



CITY OF BATTLE CREEK FIRE PREVENTION BUREAU

Fireworks Vendor Applicants,

The Battle Creek Fire Department in conjunction with the City of Battle Creek would like to extend a warm welcome to all approved fireworks applicants for this year. We look forward to another fun but more importantly safe year as we approach upcoming events and celebrations involving legal use and sales of fireworks. This year my office will be providing a basic set up checklist for all approved fireworks tents. This checklist will serve as a means to assist with proper setup for inspections that will be performed to determine compliance with City of Battle Creek requirements, NFPA 1124 and any additional requirements that may be deemed by the AHJ (Authority Having Jurisdiction) in lieu of life and safety considerations. The goal of the Battle Creek Fire Prevention Bureau is to strive to assist in providing safe environments for the public through the means of awareness, education and code compliance.

Please contact the City Clerk's office at 269-966-3348 with questions or concerns regarding fireworks vendor application and licensing requirements. Please contact the Battle Creek Fire Marshal's Office at 269-966-3521 with questions or concerns related to fireworks vendor inspections and codes.

Respectfully,

A handwritten signature in black ink, appearing to read "Quincy Jones".

Quincy Jones Fire Marshal
Battle Creek Fire Department Fire Prevention Bureau



CITY OF BATTLE CREEK

FIRE PREVENTION BUREAU

Fireworks Sales Tent Checklist

- ❖ Fireworks tents or stands should be 50 feet away from bulk storages
- ❖ Parking Distance 10 feet away from tent
- ❖ No smoking within tent or within 50 feet outside of tent
- ❖ At least one "FIREWORKS -NO SMOKING" sign posted at each entrance or within 10 feet of every aisle.
- ❖ "NO FIREWORKS DISCHARGE WITHIN 300 FEET" sign posted on all 4 exterior sides of tent.
- ❖ Generators 20 feet distance - 5 gallons max storage
- ❖ State licensed shall be displayed prominently in public view
- ❖ City of Battle Creek Fireworks Sales License shall be displayed prominently in public view
- ❖ All documentations licensing/permits of person(s) performing sales shall be provided upon request and kept on site.
- ❖ Proof of insurance certificate displayed prominently in public view
- ❖ Inventory records and proof of insurance shall be kept on site and available upon request by AHJ (Authority Having Jurisdiction)
- ❖ Evacuation Plan shall be posted in a conspicuous place
- ❖ House Keeping - Facilities shall be free of debris, loose pyrotechnic compositions and damaged fireworks. Remove all aforementioned from area and tent.
- ❖ Fireworks Tent shall be labeled for retardant NFPA 701 & NFPA 102 or provide supporting documentation.
- ❖ Temp electrical in accordance to NFPA 70E
- ❖ 3 Exits 44 inches wide shall be provided for all tents



CITY OF BATTLE CREEK FIRE PREVENTION BUREAU

- ❖ Exit signs shall be posted at all exits
- ❖ Illuminated exit signage and emergency lighting shall be required for sales after dusk
- ❖ Tents shall have at least 2 extinguishers (1-extinguisher shall be a multipurpose ABC extinguisher) Multipurpose extinguishers shall be provided every 35 feet. AHJ may require extinguisher placement to change if deemed.
- ❖ All extinguishers shall be mounted and have compliant service tags.
- ❖ All aisles within tent shall have a minimum width of 48 inches
- ❖ Pallet storage shall not exceed 4'W X 8'L X 6' H
- ❖ Pallet separation shall be a minimum of 4 feet
- ❖ Verify the need for FLAME BREAKS (Maximum 32 feet for packaged fireworks on the same level. A flame break shall not be required where packaged fireworks (on the same level) runs an 8 foot continuous length and is interrupted by individual unpackaged fireworks or open space.
- ❖ All unpackaged fireworks with exposed fuses shall be covered/sealed for sales to the general public

***Additional requirements may be required by the Fire Code Official if deemed necessary for life and safety considerations.

Disclaimer: The checklist is to serve only as a set up reference. It is the responsibility of all approved fireworks vendors to be familiar with jurisdictional requirements and code requirements for fireworks tents sales. Violations could potentially result to penalties/fines/imprisonment deemed by local jurisdiction and also from the State of Michigan if incurred.

Legal Consumer Fireworks



Aerials

Roman Candles



Helicopter/
Aerial Spinners



Bottle Rockets/ Sky Rockets



Reloadable Shell Device



Missile Type
Rockets



Single Tube
Device with
Report



Firecrackers

Ground Based or Handheld Sparklers



Sparklers &
Sparkler Trees



Cone



Square



Cylindrical

Calif. Rocket

Sparkling Wheel Devices



Ground Sparkling Devices

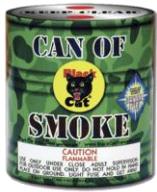


Ball & Disk



Cylindrical

Smoke Devices



Cylindrical



Smoke Cone



Calif. Smoke Candle

May Not Have More Than 500g of Explosive Mixture.

Novelties



Snappers/ Drop Pops



Snakes



Party Poppers



Smoke Ball



Sparkling Devices

Novelties are not regulated in Michigan.

CHAPTER 618 Disorderly Conduct

618.20 FIREWORKS.

(a) Definitions.

(1) "Consumer fireworks" means firework 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 American Pyrotechnics Association ("APA") standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

(2) "Display fireworks" means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

(3) "Firework" or "fireworks" means 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, homemade fireworks, and special effects.

(4) "Homemade fireworks" means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation that is not produced by a commercial manufacturer and does not comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507.

(5) "Low-impact fireworks" means 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.

(6) "Novelties" means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

A. Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual 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.

B. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subsection A. above are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a projectile or missile by the explosion.

C. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

D. Toy snakes not containing mercury, if packed in cardboard boxes with not more than twelve 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.

(7) "Occupant" means any person having immediate control of private or public premises and/or real property.

(8) "Owner" means any person holding legal or equitable title to a property or to real improvements upon a property.

(9) "Premises" means any dwelling, building or other structure designed or used wholly or in part for residential purposes, whether inhabited or vacant, and its curtilage or part thereof.

(10) "Property" means anything of value which is subject to ownership, including real property and fixtures.

(11) "Real property" means land and whatever is erected upon, growing upon or affixed to it.

(b) Prohibition on use of consumer fireworks. No person shall ignite, discharge or use consumer fireworks within the City, except this prohibition shall not preclude any person from the ignition, discharge and use of consumer fireworks on the following days after 11:00 a.m.:

(1) December 31 until 1:00 a.m. on January 1.

(2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.

(3) June 29 to July 4 until 11:45 p.m. on each of those days.

(4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.

(5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

Further, no owner or occupant shall permit a person to ignite, discharge or use consumer fireworks on their property within the City, except as specified above or as may be permitted under Section [652.07\(c\)\(8\)](#).

(c) Enforcement. The Fire Chief, his designees and sworn law enforcement officers are authorized to enforce the provisions of this section.

(d) Violations, fines, penalties and seizure.

(1) Any person, firm, corporation or entity violating the provisions of this section shall be guilty of a civil infraction, and shall be fined one thousand dollars (\$1,000.00) for each violation of this section.

(2) Five hundred dollars (\$500.00) of the fine collected pursuant to above subsection (d)(1) shall be remitted to the Battle Creek Police Department.

(3) If the Fire Chief, his designee or a sworn law enforcement officer determines that a violation of this section has occurred, he or she may seize the consumer fireworks as evidence of the violation.

(4) Following the final disposition of a finding of responsibility for violating this section, the City may dispose of or destroy any consumer firework retained as evidence in that prosecution.

(Ord. 22-95. Passed 7-18-95; Ord. 12-4. Passed 8-21-12; Ord. 06-2015. Passed 6-16-15; Ord. 05-2019. Passed 5-7-19.)

CHAPTER 652 **Nuisances**

652.07 NOISE CONTROL.

(12) Fireworks ; explosives. The ignition, discharge, or detonation of any firework explosive or explosive device, firecracker, shell, consumer firework , or other article whereby the device or article undergoes a rapid chemical reaction with the production of noise, heat and/or violent explosion of gases, except as provided in Section 618.20(b) or in subsection (c)(8) below. "Fireworks " as used in this subsection shall mean how it is defined in the Michigan Fireworks Safety Act, Act 256 of 2011, as amended.

(1975 Code Sec. 9.62; Ord. 13-92. Passed 7-7-92; Ord. 17-98. Passed 11-3-98; Ord. 12-5. Passed 8-21-12.)

(c) Exceptions. None of the provisions of subsections (a) and (b) hereof shall apply to or be enforced against:

(8) Fireworks ; explosives. Except as specifically prohibited in Section 1060.05(b)(1), the ignition, discharge, or detonation of any firework explosive or explosive device, firecracker, shell, consumer firework , or other article whereby the device or article undergoes a rapid chemical reaction with the production of noise, heat and/or violent explosion of gases, including consumer fireworks , which is:

 A. Part of an authorized, otherwise legal construction project occurring between the hours of 8:00 a.m. and 7:00 p.m. Monday through Friday; or

 B. Part of a fireworks display open to the general public and for which a special events permit and/or other permit required by City ordinance for display fireworks has been obtained; or

 C. Consists, or is composed, of consumer fireworks ignited, discharged or used on the limited days and times as permitted in Section 618.20(b).