



CITY COUNCIL ACTION REPORT

June 5, 2007

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
William Nelson, Fire Chief
Carol K. Anderson, Parks and Recreation Director

SUBJECT: **Agenda Item** – Fireworks Permit – Troy Daze Festival

Background:

- Michigan Fireworks Law requires that before anyone can conduct a fireworks display, they must apply to the local unit of government for a permit.
- On April 24, 2007, a permit application from Mad Bomber Fireworks Productions, Inc., of Kingsbury, Indiana was received by the City of Troy for a public fireworks display to be conducted at the close of this year's Troy Daze Festival. The law defines local unit of government as a council or commission of a city or village, or the township board of a township.
- Mad Bomber Fireworks Productions, Inc. is requesting that City Council grant a permit for a public fireworks display to occur on Sunday, September 16, 2007 at Boulan Park.
- The Fire Prevention division has review the permit application and recommends that City Council issue a fireworks permit to Mad Bomber Fireworks Productions, Inc. Attached for Council's review is the permit application along with the permit to be signed and issued.

Financial Considerations:

- Funding for the fireworks display is available in the Parks and Recreation Community Fair operating account #784.7889.010.

Legal Considerations:

- none

Permit for Fireworks Display
 Michigan Department of Labor & Economic Growth
 Bureau of Construction Codes & Fire Safety
 Office of the State Fire Marshal
 P.O. Box 30254
 Lansing, MI 48909
 517-241-9302

| | | |
|---------------------------------------|--|--|
| Authority: Compliance: Penalty: | 1968 PA 358 Required Misdemeanor | The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency. |
|---------------------------------------|--|--|

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

Public Display Agricultural Pest Control

| | |
|-------------------------------------|-------------------------------|
| ISSUED TO RANDY MCLASLAND | AGE (18 or over) 35 |
|-------------------------------------|-------------------------------|

ADDRESS
2953 ARRAN QUAY TERRACE, VALPARAISO, IN 46385

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION
MAO BOMBER FIREWORKS PRODUCTIONS

ADDRESS
P.O. BOX 418, KINGSBURY, IN 46345

NUMBER AND TYPES OF FIREWORKS

360 2.5" DISPLAY SHELLS
376 3" DISPLAY SHELLS
2916 SHOT BARRAGE BOXES

EXACT LOCATION OF DISPLAY
BOULAN PARK, 3671 CROOKS RD

| | | |
|--|-------------------------|---------------------|
| CITY, VILLAGE, TOWNSHIP TROY | DATE 09/16/07 | TIME DARK |
|--|-------------------------|---------------------|

| | |
|--|---------------------------------|
| BOND OR INSURANCE FILED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | AMOUNT \$5,000,000.00 |
|--|---------------------------------|

Issued by action of the council commission board of

city village township of _____ on the _____ day of _____

20 _____

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

APPLICATION FOR FIREWORKS DISPLAY PERMIT

| | | | | | |
|---|----------------------|--|---|----------------------------------|--|
| <input checked="" type="checkbox"/> PUBLIC DISPLAY | | <input type="checkbox"/> AGRICULTURAL PEST CONTROL | | Date of Application 4/24/2007 | |
| Name of Applicant MIAND Inc. DBA Mad Bomber Fireworks Productions | | Address P.O. Box 418 Kingsbury IN 46345 | | Age (18 or over) | |
| If a Corporation, Name of President Andrew James | | Address 14509 Clark St Crown Point IN 46307 | | | |
| If a Non-resident Applicant: Name of MI Attorney or Resident Agent John Granato | | Address 303 Brotherton Wakefield MI 49168 | | Phone No. (906) 224-9871 | |
| Name of Pyrotechnic Operator Randy McCasland | | Address 2953 Arran Quay Terrace Valparaiso IN 46385 | | Age (18 or over) 35 | |
| No. Years Experience 17 | No. Displays 330+ | Where MI, IL, IN, IA, MN, MD, FL, WI, MO | | | |
| Name of Assistant: Mike Gardner | | Address Valparaiso IN | | Age 25 | |
| Name of Other Assistant Rick James | | Address Dyer IN | | Age 44 | |
| Exact Location of Proposed Display Bowling Park, Crooks Road Troy MI | | | | | |
| Date of Proposed Display September 16 2007 | | | Time of Proposed Display Evening Dusk | | |
| No. Of Fireworks | | Kind of Fireworks to be Displayed | | | |
| 360 | | 2.5" Display Shells | | | |
| 376 | | 3" Display Shells | | | |
| 2916 shots | | Barrage Boxes | | | |
| Manner & Place of Storage Prior to Display (Subject to Approval of Local Fire Authorities) Kingsbury Industrial Park High X Area | | | | | |
| Amount of Bond or Insurance (to be set by local gov't) \$ 5,000,000 | | | Name of Bonding Corporation or Insurance Company Britton-Gallagher and Associates Inc. | | |
| Address of Bonding Corporation or Insurance Company 6240 SOM Center Rd Cleveland OH 44139 | | | | | |
| Signature of Applicant <i>[Signature]</i> | | | | | |

SEE OTHER SIDE FOR INSTRUCTIONS

Authority: 1968 PA 358
Compliance: Voluntary but a permit will not be issued without an application

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/19/2007

PRODUCER (440)248-4711 FAX (440)248-5406
Britton-Gallagher and Associates, Inc.
6240 SOM Center Rd.
Cleveland, OH 44139

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.

INSURED Mad Bomber Fireworks Productions
P. O. Box 418
Kingsbury, IN 46345

| INSURERS AFFORDING COVERAGE | NAIC # |
|--|--------|
| INSURER A: Lexington Insurance Co | |
| INSURER B: Granite State Insurance Co. | |
| INSURER C: Arch Specialty Ins Co | |
| INSURER D: Liberty Mutual Insurance Co | 25035 |
| INSURER E: | |

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING 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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR ADD'L LTR | INSRD | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS | |
|----------------|-------|---|---------------|----------------------------------|-----------------------------------|--|--------------|
| A | | GENERAL LIABILITY | 6990159 | 01/05/2007 | 01/05/2008 | EACH OCCURRENCE | \$ 1000000 |
| | | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | \$ |
| | | <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR | | | | MED EXP (Any one person) | \$ |
| | | <input checked="" type="checkbox"/> Fireworks Display Liability Coverage | | | | PERSONAL & ADV INJURY | \$ 1000000 |
| | | GEN'L AGGREGATE LIMIT APPLIES PER: | | | GENERAL AGGREGATE | \$ 2000000 | |
| | | <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | PRODUCTS - COMP/OP AGG | \$ 2000000 | |
| B | | AUTOMOBILE LIABILITY | CA32790355 | 01/05/2007 | 01/05/2008 | COMBINED SINGLE LIMIT (Ea accident) | \$ 1,000,000 |
| | | <input checked="" type="checkbox"/> ANY AUTO | | | | BODILY INJURY (Per person) | \$ |
| | | <input type="checkbox"/> ALL OWNED AUTOS | | | | BODILY INJURY (Per accident) | \$ |
| | | <input type="checkbox"/> SCHEDULED AUTOS | | | | PROPERTY DAMAGE (Per accident) | \$ |
| | | <input checked="" type="checkbox"/> HIRED AUTOS | | | AUTO ONLY - EA ACCIDENT | \$ | |
| | | <input checked="" type="checkbox"/> NON-OWNED AUTOS | | | OTHER THAN AUTO ONLY: EA ACC | \$ | |
| | | | | | AGG | \$ | |
| C | | EXCESS/UMBRELLA LIABILITY | ULP000396502 | 01/05/2007 | 01/05/2008 | EACH OCCURRENCE | \$ 4,000,000 |
| | | <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE | | | | AGGREGATE | \$ 4,000,000 |
| | | <input type="checkbox"/> DEDUCTIBLE | | | | | \$ |
| | | <input checked="" type="checkbox"/> RETENTION \$ 10,000 | | | | | \$ |
| D | | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | WC7345311836 | 12/25/2006 | 12/25/2007 | <input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER | |
| | | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? | | | | E.L. EACH ACCIDENT | \$ 1,000,000 |
| | | If yes, describe under SPECIAL PROVISIONS below | | | | E.L. DISEASE - EA EMPLOYEE | \$ 1,000,000 |
| | | OTHER | | | | E.L. DISEASE - POLICY LIMIT | \$ 1,000,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
This Insured has a total of \$5,000,000 coverage.

Operations: Fireworks Display
Additional Insured(s): City of Troy & Troy Daze Committee including Architects and Engineers, All elected and appointed officials, all employees and volunteers, boards, commissioners and/or authorities and their board members, employees and volunteers additional insured on ISO form B of Broader

CERTIFICATE HOLDER

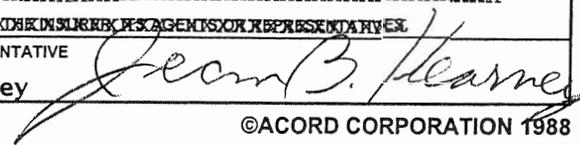
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

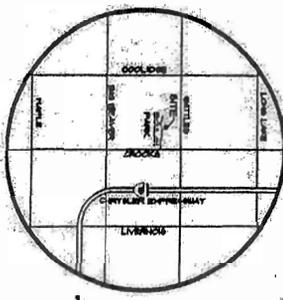
CANCELLATION or materially changed

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ~~BY MAIL~~ MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~WHICH NOTICE SHALL BE DEEMED TO HAVE BEEN RECEIVED BY THE INSURED~~ OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

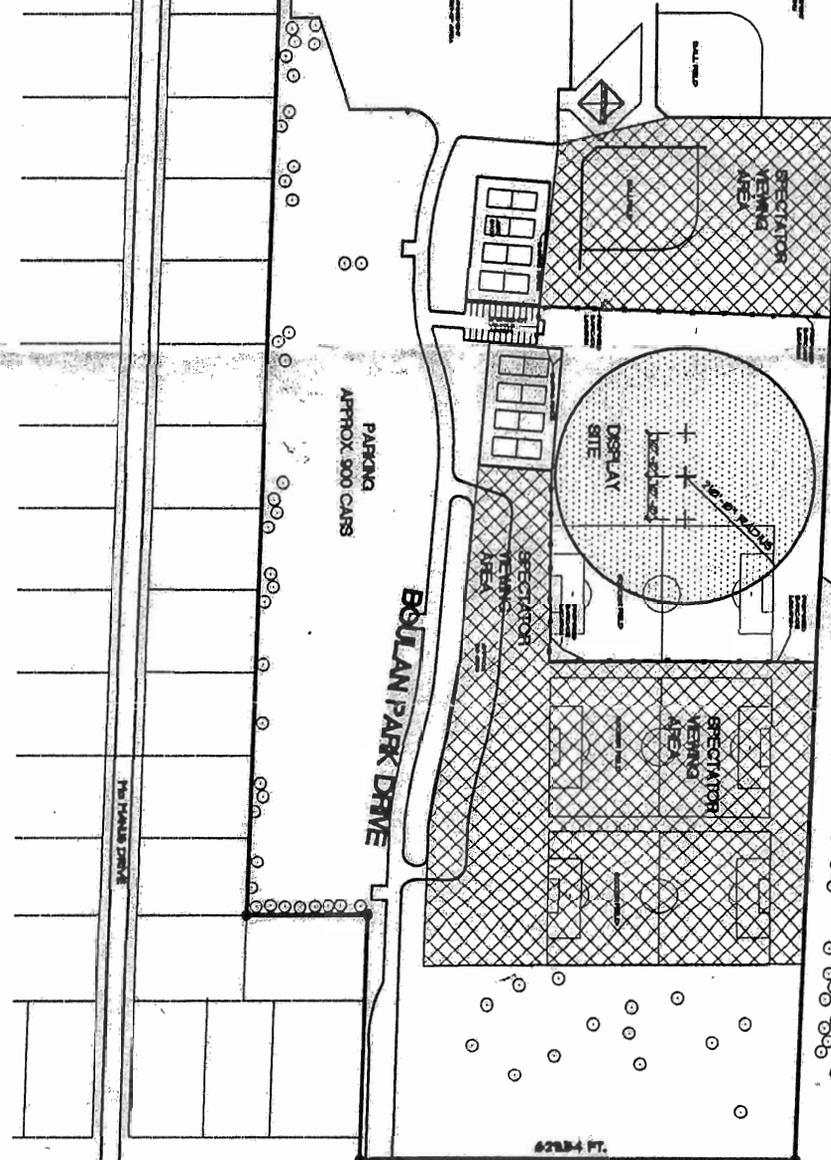
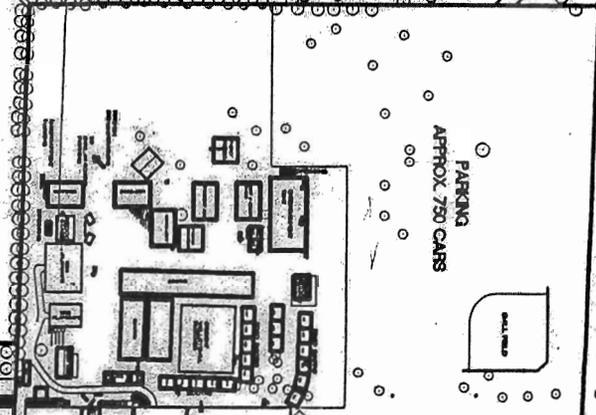
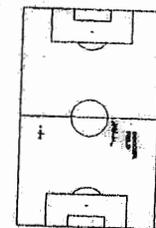
Jean B. Kearney





ROLLAN
MIDDLE SCHOOL

PARKING
APPROX. 110 CARS



PARKING
APPROX. 900 CARS

ROLLAN PARK DRIVE

THE TRAILS DRIVE

FRAMEWORKS DISPLAY AREA
TROY DAZE LAYOUT

CROOKS ROAD

Policy Considerations:

- The Troy Daze Festival attracts nearly 100,000 people annually to celebrate the community. A wide variety of activities provide fun for the entire family, and offer an opportunity for Troy business and community groups to showcase their organizations. (Goal I)

Options:

- City Management recommends that City Council issue a fireworks permit to Mad Bomber Fireworks Productions, Inc.

Prepared by: Jeffrey J. Biegler, Superintendent of Parks