

# What Township Officials Need to Know About Michigan Fireworks Regulations

The **Michigan Fireworks Law**, MCL 750.243a, *et seq*, prohibits the sale, possession, transportation and use of most fireworks—such as firecrackers, bottle rockets and roman candles—without a permit.

The only fireworks devices allowed without a permit are snap-pops and other toy trick noisemakers, toy smoke devices, sparklers, flitter sparklers, flat paper caps, cone and cylinder fountains that shoot showers of sparks, and toy snakes. Signal flares, blank cartridges and devices used by railroads for signaling purposes are also exempt from the Fireworks Law.

## Township boards approve fireworks permits

It is the local governmental unit's responsibility to grant permits for fireworks displays and storage. MCL 750.243b states that "the township board of a township, upon application in writing, on forms provided by the Office of the State Marshal, may grant a permit for the use of fireworks otherwise prohibited by Section 243a, within their political jurisdiction." County governmental units are not authorized to issue permits for fireworks use or storage.

Any group or township resident age 18 or older wishing to conduct a fireworks display must apply to the local governmental unit for a permit for that display. The applicant must provide proof of financial responsibility in the form of a bond or an insurance policy. The township board must determine whether it will accept a bond or require an insurance policy, and the amount of coverage.

Before issuing a permit, the township board must evaluate the competency and qualifications of the pyrotechnic operator. MCL 750.243b(5) states that "the local governing authority shall rule on the competency and qualifications of operators of pyrotechnic displays, as the operator has furnished in his application form, and on the time, place and safety aspects of the displays before granting permits."

The Michigan Department of Energy, Labor and Economic Growth, Bureau of Fire Services will supply the application and permit form only to local governments.

**To obtain fireworks permit applications and permit forms, contact Tony Sanfilippo at (517) 241-8847 or Rhonda Howard at (517) 241-0691, in the state Bureau of Fire Services.**

**To purchase copies of NFPA 1, 1123, 1124 and 1126, visit [www.nfpa.org](http://www.nfpa.org) or call (800) 344-3555.**

## Township boards should:

- Review **MCL 750.243a, et seq**, the statute that addresses local governments granting fireworks permits.
- Determine if the township has adopted a nationally recognized fire code such as the **International or Uniform Fire Code**. If not, the township must comply with the **National Fire Protection Association Pamphlet 1**, 2006 Edition (NFPA 1).

NFPA 1 provides standards for pyrotechnic displays by requiring compliance with **NFPA 1123** (2006 edition), **NFPA 1124** (2006 edition) and **NFPA 1126** (2006 edition).

- Establish township standards that applicants must meet to receive fireworks permits. The township's standards must be based on MCL 750.243a, *et seq*, and NFPA standards OR the township's nationally recognized fire prevention code.
- Require applicants to submit:
  - \* A completed Application for Fireworks Display Permit;
  - \* Proof of training and qualifications (competency and proper licenses or permits—See next page);
  - \* Proof of financial responsibility (valid insurance or bond);
  - \* A general plan outlining how the display will be conducted; and
  - \* Demonstrate knowledge of recommended safety requirements outlined in NFPA 1123, 1124, and 1126
- Check with the township's insurance carrier to determine the amount of insurance an applicant should have to conduct this type of activity.
- Ask the local fire department to review the application.
- Be consistent in granting or denying pyrotechnic permits. Consider safety factors, noise and duration of display. Unless the board displayed "gross negligence" in granting an application, the township should be protected by governmental immunity. Consult with the township attorney for advice on legal issues related to fireworks displays.
- Give copies of all permits granted to local police and fire departments, including dates of displays.

# What Township Officials Need to Know About Federal Fireworks Regulations

The federal **Safe Explosives Act of 2002** prohibits the purchase, transfer, transportation or receipt of explosives (including Class 1.3 display fireworks) without a license or permit from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Beginning May 24, 2003, a federal ATF permit or license is required to receive or transfer explosives or fireworks. This now includes explosives/fireworks purchases within your own state. Previously, users who purchased and used explosives in their own states were not required to obtain permits.

Consumer fireworks, such as firecrackers, sparklers, bottle rockets and similar small fireworks, are not subject to the provisions of the federal Safe Explosives Act and remain exempt from ATF requirements. **Note:** Consumer fireworks, rated as Class 1.4 by the U.S. Department of Transportation (and previously known as Class C fireworks), still may be subject to federal, state and local laws and regulations.

**To obtain a federal explosives license/permit, contact the Federal Explosives Licensing Center at (877)283-3352 or (304) 616-4400.**

**The application materials can be downloaded from the ATF Web site at: [www.atf.gov/forms/5000.htm](http://www.atf.gov/forms/5000.htm) — except for the fingerprint card, which can be obtained from any Michigan ATF office.**

**A full, three-year user permit is \$100, and a license is \$200. A limited permit that allows six purchases a year within the same state costs \$25, and it is renewable for \$12 for each additional year. Use ATF E-Form 5400.13/5400.16 to apply.**

**A one-time user-limit permit costs \$75 and can be used for an out-of-state purchase. Use ATF E-Form 5400.21 to apply.**

**Questions regarding the federal regulation of display fireworks may be referred to ATF Industry Operations in Detroit at (313) 202-3550 or Grand Rapids at (616) 301-6100.**

## **Who is required to get a federal permit for a fireworks display under the Safe Explosives Act?**

Civic groups, organizations and other private parties planning to acquire Class 1.3 display fireworks and conduct a fireworks display must get a permit (for users of fireworks) from the ATF.

Pyrotechnic operators must have an ATF-approved explosives license (for dealers in fireworks) or permit (for users of fireworks) to put on a fireworks display.

**Note:** Under the Safe Explosives Act, ATF has 90 days from the receipt of a completed application to process the application. This includes background checks of applicants, their responsible persons (officers, directors, etc.) and employee possessors. Anyone planning professional fireworks shows and displays for the Fourth of July and Labor Day should apply as early as possible in the year.

People who purchased display fireworks or any other regulated explosive materials prior to May 24, 2003, may not lawfully accept delivery of those materials after that date without a valid license or permit issued by ATF.

## **Who is not required to get a federal permit under the Safe Explosives Act?**

Cities, townships or other political subdivisions are exempt from the ATF permit requirements. That means that if a township wishes to conduct its own fireworks display, it is not required to obtain an ATF permit if the display will be conducted by volunteers or by paid township employees whose job description includes setting off fireworks displays.

If a township contracts with a pyrotechnic operator to conduct the township's fireworks display, the township should verify if operator has the appropriate ATF license or permit.

However, all persons, including cities, townships and other political subdivisions, must store Class 1.3 display fireworks in accordance with ATF explosives regulations.

## **Does the federal ATF permit process change the Michigan requirement that local governments approve fireworks displays?**

No. Under the Michigan Fireworks Law, any group or township resident age 18 or older wishing to conduct a fireworks display must still apply to the local governmental unit for a permit for that display. Before granting a fireworks display permit, a township board should require proof of ATF permit compliance from the person, group or pyrotechnic operator conducting the display.