



CITY COUNCIL AGENDA ITEM

Date: August 27, 2015

To: Brian Kischnik, City Manager

From: William Nelson, Fire Chief
David Roberts, Assistant Fire Chief/Fire Marshal

Subject: Fireworks Permit – Macy's at Oakland Mall

Zambelli Fireworks Manufacturing Company of New Castle, Pennsylvania, along with Macy's at Oakland Mall have submitted a permit application for a public fireworks display to celebrate the beginning of their holiday shopping season. Macy's and Zambelli are requesting the Troy City Council grant a permit for a public fireworks display to occur on Friday, November 6, 2015, at 7:00 PM. Macy's northwest parking lot will accommodate the necessary distances required for the display.

Legal Considerations

Michigan law requires that before anyone can conduct a fireworks display, a permit must be obtained from the local unit of government. The law states 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.

Zambelli Fireworks Mfg. Co., therefore, is requesting that City Council grant a permit for a public fireworks display to occur at Macy's, Oakland Mall, on the evening of Friday, November 6, 2015.

Zambelli Fireworks Mfg. Co., has provided the required proof of insurance in the amount of \$10M.

Recommendation

The Fire Department has reviewed the permit application and recommends that City Council approve a fireworks permit for Zambelli Fireworks Mfg. Co. Enclosed for Council's review is the permit application and supporting documentation, along with the permit itself to be signed and issued. The Fire Department will inspect the display and ensure that adequate safety measures are enforced.

City Attorney's Review as to Form and Legality

Lori Grigg Bluhm, City Attorney



August 24, 2015

Troy City Hall
Attn: Fire Chief Dave Roberts
500 West Big Beaver Road
Troy, MI 48084

Dear Chief Roberts:

I have enclosed the application for permit for the 11-6-15 display at Oakland Mall. Included is the Certificate of Insurance, site diagrams and permit application fee.

Please call me with any questions.

Yours very truly,

Robert J. Turco
Zambelli Fireworks

RJT/br

Boca Raton, FL
Raleigh, NC

Shafter, CA
Myrtle Beach, SC

20 South Mercer Street
New Castle, PA 16101
1.800.245.0397
Fax #724.658.8318

Walkersville, MD
Denver, CO

Cincinnati, OH
Pequot Lakes, MN

2015

Application for Fireworks Other Than Consumer or Low Impact
 Michigan Department of Licensing & Regulatory Affairs
 Bureau of Fire Services
 P.O. Box 30700
 Lansing MI 48909
 (517) 241-8847

Authority: 2011 PA 256 Compliance: Voluntary Penalty: Permit will not be issued	The Department of Licensing & Regulatory Affairs 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.	
<input type="checkbox"/> Agricultural or wildlife fireworks	<input type="checkbox"/> Articles Pyrotechnic	<input type="checkbox"/> Display Fireworks
<input type="checkbox"/> Special effects manufactured for outdoor pest control or agricultural purposes	<input checked="" type="checkbox"/> Public Display	<input type="checkbox"/> Private Display
NAME OF APPLICANT Zambelli Fireworks Mfg. Co.	ADDRESS 20 S. Mercer St. New Castle, Pa 16101	AGE (18 or over)
IF A CORPORATION, NAME OF PRESIDENT Ed Meyer, Managing Partner	ADDRESS	
IF A NON-RESIDENT APPLICANT, NAME OF MICHIGAN ATTORNEY OR RESIDENT AGENT	ADDRESS	TELEPHONE NUMBER
NAME OF PYROTECHNIC OPERATOR Dave Evans	ADDRESS 950 Wampum Rd. Ellwood City, PA 16117	AGE (18 or over) 66
NO. YEARS EXPERIENCE 15+	NO. DISPLAYS 200+	WHERE throughout Michigan and the U.S.
NAME OF ASSISTANT to be determined	ADDRESS	AGE
NAME OF OTHER ASSISTANT	ADDRESS	AGE
EXACT LOCATION OF PROPOSED DISPLAY parking lot of Oakland Mall- Troy MI		
DATE OF PROPOSED DISPLAY 11-6-15	TIME OF PROPOSED DISPLAY 7 pm	
MANNER AND PLACE OF STORAGE, SUBJECT TO APPROVAL OF LOCAL FIRE AUTHORITIES, IN ACCORDANCE WITH NFPA 1123, 1124 & 1126 AND OTHER STATE OR FEDERAL REGULATIONS. PROVIDE PROOF OF PROPER LICENSING OR PERMITTING BY STATE OR FEDERAL GOVERNMENT		
delivered on day of display on Zambelli Company vehicle		
AMOUNT OF BOND OR INSURANCE (To be set by local government) \$10 Million	NAME OF BONDING CORPORATION OR INSURANCE COMPANY Allied Specialty Insurance	
ADDRESS OF BONDING CORPORATION OR INSURANCE COMPANY 10451 Gulf Boulevard, Treasure Island, FL 33076		
NUMBER OF FIREWORKS	KIND OF FIREWORKS TO BE DISPLAYED	
1200	3" aerial display shells	
402	4" aerial display shells	
15	Barrage cakes	
SIGNATURE OF APPLICANT	DATE 8-24-15	

Instructions for Application for Fireworks Other Than Consumer or Low Impact

Applications shall be made to the legislative body of a city, village or township board. A permit shall 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 issuing political jurisdiction.

1. 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 Operator's section.
2. A non-resident applicant shall appoint a Michigan attorney or resident agent in writing to be the applicant's legal representative upon whom all process in any action or proceeding may be served.
3. The pyrotechnic operator is the person in charge of the display. The legislative body 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.
4. Indicate the total amount of fireworks proposed for the display or use, such as 10 aerial bombs, 30 aerial rocket bursts, etc.
5. Indicate the manner and place of storage within the political jurisdiction of fireworks that are ready for display, just prior to the display in the area of exhibition. The legislative body shall obtain approval from the local fire authorities of the manner and place of storage before any permit is issued.
6. The issuing political jurisdiction 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.
7. The application is valid for the year shown at the top right corner of the application.
8. Permit fees shall be established by the legislative body and shall be retained by same.
9. This permit is issued in compliance with 2011, PA 256.

2015

Permit for Fireworks Other Than Consumer or Low Impact
Michigan Department of Licensing & Regulatory Affairs
Bureau of Fire Services
P.O. Box 30700
Lansing MI 48909
(517) 241-8847

Authority: 2011 PA 258	The Department of Licensing & Regulatory Affairs 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.
Compliance: Voluntary	
Penalty: Permit will not be issued	

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		
ISSUED TO	Zambelli Fireworks Mfg. Co.	AGE (18 or over) n/a
ADDRESS	20 South Mercer Street, New Castle, PA 16101	
NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION	City of Troy, MI	
ADDRESS	500 West Big Beaver Road, Troy MI	
NUMBER AND TYPES OF FIREWORKS	1200 3" aerial display shells 402 4" aerial display shells 15 barrage cakes	
EXACT LOCATION OF DISPLAY OR USE	Parking lot of Macy's- Oakland Mall	
CITY, VILLAGE, TOWNSHIP	DATE	TIME
Troy, MI	11-6-15	7 pm
BOND OR INSURANCE FILED	AMOUNT	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	\$10 Million	

Issued by action of the Legislative Body of a

City Village Township of _____ on the _____ day of _____

(Signature and Title of Legislative Body Representative)

THIS FORM IS VALID FOR THE YEAR SHOWN ONLY

ZAMBELLI FIREWORKS

Supplement to City of Troy Fireworks Permit Application

Hazardous Materials Inventory Statement

November 6, 2015 display

SHELL DESCRIPTION	QUANTITY
Barrage Cakes – 49 to 120 Shots per barrage (1” to 2” shells)	15
Three Inch Assorted Aerial Display Shells	1200
Four Inch Assorted Aerial Display Shells	402

All materials will be Class B, Fireworks, UN0335 1.3B.

All materials will be delivered on the day of display on a Zambelli company truck.

RESIDUAL

RETENTION BASIN

XEROX

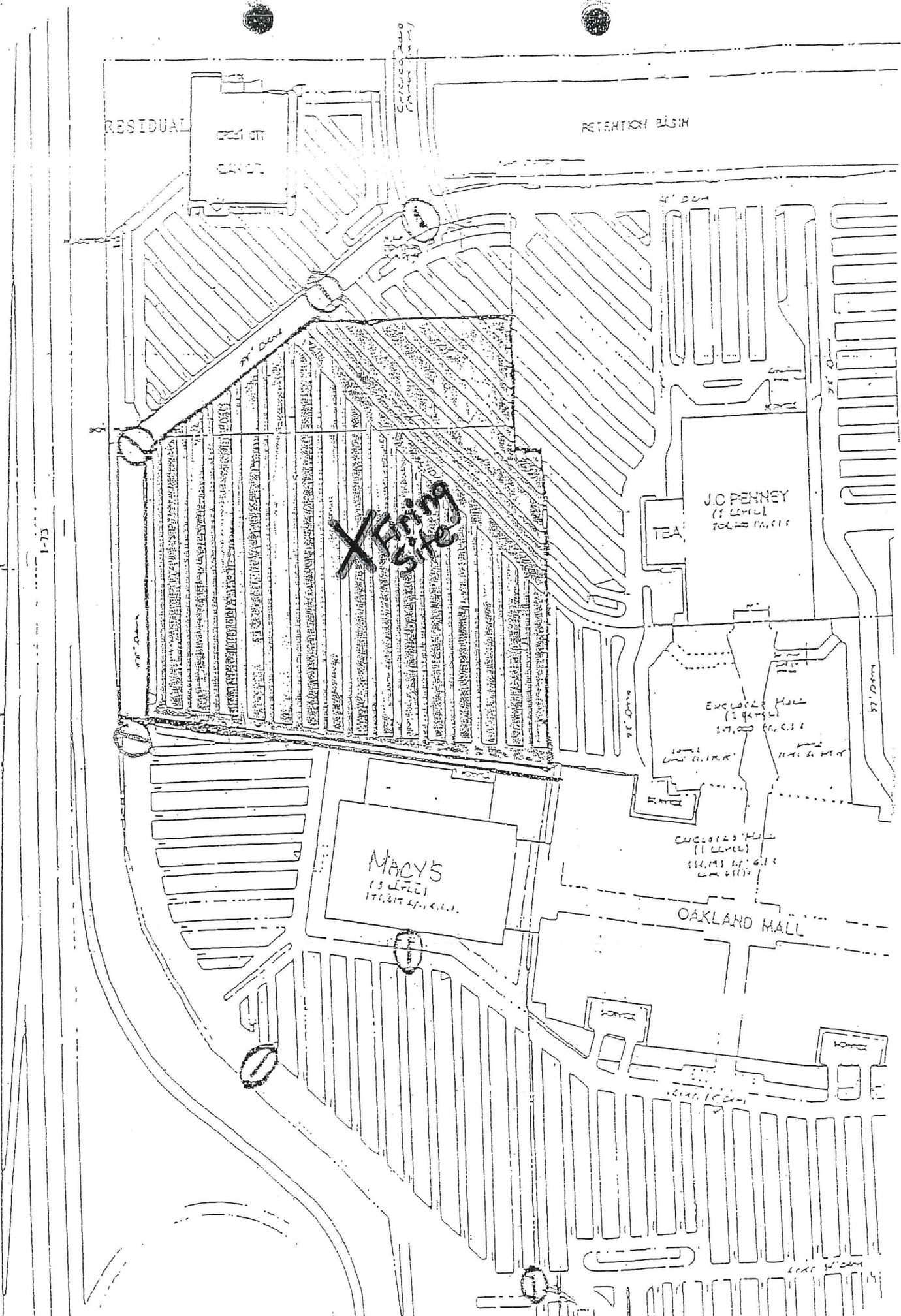
JO PENNEY
(1 LEVEL)
70,000 S.F.

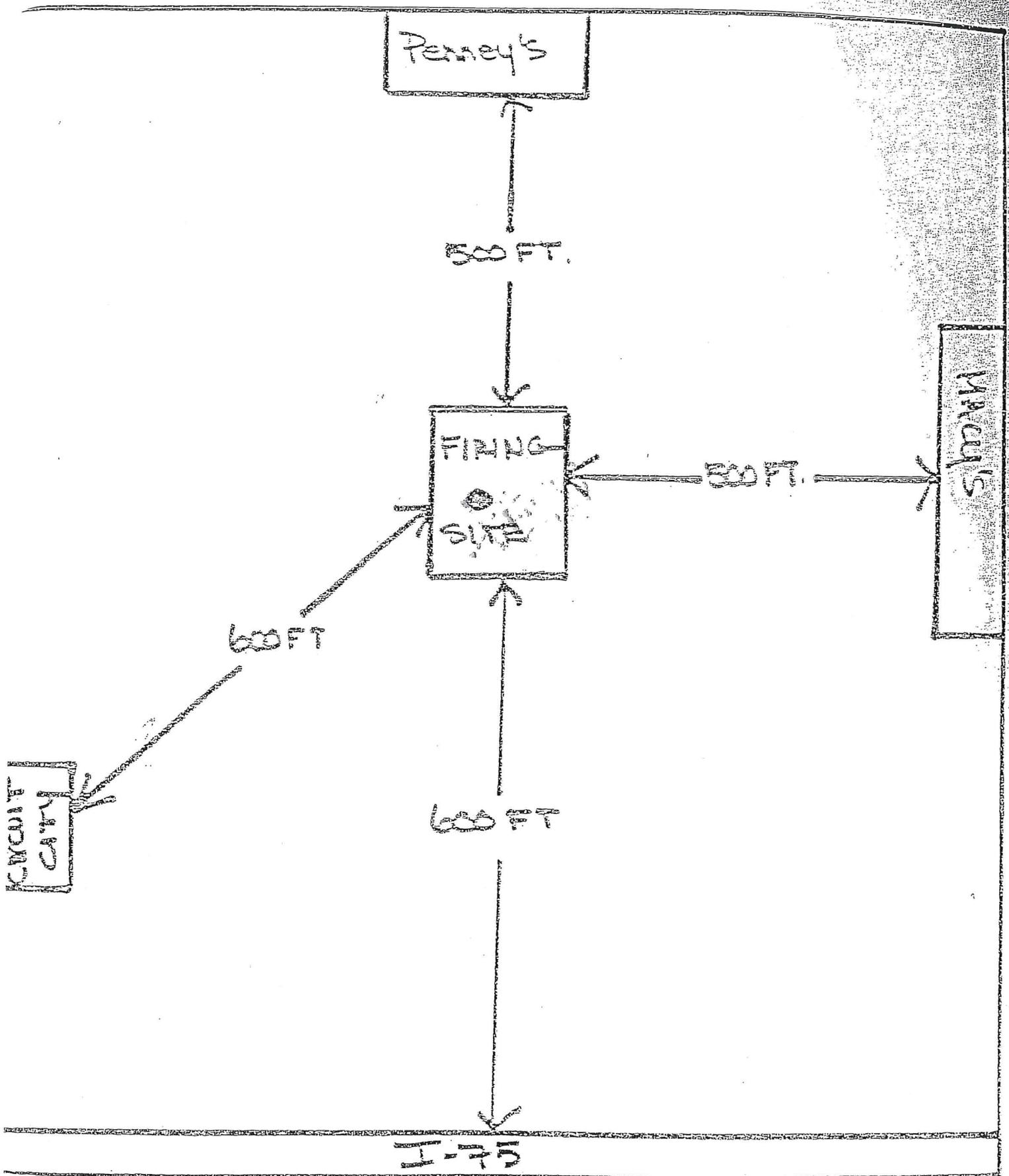
ENCLOSURE HALL
(2 LEVELS)
107,000 S.F.

MACYS
(3 LEVELS)
174,000 S.F.

OAKLAND MALL

1-73





* AREA WILL BE BARRICADED/NO ONE ALLOWED INSIDE SHOOTING AREA OTHER THAN CHASSEL UNDEVELOPED.

David J Roberts

From: Bob Turco <bturco@zambellifireworks.com>
Sent: Tuesday, September 01, 2015 10:03 AM
To: David J Roberts
Cc: 'Sarah M Wantz'; Lori G Bluhm
Subject: RE: Zambelli Fireworks Permit Agenda Item

Chief Roberts:

Our Mich agent is: Joe LaVerdi, 3422 Saratoga Lane, Howell, MI 48855, 517-540-1982.

Thanks,

Bob Turco
bturco@zambellifireworks.com 800-245-0397 724-658-8318 fax



*Zambelli Fireworks Mfg. Company * 20 South Mercer Street * New Castle, PA 16101
(Please use our physical address for all correspondence, the P.O. Box is no longer valid.)*

From: David J Roberts [mailto:robertsdj@troymi.gov]
Sent: Friday, August 28, 2015 5:43 PM
To: Bob Turco
Cc: 'Sarah M Wantz'
Subject: FW: Zambelli Fireworks Permit Agenda Item

Bob – Can you please provide the requested information as described below by our city attorney?

Dave

David Roberts | Assistant Chief | Fire Marshal

Troy Fire Department | 500 W. Big Beaver, Troy, MI 48084 | Office: 248-524-3419 | troymi.gov  

“We believe a strong community embraces diversity, promotes innovation, and encourages collaboration. We strive to lead by example within the region. We do this because we want everyone to choose Troy as their community for life. We believe in doing government the best.”

From: Lori G Bluhm
Sent: Friday, August 28, 2015 10:37 AM
To: David J Roberts; William S Nelson
Subject: Zambelli Fireworks Permit Agenda Item

I have reviewed the agenda item.. and will take it down to the City Manager’s office. However, for non- Michigan companies/ residents, there is a requirement for a registered agent or local person to be able to accept service... Do you have this information on file? Also, in addition to receiving the certificate, we also need to see parts of the insurance policy... this is something fairly new in Michigan... has this been provided?

What we need is the “endorsement”

Lori Grigg Bluhm | City Attorney

City of Troy | 500 W. Big Beaver, Troy, MI 48084 | Office: 248.524.3323 | Cell: 248.885.1899

Fax 248.524.3259 | Bluhmlg@troymi.gov  

“We believe a strong community embraces diversity, promotes innovation, and encourages collaboration. We strive to lead by example within the region. We do this because we want everyone to choose Troy as their community for life. We believe in doing government the best.”

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):

City of Troy is included as an additional insured, as their interest may appear under the Commercial General Liability insurance policy, with regards to the actions of Macy's and its associates, affiliates, contractors and sub contractors in accordance with and to the extent of the term of a written agreement with Macy's related to Holiday Fireworks in the parking lots of Macy's Oakland Mall taking place 11/6/15 but as respects the operations of the named insured only.

Display Date: 11/06/15

Rain Date: N/A

Location of Display: Parking lot of Macy's Oakland Mall

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. 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:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.