



CITY of NOVI CITY COUNCIL

Agenda Item I November 14, 2016

SUBJECT: Approval of request for Fireworks Display Permit by City of Novi Parks, Recreation and Cultural Services, to be operated by ACE Pyro, on Friday, December 2, 2016 for the community event, Light Up the Night, subject to final approval from the City Manager and City Attorney.

SUBMITTING DEPARTMENT: Parks, Recreation and Cultural Services

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

Parks, Recreation and Cultural Services (PRCS) will again have a firework show to enhance the Light Up the Night event. The Fireworks Display will be operated by ACE Pyro on Friday, December 2, 2016 immediately following the tree lighting ceremony at 6:15 pm (weather permitting).

The five to seven minute show will be launched from Ella Mae Power Park and will be visible throughout the Civic Center campus. ACE Pyro is a reputable company that produced the 2015 Light Up the Night fireworks display and has also done local firework shows for the communities of Highland Twp., Whitmore Lake Twp., City of Trenton and Village of Lake Orion. They also produced shows for the outdoor winter events, 2014 NHL Winter Classic and the 2010 Big Chill.

The Novi Fire Department has conducted a site inspection and an additional inspection will occur once the show is complete. Additional Police and Fire Department personnel will be assigned for the duration of the event to assure that all safety measures and process are adhered to according to the fireworks permit.

Nearby residents will be alerted of the upcoming event and Fireworks Display via Nixle notifications, reverse 911 calls to landlines, text messages to those who have opted in for updates, social media posts and emails to the 7,000-8,000 people who have opted into the "I Am Novi" and "Destination Novi" email lists.

RECOMMENDED ACTION: Approval of request for Fireworks Display Permit by City of Novi Parks, Recreation and Cultural Services, to be operated by ACE Pyro, on Friday, December 2, 2016 for the community event, Light Up the Night, subject to final approval from the City Manager and City Attorney.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Burke				
Council Member Casey				

	1	2	Y	N
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				

2016 Permit for Fireworks Other than Consumer or Low Impact

Authority: 2011 PA 256	The LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD will not discriminate against any individual or group because of race, sex, religion, age, 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 Legislative Body of City, Village or Township Board.
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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 through permit expiration date.

TYPE OF PERMIT(S) (Select all applicable boxes)		FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY.	
<input type="checkbox"/> Agricultural or Wildlife Fireworks <input type="checkbox"/> Articles Pyrotechnic <input type="checkbox"/> Display Fireworks <input checked="" type="checkbox"/> Public Display <input type="checkbox"/> Private Display <input type="checkbox"/> Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes		PERMIT(S) EXPIRATION DATE (ENTER DATE OF EXPIRATION)	
NAME OF PERSON PERMIT ISSUED TO Michael Freeland.		AGE (18 YEARS OR OLDER) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
ADDRESS OF PERSON PERMIT ISSUED TO 13001 E. Austin Rd, Manchester, MI 48158			
NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION AcePyro, LLC.			
ADDRESS 13001 E. Austin Rd, Manchester, MI 48158			
NUMBER AND TYPES OF FIREWORKS (Please attach additional pages if necessary) Approximately 525- 2.5" to 4" Assorted Aerial Display Shells			
EXACT LOCATION OF DISPLAY OR USE 45175 W. 10 Mile Rd, Novi MI 48375.			
CITY, VILLAGE, TOWNSHIP Novi		DATE December 2, 2016	TIME Dusk.
BOND OR INSURANCE FILED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		AMOUNT 5,000,000	

Issued by action of the Legislative Body of a	
<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township of _____ on the _____ day of _____	
_____ <small>(Signature and Title of Legislative Body Representative)</small>	

THIS FORM IS VALID UNTIL THE DATE OF EXPIRATION OF PERMIT



U.S. Department of Justice
 Bureau of Alcohol, Tobacco, Firearms and Explosives
 Federal Explosives Licensing Center
 244 Needy Road
 Martinsburg, West Virginia 25405

901090: CRR/FLS
 5400
 File Number: 4MI12625

09/18/2014

SUBJECT: EMPLOYEE POSSESSOR LETTER OF CLEARANCE for:

MICHAEL KENNETH FREELAND 05/14/1961 380743733

GENERAL LABOR
 (248)676-2305

975 LARIVEE LANE
 MILFORD, MI 48381

and is ONLY valid under the following Federal explosives license/permit:

4-MI-161-20-7D-12625

ACE PYRO LLC
 13001 E AUSTIN RD
 MANCHESTER, MI 48158

Dear MICHAEL FREELAND:

You have been approved to transport, ship, receive or possess explosive materials as an employee possessor under the Federal explosive license or permit indicated above. **This clearance is only valid under the license or permit referenced above.**

Sincerely,

Christopher R. Reeves

Christopher R. Reeves
 Chief, Federal Explosives Licensing Center (FELC)

FELC Customer Service. If you believe that information on your "Letter of Clearance" is incorrect, please return a COPY of the letter to the Chief, Federal Explosives Licensing Center (FELC), with a statement showing the nature of the error. The Chief, FELC, shall correct the error, and return an amended letter to you.

Mail: ATF
 Chief, FELC
 Attn.: LOC Correction
 244 Needy Road
 Martinsburg, West Virginia 25405

Fax: 1-304-616-4401
 Chief, FELC
 Attn.: LOC Correction

Call toll-free: 1-877-283-3352

MICHAEL KENNETH FREELAND

Employee Possessor Letter of Clearance for:

Federal Explosives License/Permit (18 U.S.C. Chapter 40)

ATF Form 5400.14/5400.15 Part I
Revised October 2011

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To ATF - Chief, FELC 244 Needy Road Martinsburg, WV 25405-9431	License/Permit Number 4-MI-161-20-7D-12625
Chief, Federal Explosives Licensing Center (FELC) <i>Christopher L. Reers</i>	Expiration Date April 1, 2017
Name ACE PYRO LLC	

Premises Address (Changes? Notify the FELC at least 10 days before the move.)

**13001 E AUSTIN RD
MANCHESTER, MI 48158-**

Type of License or Permit

20-MANUFACTURER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

ACE PYRO LLC
13001 E AUSTIN RD
MANCHESTER, MI 48158-

[Signature]

Licensee/Permittee Responsible Person Signature
Aaran Enzer

Printed Name

President

Position/Title
10/13/14

Date

Previous Edition is Obsolete ACE PYRO LLC-13001 E AUSTIN RD-48158-4 MI-161-20-7D-12625-April 1, 2017-20-MANUFACTURER OF EXPLOSIVES

ATF Form 5400.14/5400.15 Part I
Revised October 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

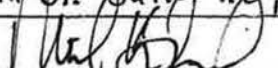
(Continued on reverse side)

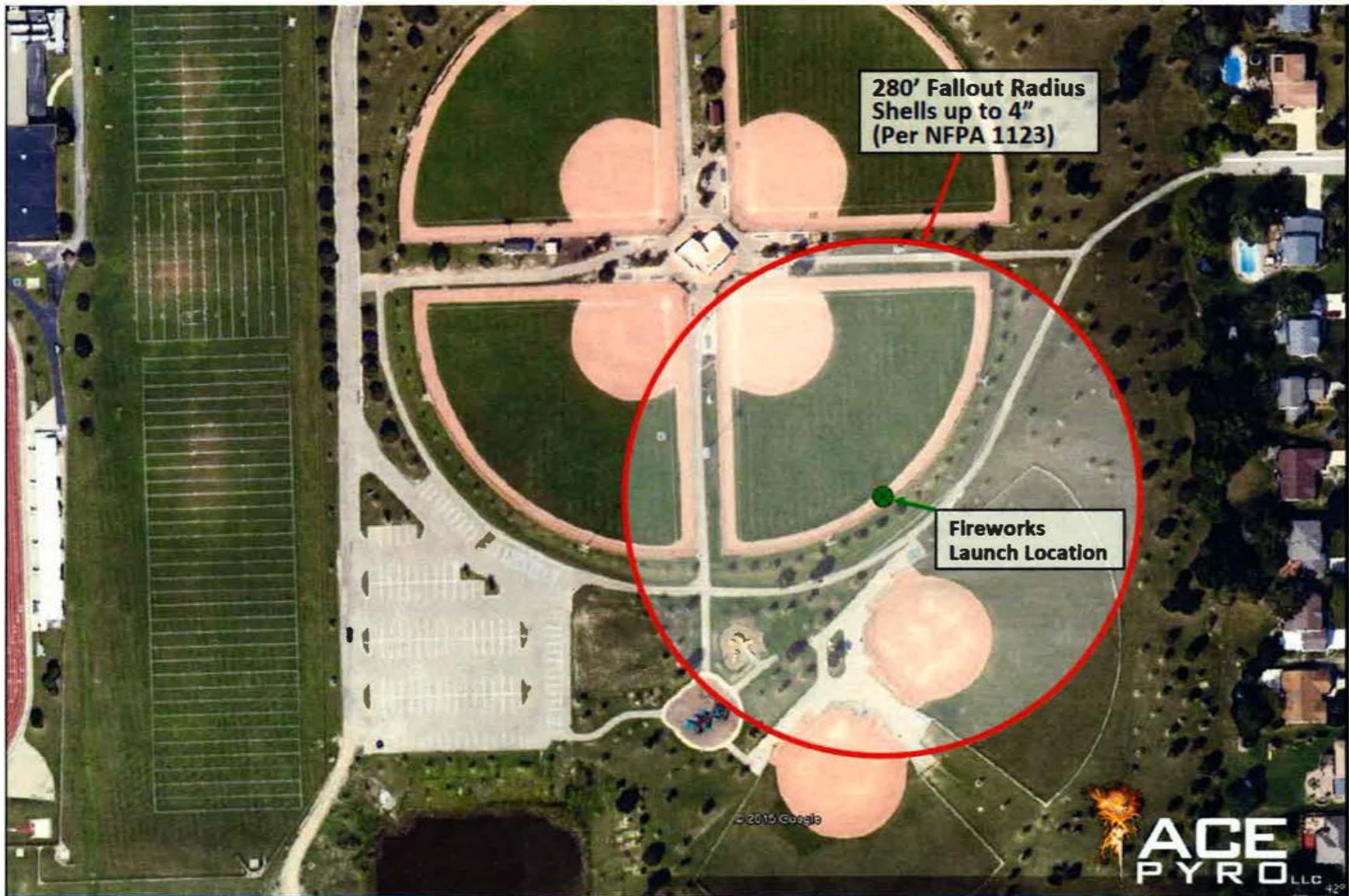
Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card	
License/Permit Name:	ACE PYRO LLC
Business Name:	
License/Permit Number:	4-MI-161-20-7D-12625
License/Permit Type:	20-MANUFACTURER OF EXPLOSIVES
Expiration:	April 1, 2017
Please Note: Not Valid for the Sale or Other Disposition of Explosives.	

Application for Fireworks Display Permit
 Michigan Department of Labor & Economic Growth
 Bureau of Fire Services
 P.O. Box 30700
 Lansing, MI 48909
 517-241-8847

Authority: Compliance: Penalty:	1968 PA 358 Voluntary Permit will not be issued	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.
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<input checked="" type="checkbox"/> Public Display		<input type="checkbox"/> Agricultural Pest Control	DATE OF APPLICATION 03 OCT 2016
NAME OF APPLICANT MICHAEL FREELAND / ACE PRO, LLC		ADDRESS 13001 E. AUSTIN RD., MANCHESTER	AGE (18 or over) 55
IF A CORPORATION, NAME OF PRESENT AARON ENZER		ADDRESS 13001 E. AUSTIN RD, MANCHESTER, MI 48158 (RES)	
IF A NON-RESIDENT APPLICANT, NAME OF MICHIGAN ATTORNEY OR RESIDENT AGENT N/A		ADDRESS N/A	TELEPHONE NUMBER N/A
NAME OF PYROTECHNIC OPERATOR MICHAEL FREELAND		ADDRESS 945 LARIVEE LANE, MILFORD	AGE (18 or over) 55
NO. YEARS EXPERIENCE 22	NO. DISPLAYS 150+	WHERE MI, IA, IN, WI, ND, WY; MOST IN METRO DETROIT	
NAME OF ASSISTANT CHRIS RENEMA		ADDRESS 1231 HAWTHORNE, GROSSE POINTE WOODS, MI 48236	AGE 31
NAME OF OTHER ASSISTANT ERIC RUSSELL		ADDRESS 1610 E. CLAUDE, WHITE LAKE, MI	AGE 52
EXACT LOCATION OF PROPOSED DISPLAY SOUTH OF BASEBALL FIELD(S) @ NDD CIVIC CENTER; 45175 W. 10 MILE ROAD, NDDI, MI 48375. GPS: 42° 27' 43.43" N - 83° 29' 11.50" W AS SHOWN			
DATE OF PROPOSED DISPLAY FRIDAY, 02 DEC 2016		TIME OF PROPOSED DISPLAY ~ 1830 HRS EST; COINCIDES W/ TREE LIGHTING	
NUMBER OF FIREWORKS	KIND OF FIREWORKS TO BE DISPLAYED		
200	2.5" AERIAL DISPLAY SHELLS		
216	3.0" AERIAL DISPLAY SHELLS		
108	4.0" AERIAL DISPLAY SHELLS		
MANNER AND PLACE OF STORAGE PRIOR TO DISPLAY (Subject to Approval of Local Fire Authorities)			
— NO ONSITE STORAGE; DIRECT SHIPMENT TO SITE FROM OUR A.T.F. APPROVED TYPE III MAGAZINE(S)			
AMOUNT OF BOND OR INSURANCE (To be set by local government) \$10,000,000.00 TEN MILLION DOLLARS		NAME OF BONDING CORPORATION OR INSURANCE COMPANY THE PARTNERS GROUP, LTD.	
ADDRESS OF BONDING CORPORATION OR INSURANCE COMPANY 11225 S.E. 6TH ST. SUITE 110, BELLEVUE, WA 98001 / 425.455.5640			
SIGNATURE OF APPLICANT 		MICHAEL FREELAND	



New Launch Sight KSP 10-18-16



**PROPOSED FALLOUT AREA FOR “Light up the Night”
2016 FIREWORKS DISPLAY; FRIDAY 02 DEC 2016
LARGEST SHELL FIRED = 4” WHICH DICTATES A
280’ (Two Hundred Eighty Foot) SAFE RADIUS FOR
FALLOUT. 420’ IS SHOWN ON DIAGRAM. THIS AREA
EXCEEDS REQUIREMENT(S) FOR NFPA 1123(a)
CODE FOR FIREWORKS DISPLAY.**



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/24/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Partners Group Ltd 11225 SE 6th St., Suite 110 Bellevue WA 98004	CONTACT NAME: Janet Nau PHONE (A/C, No, Ext): 425-455-5640 E-MAIL ADDRESS: Jnau@tpgrp.com	FAX (A/C, No): 425-455-6727
	INSURER(S) AFFORDING COVERAGE INSURER A: T.H.E. Insurance Company	
INSURED 14372 Ace Pyro, LLC 13001 E. Austin Rd Manchester MI 48158	INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 972597888

REVISION NUMBER:

THIS IS TO CERTIFY THAT 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. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

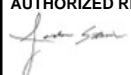
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		CPP010442902	11/1/2016	11/1/2017	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$Excluded PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$N/A PRODUCTS - COMP/OP AGG \$2,000,000 \$
A	<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			CPP010442902	11/1/2016	11/1/2017	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			ELP001174702	11/1/2016	11/1/2017	EACH OCCURRENCE \$9,000,000 AGGREGATE \$9,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The following are Additional Insured on General Liability as their interest may appear as respects operations performed by or on behalf of the Named Insured, as required by written contract:
Event Location: 45175 W 10 Mile Rd Novi, MI 48375
Event Date: 12/2/2016 RD: N/A Site Inspection: 12/3/2015
City of Novi, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof

CERTIFICATE HOLDER

CANCELLATION

City of Novi 45175 Ten Mile Road Novi MI 48375	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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October 19, 2016

TO: Cortney Hanson, Novi City Clerk

FROM: Acting Fire Marshal Kevin S. Pierce

RE: Application for Fireworks Display Permit, Novi Light up the Night, on the grounds of City Hall, 45175 Ten Mile Rd. December 2, 2016.

CITY COUNCIL

Mayor
Bob Gatt

Mayor Pro Tem
Dave Staudt

Andrew Mutch

Wayne Wrobel

Laura Marie Casey

Gwen Markham

Brian Burke

City Manager
Peter E. Auger

**Director of Public Safety
Chief of Police**
David E. Molloy

Director of EMS/Fire Operations
Jeffery R. Johnson

Assistant Chief of Police
Jerrod S. Hart

Assistant Chief of Police
Erick Zinser

The permit application to conduct a fireworks display has been reviewed for compliance with the following laws and codes:

2012 International Fire Code (City adopted Fire Prevention Code)
P.A. 328 of 1931 as Amended, State of Michigan Fireworks Law
NFPA 1123, Code for Fireworks Display

The above application is **RECOMMENDED for APPROVAL**.

- 1) Vendor for the display is Ace Pyro, contact is Michael Freeland.
- 2) Absolutely no smoking or use of open flames in the safety zone.
- 3) All unauthorized personnel and the general public will be kept away from the fireworks firing area and the safe zone before, during and after the display, the safety zone for this event is the softball diamonds and is subject to change due to weather and crowd conditions.
- 4) The storage method and location of the fireworks prior to the show shall be provided and shall be in compliance with NFPA 1123, at no time shall the storage of fireworks be left unattended.
- 5) The firing method of the pyrotechnics devices shall be by electronic means only.
- 6) It shall be the responsibility of Ace Pyro to inspect the fallout area immediately after the show as well as the following morning for any hazardous debris or unexploded shells.
- 7) The installation of the motor tubes and racks or other launch devices shall be inspected prior to the loading of any pyrotechnic device by a fire department representative.

Novi Public Safety Administration
45125 Ten Mile Road
Novi, Michigan 48375
248.348.7100
248.347.0590 fax

cityofnovi.org

This fireworks show is proposed to have 4.0" shell as the largest shell to be shot off. This review and approval is based on this information and the submittal by Ace Pyro. **At no time shall a shell larger than 4.0" be used in this show.**

It shall be noted, that whenever, in the opinion of the Director of Fire and EMS or his designee, any hazardous condition exists, the fireworks display shall be postponed until the condition is corrected. In addition, if high winds, precipitation, or other adverse weather condition prevail such that a significant hazard exists in the opinion of the Director of Fire and EMS or his designee or the operator, the fireworks display shall be postponed until weather conditions improve to a reasonable level.

Sincerely,

A handwritten signature in black ink, appearing to read 'KSP', with a long horizontal stroke extending to the right.

Kevin S. Pierce-Acting Fire Marshal
City of Novi – Fire Dept.



Contract Service Agreement

This contract is between ACE Pyro, LLC (herein referred to as "ACE"), a Michigan based company with its principal place of Business at 13001 E. Austin Rd, Manchester, Michigan 48158 AND

Name of Sponsoring Organization: City of Novi – Light Up the Night
(Herein referred to as "Sponsor")

Sponsor Contact Name: Cristin Spiller

Mailing Address of Sponsor: 45175 Ten Mile Road, Novi, MI 48375

Email Address of Sponsor: cspiller@cityofnovi.org

Sponsor Phone: 248-347-0474

Billing Contact Name: Same as above
(If different from above)

Billing Address: Same as above
(If different from above)

Billing Email Address: Same as above
(If different from above)

Billing Phone: Same as above
(If different from above)

ACE will supply the professional fireworks display(s) listed below including all necessary fireworks materials, equipment and personnel in accordance with the specifications agreed to by the parties in the proposal, attached as Exhibit A hereto.

1. Display(s):

Display Date	Rain Date	Total Budget	Deposit Amount	Deposit Due Date
<u>Dec. 2, 2016</u>	<u>N/A</u>	<u>\$4,000</u>	<u>\$2,000</u>	<u>w/contract</u>

2. Contract Period:

This contract will be for one fireworks display.

3. Budget:

If a budget larger than that listed under section 1 is available; additional fireworks will be added to increase the size and dramatic impact of the display.

4. Payment(s):

A deposit of 50% is due 120 days prior to the display date. If the contract is entered into less than 120 days prior to the display, a deposit of 50% is due upon entering into this contract. Full payment is due 5 days prior to each display date. The display shall not be fired until payment in full is made, or other arrangements confirmed.



5. Licenses & Insurance:

ACE shall carry and maintain applicable licenses, permits and insurance policies including general liability, auto and workers' compensation as required by law to conduct professional fireworks displays. ACE shall supply a certificate of general liability insurance in the amount of \$10,000,000 naming the Sponsor as additional insured, attached as Exhibit B hereto.

6. Inclement Weather:

ACE will make every attempt to execute all fireworks displays as scheduled. ACE reserves the right to postpone a display for safety hazards caused by inclement weather. The Sponsor shall cover the additional costs reasonably incurred by shooting the display on a mutually agreed upon alternate date (if any). The additional cost for shooting the display on an alternate date shall not exceed 10% of the display budget. The alternate date (if any) must fall within 90 days of the original display date or the display is subject to permanent cancellation.

7. Cancellation:

The following fees schedule will apply should the Sponsor elect to cancel the display which is the subject of this contract. Cancellation 120 or more days prior to display date shall result in a cancellation fee of 10%. Cancellation within 120 days of the display date shall result in a cancellation fee of 25%. Cancellation within 5 days of the display date shall result in a cancellation fee of 50%. A display cancelled due to inclement weather which is not rescheduled for a date within 90 days following the original display date is subject to a cancellation fee of 50%.

8. Safety, Performance Standards & Workflow:

NFPA 1123: Code for Fireworks Display shall be followed at all times. All work shall be performed in a thoroughly workmanlike manner and in accordance with the highest standards of quality for such work. ACE personnel shall wear identifying name badges or shirts while working on site. Under no circumstances shall any person under the influence of drugs or alcohol be allowed within the setup area. Following the display ACE will inspect the fallout area for unexploded items or other hazards resulting from the fireworks display. The Sponsor shall conduct a final inspection of the display fallout area the morning following the display. Following the display, ACE shall be solely responsible for policing of the display setup area and for the removal of unexploded fireworks and the cleanup of material debris, the removal of any equipment from the display setup area, and the refilling of holes created by ACE or on behalf of ACE within the display setup area.

9. Security:

The Sponsor and ACE will share responsibility ensuring that no unauthorized person enters the display setup area unless the person is escorted by, and supervised by a member of the fireworks setup crew. During the display, the Sponsor agrees to furnish police and/or crowd security persons, ensuring adequate patrol of the fallout area until ACE advises that security is no longer necessary. ACE reserves the right to pause the display in the event that unauthorized persons enter the secured fallout area.

10. Marketing:

ACE may use public displays for promotional use, including but not limited to videotaping and providing invitations to current and/or potential customers to view the display setup site and the fireworks display. For private displays, ACE will seek approval from Sponsor before making such invitations. In return for marketing privileges ACE may donate products and services to enhance the display.



11. Force Majeure:

ACE will take all reasonable steps to complete its obligations under this contract. However, ACE shall not be held responsible for failure to perform its obligations under this contract if such failure is a result of an act of God including extreme weather, natural disaster, terrorism, war, or any extraordinary circumstance beyond its control.

12. Hold Harmless:

ACE shall be liable for any injury or damage occurring on account of the performance of its work under this agreement. To the fullest extent permitted by law, ACE agrees to defend, pay on behalf of, indemnify and hold harmless the Sponsor, its elected and appointed officials, employees and volunteers and others working on behalf of the Sponsor, against any and all claims, demands, suits or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the Sponsor, its elected and appointed officials, employees, volunteers or others working on behalf of the Sponsor, by reason of personal injury, including without limitation bodily injury or death, and/or property damage which arises out of or is in any way connected or associated with the services performed by ACE under this agreement.

13. No Partnership/Joint Venture:

This agreement shall not be construed to create a partnership or joint venture between the parties or persons mentioned herein.

14. Terms & Conditions:

This agreement shall be governed by and construed in accordance with the laws of the state of Michigan. This agreement is non-binding irrespective of endorsement until a deposit (as per section 4) has been satisfied and notice presented by ACE.



Display Coordination Contact

Please provide information for a primary contact person who can be reached on the date of your event. This will help to ensure smooth and accurate execution of your display.

Jeff Muck
Name

Director of Parks, Recreation & Cultural Services
Title

248.347.0402
Work Phone

517.404.2931
Cell Phone

jmuck@cityofnovi.org
Email Address

Contract accepted on behalf of **Sponsor:**

Signature

Please Print Name

Please Print Title

Date

Contract accepted on behalf of **ACE:**


Signature

Andrew Espenshade
Please Print Name

Display Sales & Production Manager
Please Print Title

10/20/2016
Date