

# CHARTER TOWNSHIP OF JAMESTOWN CONSUMER FIREWORKS APPLICATION AND PERMIT

Name of Applicant: \_\_\_\_\_ Age: \_\_\_\_\_

Applicant Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone Number: (\_\_\_\_\_) \_\_\_\_\_ Cell Phone Number: (\_\_\_\_\_) \_\_\_\_\_

Property address at which consumer fireworks will be used (if different from Applicant Address specified above):  
 \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Name of owner of property at which consumer fireworks will be used (if different from Applicant Address specified above):  
 \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Expected time of consumer fireworks display: \_\_\_\_\_

Describe type(s) and quantity of consumer fireworks to be used: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Have you previously applied for and been granted a consumer fireworks display permit? \_\_\_\_ YES \_\_\_\_ NO. If "YES," enter date of permit: \_\_\_\_\_ and date of previous consumer fireworks display: \_\_\_\_\_. NOTE: Only two permits may be issued each calendar year.

Have you notified the adjoining property owners of the date and time of the consumer fireworks display? \_\_\_\_ YES \_\_\_\_ NO

This permit is issued in accordance with the Jamestown Charter Township Ordinance No. 13-003, as amended (the "Ordinance"). By signing this application, Applicant agrees to comply with the provisions of applicable state law, this Ordinance and permit. For more information contact Jamestown Charter Township at 616-896-8376.

**LIABILITY.** Grantee hereby releases, waives, discharges and covenants not to sue Jamestown Charter Township, its departments, officers, employees and agents, from any and all liability to Grantee, its family members, guests, invitees, officers, employees, agents and authorized representatives, for all losses, injury, death or damage, and any claims or demands thereto, on account of injury to person or property, or resulting in death of Grantee, its family members, guests, invitees, officers, employees, agents or authorized representatives, in reference to the activities authorized by this permit.

**INDEMNIFICATION.** Grantee hereby covenants and agrees to indemnify and save harmless Jamestown Charter Township, its departments, officers, employees and agents, from any and all claims and demands, for all loss, injury, death or damage, that any person or entity may have or make, in any manner, arising out of any occurrence related to (1) issuance of this permit; (2) the activities authorized by this permit; and (3) the use or occupancy of the premises which are the subject of this permit by the Grantee, its family members, guests, invitees, employees, contractors, agents or authorized representatives.

Applicant signature \_\_\_\_\_ Date \_\_\_\_\_

Property owner signature (if different than Applicant) \_\_\_\_\_ Date \_\_\_\_\_

### TOWNSHIP USE ONLY

Issued by \_\_\_\_\_ Date \_\_\_\_\_  
 Copy of Approved Permit to:  Fire Chief  Ottawa County Sheriff's Deputy  Township Supervisor

**CHARTER TOWNSHIP OF JAMESTOWN**  
**COUNTY OF OTTAWA, MICHIGAN**

**ORDINANCE NO. 13-003, as amended by Ordinance Nos. 16-001 and 19-002**

**AN ORDINANCE TO REGULATE THE IGNITION, DISCHARGE  
AND USE OF CONSUMER FIREWORKS IN THE TOWNSHIP**

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

Section 1.     **Definitions.** As used in this Ordinance the following terms are defined as follows.

- A.     **Alcoholic Liquor.** That term defined in section 1d of the Michigan Vehicle Code, 1949 PA 300, MCL 257.1d, as amended.
- B.     **APA Standard 87-1.** The 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.
- C.     **Consumer Fireworks.** Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.
- D.     **Controlled Substance.** That term as defined in section 8b of the Michigan Vehicle Code, 1949 PA 300, MCL 257.8b, as amended.
- E.     **Firework or Fireworks.** Any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.
- F.     **Low Impact Fireworks.** Ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.
- G.     **National Holiday.** Includes any of the following:
  - 1.     New Years' beginning on December 31 at 11:00 a.m. through 1:00 a.m. on January 1st.

2. the Saturday and Sunday immediately preceding Memorial Day, beginning at 11:00 a.m. until 11:45 p.m. on each of those days.
  3. June 29 to July 4th beginning at 11:00 a.m. until 11:45p.m. on each of those days.
  4. July 5, if that date is a Friday or Saturday, from 11:00 a.m. until 11:45 p.m.
  5. the Saturday and Sunday immediately preceding Labor Day, from 11:00 a.m. until 11:45 p.m. on each of those days.
- H. **Person.** A firm, association, partnership, joint venture, corporation, trust, municipal or public entity or equivalent entity or a combination thereof as well as a natural person.

Section 2. Ignition, Discharge and Use of Consumer Fireworks.

- A. **Recognized National Holiday.** Except as otherwise provided in Section 2.B. of this Ordinance, no person shall ignite, discharge or use consumer fireworks within the Township, or allow the ignition, discharge, or use of consumer fireworks within the Township, except on a National Holiday.
- B. **Other Days of the Year.** No person shall ignite, discharge or use consumer fireworks within the Township, or allow the ignition, discharge, or use of consumer fireworks within the Township on any day other than a day set forth in Section 2.A. above, without first obtaining a permit from the Township. A person may obtain no more than two permits from the Township each calendar year for the discharge of consumer fireworks permitted by this Section 2.B. and, notwithstanding the issuance of such a permit, no person shall ignite, discharge or use consumer fireworks within the Township between the hours of 1:00 a.m. and 8:00 a.m.
- C. **Use of Public and Private Property.** A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person without the express permission of the person or organization to use those fireworks on their premises.
- D. **Additional Restrictions.** A person shall not:
  1. recklessly endanger the life, health, safety or well-being of any person or property by the ignition, discharge or use of consumer fireworks;
  2. use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance or combination thereof; or

3. sell consumer fireworks to a person under the age of 18 years.
- E. A person under the age of 18 years shall not:
1. buy, purchase, acquire or obtain consumer fireworks; or
  2. possess, ignite, discharge or use consumer fireworks without the presence and under the control of a parent, guardian or other responsible adult of the age of 18 years or older.

**Section 3.     **Violations.****

- A. Any person who violates any term or provision of this Ordinance shall be responsible for a municipal civil infraction and subject to payment of a civil fine in the amount of \$1,000.00 for each violation. Of the \$1,000.00 civil fine collected, \$500.00 shall be remitted to the local law enforcement agency responsible for enforcement of the Ordinance.
- B. The following persons may issue a municipal civil infraction citation for a violation of this Ordinance:
1. A Township ordinance enforcement official appointed by the Township Board; or
  2. A law enforcement officer of the Ottawa County Sheriff's Department or the Michigan State Police.
- C. The issuance of a municipal civil infraction citation is not an exclusive remedy and may be undertaken in addition to all other means of enforcement, including but not limited to injunctive and other relief.

**Section 4.     **Nuisance Per Se.** Any violation of this Ordinance is a public nuisance per se. The Township Board may enforce the provisions of this Ordinance by seeking injunctive relief in a court of competent jurisdiction in addition to any other remedies which may be available under the law or this Ordinance.**


**Section 5.     **Administrative Liability.** No officer, agent, employee, or member of the Township Board shall be personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.**


Section 6.     **Severability and Captions.**     This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered as part of this Ordinance.

Section 7.     **Repeal.**     All ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of the date of this Ordinance are repealed to the extent of that conflict.

Section 8.     **Publication/Effective Date.**     This Ordinance shall become effective seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on September 16, 2013, and approved by me on September 17, 2013; Ordinance No. 16-001, passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on March 21, 2016, and approved by me on March 22, 2016; Ordinance No. 19-002, passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on March 11, 2019, and approved by me on March 14, 2019

  
\_\_\_\_\_  
Kenneth Bergwerff, Supervisor  
Charter Township of Jamestown

Attest:  
  
\_\_\_\_\_  
Candy DeHaan, Township Clerk

Ordinance No. 13-003

First Reading: August 19, 2013

Second Reading: September 16, 2013

Ordinance becomes effective: October 6, 2013

Ordinance No. 16-001

First Reading: February 15, 2016

Second Reading: March 21, 2016

Ordinance becomes effective: April 10, 2016

Ordinance No. 19-002

First Reading: February 15, 2019

Second Reading: March 11, 2019

Ordinance becomes effective: March 24, 2019

### **CERTIFICATE OF TOWNSHIP CLERK**

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, State of Michigan, at a regular meeting held on September 16, 2013, and amended on March 21, 2016 and March 11, 2019, that the public notice of said meetings was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.



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Candy DeHaan  
Township Clerk

3. President's Day, the third Monday in February.
4. Memorial Day, the last Monday in May.
5. Independence Day, July 4th.
6. Labor Day, the first Monday in September.
7. Columbus Day, the second Monday in October.
8. Veteran's Day, November 11th.
9. Thanksgiving Day, the fourth Thursday in November.
10. Christmas Day, December 25th.

H. **Person.** A firm, association, partnership, joint venture, corporation, trust, municipal or public entity or equivalent entity or a combination thereof as well as a natural person.

Section 2. Ignition, Discharge and Use of Consumer Fireworks.

- A. **Recognized National Holiday.** No person shall ignite, discharge or use consumer fireworks within the Township, or allow the ignition, discharge, or use of consumer fireworks within the Township, between the hours of 1:00 a.m. and 8:00 a.m. on the day before, the day of, or the day after a national holiday.
- B. **Other Days of the Year.** No person shall ignite, discharge or use consumer fireworks within the Township, or allow the ignition, discharge, or use of consumer fireworks within the Township on any day other than a day set forth in Section 2.A. above, without first obtaining a permit from the Township. A person may obtain no more than two permits from the Township each calendar year for the discharge of consumer fireworks permitted by this Section 2.B. and, notwithstanding the issuance of such a permit, no person shall ignite, discharge or use consumer fireworks within the Township between the hours of 1:00 a.m. and 8:00 a.m.
- C. **Use of Public and Private Property.** A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person without the express permission of the person or organization to use those fireworks on their premises.
- D. **Additional Restrictions.** A person shall not:
  1. recklessly endanger the life, health, safety or well-being of any person or property by the ignition, discharge or use of consumer fireworks;

2. use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance or combination thereof; or
  3. sell consumer fireworks to a person under the age of 18 years.
- E. A person under the age of 18 years shall not:
1. buy, purchase, acquire or obtain consumer fireworks; or
  2. possess, ignite, discharge or use consumer fireworks without the presence and under the control of a parent, guardian or other responsible adult of the age of 18 years or older.

**Section 3. Violations.**

- A. Any person who violates any term or provision of this Ordinance shall be responsible for a municipal civil infraction and subject to payment of a civil fine as well as any other action by the Township to abate the violation. The minimum fine for a municipal civil infraction under this Ordinance shall be Fifty Dollars (\$50.00) plus costs and other sanctions for each violation. Each day during which any violation continues shall be deemed a separate offense.
- B. The following persons may issue a municipal civil infraction citation for a violation of this Ordinance:
1. A Township ordinance enforcement official appointed by the Township Board; or
  2. A law enforcement officer of the Ottawa County Sheriff's Department or the Michigan State Police.
- C. The issuance of a municipal civil infraction citation is not an exclusive remedy and may be undertaken in addition to all other means of enforcement, including but not limited to injunctive and other relief.

**Section 4. Nuisance Per Se.** Any violation of this Ordinance is a public nuisance per se. The Township Board may enforce the provisions of this Ordinance by seeking injunctive relief in a court of competent jurisdiction in addition to any other remedies which may be available under the law or this Ordinance.

**Section 5. Administrative Liability.** No officer, agent, employee, or member of the Township Board shall be personally liable for any damage that may accrue to any person as a



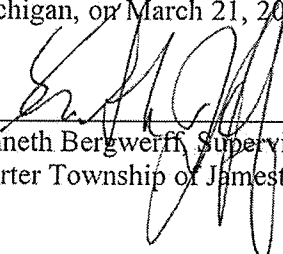
result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

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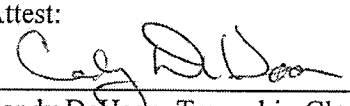
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\_\_\_\_\_  
Kenneth Bergwerff, Supervisor  
Charter Township of Jamestown

Attest:

  
\_\_\_\_\_  
Candy DeHaan, Township Clerk

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\_\_\_\_\_  
Candy DeHaan  
Township Clerk