



CITY of NOVI CITY COUNCIL

Agenda Item C
November 13, 2017

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 1, 2017 for the community event, Light Up the Night.

SUBMITTING DEPARTMENT: Parks, Recreation and Cultural Services

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION: Parks, Recreation and Cultural Service will continue to have a firework show to enhance the annual Light Up the Night event. The Firework Display will be operated by ACE Pyro on Friday, December 1, 2017 immediately following the tree lighting ceremony at 6:15pm (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 & 16 Light Up the Night firework display and has also done firework shows for the communities of Highland Twp., Whitmore Lake Twp., City of Trenton and Village of Lake Orion. They also produced the firework show for the 2017 Stars and Stripes Festival.

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

RECOMMENDED ACTION: Approval of request for Firework Display Permit by City of Novi Parks, Recreation and Cultural Services, to be operated by ACE Pyro, on Friday, December 1, 2017 for the community event, Light Up the Night.



November 7, 2017

TO: Cortney Hanson, Novi City Clerk

FROM: 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 1, 2017.

CITY COUNCIL

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Bob Gatt

Mayor Pro Tem
Dave Staudt

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City Manager
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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 flourish extending to the right.

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



**ACE
PYRO, LLC**

Cristin Spiller, CPRP

31 October 2017

Recreation Supervisor

City of Novi

45175 Ten Mile Road

Novi, MI 45175

Dear Cristin:

Attached please find our permit approval package for "Light up The Night 2017". The package contains all required documentation for approval of the display. Please contact me with any questions or comments you may have. The location is unchanged from previous years, as referenced in attached fallout area map.

Sincerely,

Michael Freeland

ACE Pyro, LLC

248.417.5559

2017 Application for Fireworks Other Than Consumer or Low Impact

FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY

DATE PERMIT(S) EXPIRE:

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, 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 Legislative Body of City, Village or Township Board.
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TYPE OF PERMIT(S) (Select all applicable boxes)

Agricultural or Wildlife Fireworks Articles Pyrotechnic Display Fireworks
 Public Display Private Display
 Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes

NAME OF APPLICANT MICHAEL FREELAND / ACE PYRO, LLC.		ADDRESS OF APPLICANT 975 LARIVEE, MILFORD, MI 48381	AGE OF APPLICANT 18 YEARS OR OLDER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
NAME OF PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER N/A		ADDRESS PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER N/A	
IF A NON-RESIDENT APPLICANT (LIST NAME OF MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT) N/A		ADDRESS (MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT) N/A	TELEPHONE NUMBER N/A
NAME OF PYROTECHNIC OPERATOR MICHAEL FREELAND		ADDRESS OF PYROTECHNIC OPERATOR 975 LARIVEE, MILFORD, MI	AGE OF PYROTECHNIC OPERATOR 18 YEARS OR OLDER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 56
NO. YEARS EXPERIENCE 25	NO. DISPLAYS 250+	WHERE MI, OH, WI, WY, IA, ND; BULK OF DISPLAY OPS IN SE MI.	
NAME OF ASSISTANT ERIC RUSSELL		ADDRESS OF ASSISTANT 13001 E. AUSTIN RD, MONROVIA, MI 48101	AGE OF ASSISTANT 18 YEARS OR OLDER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 52
NAME OF OTHER ASSISTANT CHRIS RENEMA		ADDRESS OF OTHER ASSISTANT " " (OFFICE BLDG)	AGE OF OTHER ASSISTANT 18 YEARS OR OLDER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 31

EXACT LOCATION OF PROPOSED DISPLAY
FROM REF. AREA OF BASEBALL FIELDS, SOUTH OF NOVI CIVIC CENTER; - 42° 27' 43.57" N; 83° 29' 12.95" W

DATE OF PROPOSED DISPLAY: FRIDAY, 01 DECEMBER 2017
TIME OF PROPOSED DISPLAY: (WINDOW) FROM 1800 EST TO 2000 EST TO ACCOUNT FOR WEATHER

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

- NO ONSITE STORAGE - DIRECT SHIPMENT FROM OUR ATF APPROVED TYPE III MAGAZINES

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. 60TH ST., SUITE #110, BELLEVUE, WA 98004

NUMBER OF FIREWORKS	KIND OF FIREWORKS TO BE DISPLAYED (Please provide additional pages as needed)
120+	4" AERIAL SHELLS
140+	3" AERIAL SHELLS
240+	2.5" AERIAL SHELLS
→ NOTHING FOLLOWS ← → NOTHING FOLLOWS ←	

SIGNATURE OF APPLICANT 	DATE 31 OCT 2017
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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/2/2017

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 FAX (A/C, No): 425-455-6727
	E-MAIL ADDRESS: jnau@tpgrp.com
	INSURER(S) AFFORDING COVERAGE
INSURED Ace Pyro, LLC 13001 E. Austin Rd Manchester MI 48158	INSURER A: T.H.E. Insurance Company NAIC # 12866
14372	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES CERTIFICATE NUMBER: 2004139263 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 INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y		CPP010442903	11/1/2017	11/1/2018	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 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input checked="" type="checkbox"/> CLAIMS-MADE DED RETENTION \$	Y		ELP001174703	11/1/2017	11/1/2018	EACH OCCURRENCE \$9,000,000 AGGREGATE \$9,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in MI) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A				WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, 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:

Additionally Insured: 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
Event Location: 45175 W 10 Mile Rd Novi, MI 48375
Event Date: 12/1/2017 RD: N/A

CITY OF NOVI - LIGHT UP THE NIGHT 45175 TEN MILE ROAD NOVI MI 48375	CANCELLATION 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 <i>[Signature]</i>

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Memorable Fireworks Displays!

Festival
*Wedding * Birthday*
Grand Opening
HOME COMING
HOLIDAY
*Graduation * Picnic*

For all of your
Special Events
Remember...



ACE
PYRO LLC

Memorable

What do you remember about some of your favorite family times? Maybe a picnic, a family gathering, a community festival, and then, an evening of fireworks? Fireworks displays make an evening a memorable event!

With good planning and advertising, a fireworks display can be a great draw for your venue at any time of the year. Fireworks can highlight festivals, homecomings, Memorial Day, Labor Day, a day at the neighborhood park, grand openings, weddings, birthdays, or any event.

How do you get the best value for your money with a fireworks display? What goes into a display to make it great entertainment? How do you select the best display company? ACE Pyro, LLC, will be glad to help you with these answers. Our staff will work with you to tailor a display to your requirements.

ACE Pyro, LLC, is a Michigan-based company, giving you the benefit of local, accessible expertise. Site visits are always made prior to planning a display. Our designers create an unforgettable show by using some of the highest quality product as well as custom-made American devices.

Displays can be shot by hand firing, electric firing, or computerized choreography to music. Our display operators have completed PGI shooter certification training and they adhere to the safety guidelines of NPFA 1123. ACE Pyro crew members who transport material to event locations hold a commercial driver's license with a hazardous materials endorsement.

For all events, ACE Pyro, LLC, provides proof of necessary licenses, permits and a certificate of insurance. In addition, all ACE Pyro, LLC, personnel wear identifying name badges or logo shirts while working on site.

Contact ACE Pyro, LLC, **toll-free at 877-223-3552**, or by email at **info@acepyro.com**, to book your event and discuss your display options. For further information, a free DVD and marketing packet is available upon request.

Michael Freeland
V.P. Marketing
Cell: (248) 417-5559
Fax: (734) 428-0901
Email: Michael@ace-e.com
Web: www.acepyro.com

Feast your eyes
Fuel your **Passion**



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 Billing Phone: Same as above
(If different from 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>December 1, 2017</u>	<u>N/A</u>	<u>\$4,000</u>	<u>\$2,000</u>	<u>w/ contract</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</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):

Deposits of 50% are due 120 days prior to each 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%. Displays postponed due to inclement weather not rescheduled for a date within 90 days following the original display date are subject to a cancellation fee of 50%.

8. Safety & 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 set up 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 agrees to indemnify and hold harmless the Sponsor, its agents and employees, against any and all liability claims, damages, losses, expenses and costs, including attorney fees that arise out of the display(s) which are the subject of this agreement. The Sponsor agrees to give ACE prompt notice of any claims or demands and to cooperate with ACE, its insurance carrier, or its successors in interest or assigns, if any, in the defense of any such claims and/or demands.

The Sponsor agrees to indemnify, and hold ACE harmless against any and all liability claims, damages, losses, expenses and costs, including attorney fees that arise out of the display(s) which is subject of this agreement which is caused by the Sponsor and/or its agents, servants or employee's negligence or failure to adhere to its responsibilities 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 and Cultural Services
Title

248-347-0400
Work Phone

517-404-2931
Cell Phone

jmuck@cityofnovi.org
Email Address

Contract accepted on behalf of **Sponsor:**

Signature

Robert J. Gatt
Please Print Name

Mayor
Please Print Title

Date

Contract accepted on behalf of **ACE:**

Signature

Jon Donley
Please Print Name

Display Sales Manager
Please Print Title





Date

LIGHT UP THE NIGHT 2017

Display Location - Show Center as marked.
REVISED GPS LOCATION TO BE:
42, 27' 43.60 N
83, 29' 10.96 W

280' RADIUS PER NFPA 1123(A)

Legend

-  LIGHT UP THE NIGHT - NOVI -2017
-  Novi City
-  Novi City Parks & Recreation
-  Novi -Oct-2009

LIGHT UP THE NIGHT - NOVI -2017



Hickory Grove