

Village of Bratenahl Building Department

411 Bratenahl Rd. Bratenahl, Ohio 44108-1027

Phone 216-681-3706 Fax 216-681-3079

Scott Packard, Building Inspector

APPLICATION FOR A FIREWORKS DISPLAY PERMIT

Applicant: _____

Address: _____

City/State/Zip: _____

Phone: _____ email: _____ Cell/Pager: _____

Location of Display: _____

Contractor for Fireworks: _____ Phone #: _____

COST OF PERMIT

Base Fee \$ 100.00

Police Involvement (\$50.00/hr. per officer 4 hr. min.) \$ _____

Fire Prevention Officer (\$450.00 + inspection fee if necessary) \$ _____

Village-wide mailing Notification Fee (\$550.00) \$ _____

Transportation/Misc. Fee (Transport FPO if necessary) \$ _____

TOTAL \$ _____

**** FIREWORKS EXHIBITION SHALL BEGIN NO EARLIER THAN DUSK AND END NO LATER THAN 11:00PM**

Signed _____ DATE: _____

APPROVED _____

BRATENAHL VILLAGE

BRATENAHL VILLAGE HALL 411 BRATENAHL ROAD
BRATENAHL, OHIO 44108-1027
AREA CODE 216 681-4266
FAX 216-681-3811

Fireworks Permit Application Checklist and Documents Required State Fireworks Permit (O.R.C. 3743.54)

1. Submit the items below to the Police Chief at least **30 Days** prior to the exhibit.
(60 days *strongly* recommended)

Contract with a LICENSED exhibitor of fireworks to include:

- A copy of State Exhibition Permit
 - Certificate of Insurance
 - Copy of Fireworks Exhibitor's license(s)
 - List of Fireworks material to be used
 - Map of firing site location
 - Proof of Worker's Compensation, ATF User license & Ohio Fireworks license
 - Indemnity Bond in the amount of \$1,000, 000.
2. Secure Fire Prevention Officer – Fee Required (\$450)
 - Fire Prevention Officer to inspect premises of location of exhibit to determine compliance with rules adopted by the Fire Marshall pursuant to Ohio R.C. 3743.53 (B) and (E).
 - Fire Prevention Officer shall also inspect the exhibit and the premises immediately prior to the exhibit. If the fireworks are to be launched off a barge, it is the applicant's responsibility to arrange transport to and from the barge. This may incur additional fees.
The Fire Prevention Officer shall be present before, during and after the exhibition.
 3. Police Officer Attendance – Fee Required (\$50.00/hr. per officer)
 - Minimum of 4 hours unless otherwise authorized by Police Chief.
 4. Resident Notification – Village -Wide Mailing (\$550.00)
 - Notification will be made to residents at least 14 days prior to the event.
Method at discretion of the Mayor.
 5. Permit Application – Fee Required (\$100.00)

**Fireworks exhibitions shall begin no earlier than dusk and end no later than 11:00pm

Name	Bacci		Beckenbach		Bolton		Kesselem		Murphy		Stephan	
	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
Vote												
Suspension												
Passage	X		X		X		X		X		X	

1st reading 4/18/12
2nd reading 5/16/12
3rd reading 7/18/12
amended 9/19/12

ORDINANCE NO: 3564

INTRODUCED BY: Murphy

ORDINANCE AMENDING CHAPTER 1519 OF THE FIRE PREVENTION CODE ENTITLED "FIREWORKS" TO INCREASE THE FEE TO OBTAIN A PERMIT, TO REQUIRE A 30-DAY PERMITTING PROCESS, TO REQUIRE RESIDENT NOTIFICATION, AND TO PROVIDE FOR REIMBURSEMENT OF COSTS INCURRED BY THE VILLAGE TO ISSUE SUCH PERMIT, MAKE NOTIFICATION, AND PROVIDE ANY REQUIRED POLICE SECURITY FOR THE FIREWORKS EVENT
AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Bratenahl, State of Ohio, that:

SECTION 1. That Chapter 1519.02 of the Fire Prevention Code be amended to read as follows:

"1519.02 PUBLIC **OR PRIVATE** EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS

(a) A licensed exhibitor of fireworks who wishes to conduct a public **or private** fireworks exhibition within the Municipality shall apply for ~~approval~~ **a permit** to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, **at least thirty (30) days prior to the exhibition.**

The required ~~approval~~ **permit** shall be evidenced by the Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, **and the Mayor,** signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public **or private** fireworks exhibition may obtain a copy of the **permit** form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar

chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer ~~or the Mayor or his designee.~~

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license on an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, ~~and the Mayor~~ shall give approval to conduct a public **or private** fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshall pursuant to Ohio R.C. 3743.53(B) and (E) and the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, ~~and the Mayor~~ shall not issue a permit until the applicant pays a permit fee of ~~twenty five dollars (\$25.00)~~ **one hundred dollars (\$100.00)** plus any necessary costs of investigation of the applicant, ~~and~~ of inspecting the premises on which the exhibition will be conducted, **attendance at the exhibition of any Village personnel, including any off-duty or part time Bratenahl Police Officers, use of Police vehicles or equipment, and for any associated costs of the notification required in Section 1519.035.**

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, ~~and the Mayor~~ conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer ~~and the Mayor~~, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

(d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, ~~and the Mayor~~, shall contain a

distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

- (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, **and the Mayor**, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, **and the Mayor**, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C., Chapter 3743. (ORC 3743.54)

(f) Fireworks exhibitions shall begin no earlier than dusk and end no later than 11:00 P.M.

SECTION 2. That Section 1519.035 be added to read as follows:

1519.035 RESIDENT NOTIFICATION.

A copy of the signed permit shall be forwarded to the Mayor. For any fireworks exhibition, the Mayor or his/her designee shall make notification to all Village residents of the application for a permit for a fireworks exhibition at least fourteen (14) days prior to the event, including the time, date, and geographic location of such exhibition, by website posting and with the posting of a notice at the posting places provided for in Codified Ordinance Section 123.01 and/or use of electronic mail or voicemail notification system if available. Any costs incurred with making such notification shall be paid in full in advance by the applicant.

1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fuses, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers;
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of the following:
 - 1) No explosive aerial display is conducted in the exhibition;
 - 2) The exhibition is separated from spectators by not less than two hundred feet;
 - 3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

1519.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both."

SECTION 3. That the Fire Prevention Code as it existed prior to the effective date of this ordinance and all other ordinances and resolutions inconsistent with, be, and the same hereby are repealed.

SECTION 4. This Ordinance is hereby declared to be an emergency measure and necessary for the immediate preservation of the public peace, safety, health and welfare of the inhabitants of the Village of Bratenahl by reason of the necessity to implement the fireworks provisions

during the summer season; therefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: September 19, 2012

John Licastro, Mayor

ATTEST:

Leon W. Blazey, Jr., Clerk