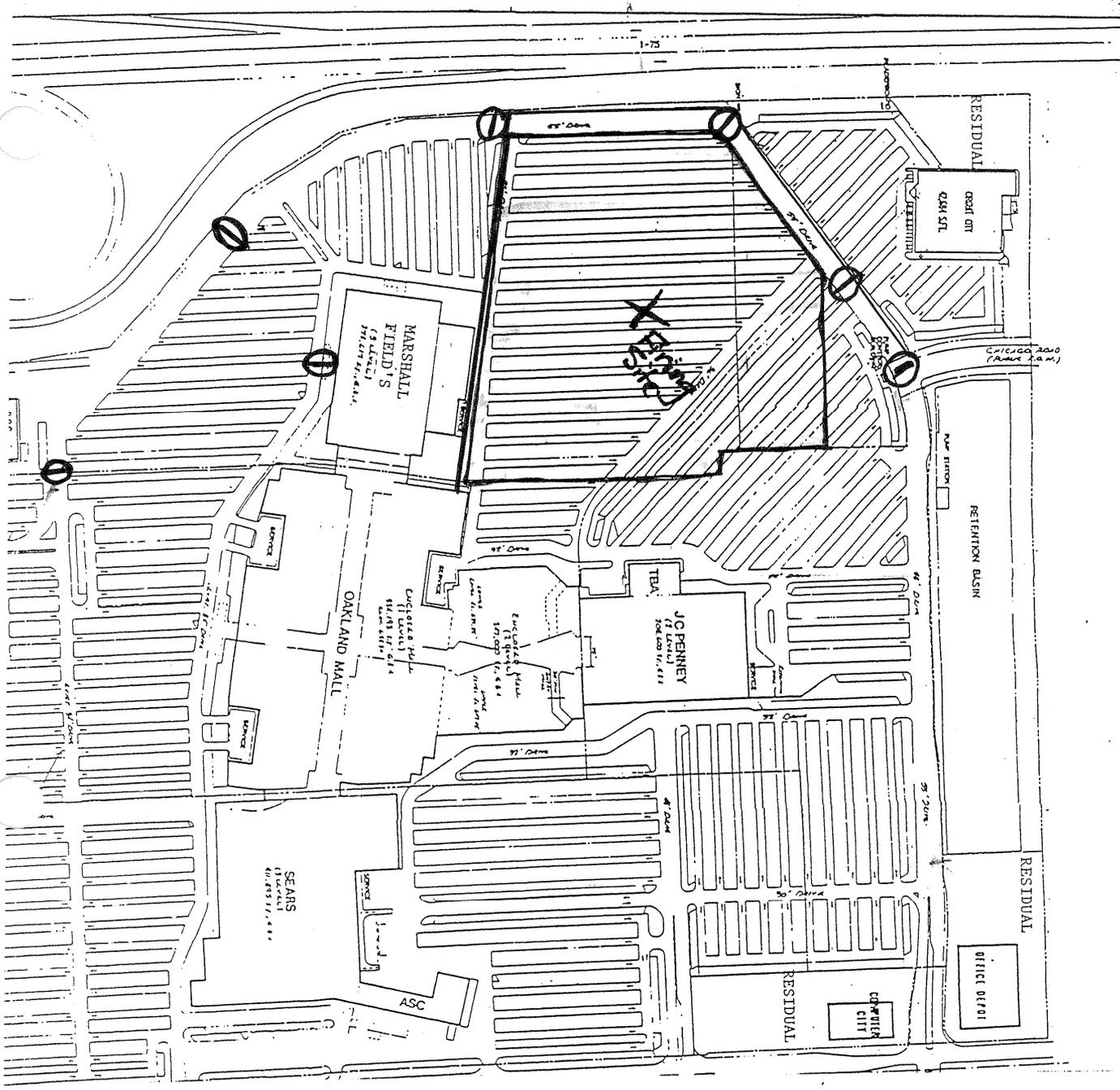
CITY HALL • 300 W. BIG BEAVER • TROY, MI 48065 • 313.594.3300



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⊕ = security 5 p.m. 11/11  
 - = closes from 6 p.m. - 7:20  
 - = barricades in place @ 3 AM 11/11

**Notice:**  
 The information provided by this application has been compiled from recorded deeds, plats, tax maps, survey other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified the source information represented should be consulted for verification.



OAKLAND MALL  
SHOPPING CENTER  
TROY, MICHIGAN



Site Plan



- ⊙ = Security @ Spm
- = closes from bpm
- = baricades in place!