



**CITY OF NOVI CITY COUNCIL**  
**MAY 5, 2025**

**SUBJECT:** **FIRST READING** of the consideration for an Ordinance Amendment amending Section 22-112, "Fireworks"

**SUBMITTING DEPARTMENT:** City Clerk

**KEY HIGHLIGHTS:**

- This would establish an ordinance permitting process for commercial fireworks displays.
- The number of permits would be limited to two (2) per calendar year per entity.
- This would establish a fee for commercial fireworks permit applications.

**BACKGROUND INFORMATION:**

Over the years, the City Clerk's Office received requests from various entities to hold commercial fireworks displays. Since the Code of Ordinances did not contain a permitting process for commercial fireworks displays, staff would request the following documentation for review: State of Michigan Firework Permit forms, a map depicting where the fireworks would be launched from and the fallout zone, and proof of insurance. The Fire Department would review the documentation, visit the launch location, and have discussions with the person or fireworks display operator prior to authorizing the event. Due to increased requests for fireworks displays and a need to ensure public safety, health, and welfare, staff determined it was in the City's best interest to establish a Commercial Fireworks Permit Application process within the Code of Ordinances.

The Ordinance Review Committee met on several occasions to review draft language, culminating in a process outlining a permit application, addressing the number of permits allowed to be issued within a calendar year, and establishing a fee. At its meeting on April 21, 2025, the committee referred the matter to the City Council for consideration.

**RECOMMENDED ACTION:** Approval of Ordinance Amendment 25-160.04 to amend Section 22-112, "Fireworks", to add requirements for Commercial Fireworks Permits.  
FIRST READING

**STATE OF MICHIGAN**  
**COUNTY OF OAKLAND**  
**CITY OF NOVI**  
**ORDINANCE NO. 25-160.04**

**AN ORDINANCE TO AMEND CHAPTER 22, "OFFENSES," ARTICLE VI, "OFFENSES AGAINST PUBLIC SAFETY," DIVISION 1, "GENERALLY," SECTION 22-112, "FIREWORKS", TO ADD REQUIREMENTS FOR COMMERCIAL FIREWORKS PERMITS.**

**THE CITY OF NOVI ORDAINS:**

**PART I.** That Chapter 22, "Offenses," Article VI, "Offenses Against Public Safety," Division 1, "Generally," of the City of Novi Code of Ordinances is hereby amended to read as follows.

**Sec. 22-112. Fireworks.**

(a) Definitions. As used in this section, the following words and phrases have the meanings set forth herein:

*Act* means the Michigan Fireworks Safety Act, Public Act No. 256 of 2011, MCL 28.451 et seq., as amended.

*Articles pyrotechnic* means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

*Commercial fireworks includes display fireworks and articles pyrotechnic.*

*Consumer fireworks* means fireworks 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 APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

*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.

*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, and special effects.

*Livestock* means those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats.

*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.

*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:

- (1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than twenty-five hundredths (.25) of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
  - (2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (1) 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 missile by the explosion.
  - (3) Flitter sparklers in paper tubes not exceeding one-eighth inch in diameter.
  - (4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than twelve (12) 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.
- (b) General prohibitions; exception. No person shall ignite, discharge, or use fireworks within the city at any time, except that:
- (1) Fireworks may be discharged in strict compliance with any permit issued by the city in accordance with the Act;
  - (2) Consumer fireworks may be discharged on the following dates and times:
    - a. From 11:00 a.m. on December 31, until 1 a.m. on January 1;
    - b. From 11:00 a.m. until 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day;
    - c. From 11:00 a.m. until 11:45 p.m. on June 29 to July 4;
    - d. From 11:00 a.m. until 11:45 p.m. on July 5, only if that date is a Friday or Saturday;
    - e. From 11:00 a.m. until 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day.
  - (3) An individual in violation of this subsection (b) shall be responsible for a municipal civil infraction punishable by a civil fine of one thousand dollars (\$1,000.00) for each violation, and all other available relief under section 1-11(c)(2) of this Code. Five hundred dollars (\$500.00) of the foregoing civil fine will be remitted to the Novi Police Department.

(4) This subsection (b) shall not apply to low impact fireworks.

(c) Additional prohibitions.

- (1) Consumer fireworks shall not be ignited, discharged, or used on public, school, church, or private property of another without the express written permission from the person or entity legally in possession and control of that property to undertake such action.
- (2) Consumer fireworks shall not be ignited, discharged, or used by a person under the influence of alcoholic liquor or a controlled substance or a combination of both.
- (3) Low-impact fireworks shall not be ignited, discharged, or used by a person under the influence of alcoholic liquor or a controlled substance or a combination of both.
- (4) A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks in a manner that is intended to harass, scare, or injure livestock.
- (5) A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks if a no burning restriction has been implemented by the fire chief.
- ~~(6) An individual in violation of this subsection (c) shall be responsible for a municipal civil infraction punishable by a civil fine of not more than one thousand dollars (\$1,000.00) for each violation, and all other available relief under section 1-11(c)(2) of this Code.~~

(d) Novelties not regulated. This section does not apply to novelties.

(e) Commercial fireworks. A permit is required for the discharge of commercial fireworks.

(1) Permit Application. A municipality, fair association or presenter, amusement park, or other organization or group of individuals seeking a permit to discharge commercial fireworks shall complete an application for a permit, which shall be submitted to the clerk's office at least 45 days in advance of the proposed discharge date. The application shall include:

a. Proof that the applicant is over 18 years in age.

b. A license or permit to operate commercial fireworks from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

c. A scale drawing of the site, including, but not limited to, surrounding buildings, the display site as described by NFPA 1123, the spectator viewing area and the parking areas;

d. Proof of insurance as set forth in this section;

e. Information as to the competency and qualifications of the fireworks display operators as required by NFPA 1123;

f. A completed application for fireworks display permit from the State of Michigan;

g. A statement of the purpose of the display;

- h. A description of the display, including the type and number of fireworks to be discharged;
- i. Proof to the city fire marshal or his designee, that the applicant is knowledgeable of the recommended safety requirements outlines in NFPA 1123;
- j. Payment of a fee as set forth below.

(2) Permit approval process.

- a. The city clerk or designee shall review the application for completeness.
- b. The city fire marshal or designee shall review the application and make a written recommendation to the city council.
- c. The city council may, but is not obligated to, issue a permit in consideration of whether:
  - 1. The permit application is complete and conforms to the requirements of this chapter.
  - 2. The proposed discharge of fireworks will have an adverse effect upon the public.
  - 3. The time, duration and location of the fireworks will unreasonably disturb the peace of neighboring property owners.
  - 4. Any other reason that affects the public health, safety, and welfare.

(3) Requirements of permit holders.

- a. A permit holder shall be responsible for the discharge of fireworks which shall conform to the approved permit and this chapter.
- b. A permit holder shall be responsible for all shells being fired. In the event one or more shells do not explode, the permit holder shall take appropriate measures to locate and properly dispose of the unexploded shell(s).

(4) Transfers. Permits cannot be transferred or assigned.

(5) Revocation. Permits shall be revoked and inventory seized if at any time during the term of the permit the terms and conditions of this chapter are violated.

(6) Insurance. Before a permit for a pyrotechnic display is issued, the person, firm or corporation making application therefor shall furnish proof of financial responsibility, by a bond or insurance in an amount deemed necessary by the city council, to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation, or any agent or employee thereof, in the amount, character, and form the city council determines necessary for the protection of the public.

(7) Frequency. No more than two (2) permits may be issued to or on behalf of any individual or entity or for any property in any calendar year.

(ef) Enforcement. This section may be enforced by the director of public safety and the fire chief, their designees, and any sworn law enforcement officers.

(gf) Determination of violation; seizure of fireworks and payment of costs.

- (1) If an enforcing official determines that a violation of this section has occurred, the official may seize the fireworks as evidence of such violation and payment of all costs incurred by the city or law enforcement personnel under the Act or this section in securing, seizing, storing, and disposing of fireworks that are in violation of the Act or this section shall be the responsibility of all persons found guilty, responsible, or liable for the violation. In recognition that the actual costs incurred by the city and/or law enforcement personnel will include having the personnel, equipment, and facilities necessary to store fireworks in compliance with the Act and other laws and regulations, costs to be paid shall be determined in accordance with rates and methods established by resolution of the city council.

(h) Fee. The city clerk shall collect a fee for each permit application. The initial permit fee shall be \$750. The second permit fee shall be \$1,000.

(i) Penalty. An individual or entity in violation of this action shall be responsible for a municipal civil infraction punishable by a civil fine of one thousand dollars (\$1,000.00) for each violation, and all other available relief under section 1-11(c)(2) of this Code.

## **PART II.**

**Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

## **PART III.**

**Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

## **PART IV.**

**Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

## **PART V.**

**Effective Date: Publication.** The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

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Justin Fischer, Mayor

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Cortney Hanson, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the xx day of May, 2025.

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Cortney Hanson, City Clerk

Adopted:  
Published:  
Effective:



**ORDINANCE REVIEW COMMITTEE**  
**May 6, 2024 | 5:00 p.m.**

**Mayor Fischer called the meeting to order at 5:00 P.M.**

**ROLL CALL:** Mayor Fischer, Mayor Pro Tem Casey (arrived late), Council Member Staudt

**ALSO PRESENT:** Victor Cardenas, City Manager  
Thomas Schultz, City Attorney  
Erick Zinser, Director of Public Safety/Chief of Police  
Cortney Hanson, City Clerk

**APPROVAL OF AGENDA:**

**ORCM 24-05-01      Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY:**

**To approve the agenda as presented.**

**AUDIENCE COMMENT:** None

**MATTERS FOR DISCUSSION:**

**1. Approval of minutes from August 8, 2023:**

**ORCM 24-05-02      Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To approve the Ordinance Review Committee meeting minutes from August 8, 2023**

Mayor Fischer suggested they discuss item 3 first since Mayor Pro Tem Casey was not yet present.

**3. Discussion on a potential Overlay Ordinance.**

Member Staudt said he wanted to see all types of requests at the Council level before they went to the Planning Commission, just like we do with PRO's. He asked what the process for a straight re-zoning was. City Attorney Schultz said an application would go to the Planning Commission where a public hearing would be held, and then to City Council for 2 readings. Member Staudt said that wouldn't need to change.

Member Staudt asked about PUD's. City Attorney Schultz said those are a recommendation from a planning consultant during the Master Plan process. Member Staudt said the only thing Council doesn't review early on are overlays. Mayor Fischer said there are only a few of them. Member Staudt reiterated that if a development would eventually be approved by Council, he wants Council to see it early on. Mayor Fischer agreed that Council should have an early look at a project if it's one Council has discretion on approving or disapproving.

\*Member Casey arrived.

**2. Discussion on a proposed Fireworks Ordinance.**

City Manager Cardenas said there were numerous requests for fireworks displays last year from both the private and public sector. City Attorney Schultz said the city has a normal fireworks ordinance that recognizes most fireworks are preempted by state law. There is no provision for display fireworks though. State law says if someone asks for a permit from the state, the local agency may approve it, which doesn't mean you have to. He said he researched communities and found many don't regulate display fireworks. He said the proposed language would be for commercial displays and the idea would be to have language about the kinds of things Council would approve or disapprove of. For example, they can determine that if a proposed display is too close to residential, unreasonably disruptive, not related to a commercial or civic event, it wouldn't be approved.

It was asked if the state law provides a permit process, can we say no to all? City Attorney Schultz said state law requires local approval and you may approve it, which means you may also not approve it, but it has to be reasonable and not completely arbitrary.

Member Staudt said there appeared the options were to do nothing, have an ordinance that mostly prohibits, or an ordinance with an application process. Mayor Pro Tem Casey said Council can still say no even if there is no display ordinance in place, but an ordinance would back it up if they say no.

City Attorney Schultz said there were options on what conditions to consider such as the sheer numbers of displays is too many, only allow fireworks when it's part of a larger event such as the State Fair or allow when it's submitted by a civic organization. Those were just examples.

The Committee gave direction to continue working on a draft ordinance that has non-arbitrary points and possibly consider an application fee.

The meeting was adjourned at 5:42 p.m.

Recorded by: Cortney Hanson  
City Clerk

**ORDINANCE REVIEW COMMITTEE**  
**December 2, 2024 | 5:30 p.m.**

**Mayor Fischer called the meeting to order at 5:31 P.M.**

**ROLL CALL:** Mayor Fischer, Mayor Pro Tem Casey, Council Member Staudt

**ALSO PRESENT:** Victor Cardenas, City Manager  
Thomas Schultz, City Attorney  
Charles Boulard, Community Development Director  
Melissa Morris Deputy City Clerk

**APPROVAL OF AGENDA:**

**ORCM 24-12-03      Moved by Casey, seconded by Staudt; CARRIED UNANIMOUSLY:**

**To approve the agenda as presented.**

**AUDIENCE COMMENT:** None

**MATTERS FOR DISCUSSION:**

**1. Approval of minutes from May 6, 2024:**

**ORCM 24-12-04      Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY:**

**To approve the Ordinance Review Committee meeting minutes from May 6, 2024**

**2. Discussion on a proposed Fireworks Ordinance.**

Mayor Fischer said that this request came about after several requests for fireworks permits. The State requires local approval, but what are the rules for local approval or denial? There are none.

Member Staudt asked about adding fees or requiring a bond to the application process. City Attorney Schultz said that if City Council denies a request, they should give a reason why. He had researched other cities with fireworks ordinances in place. Most advise to follow MCL Act 256 which allows local government to approve or deny the request with no specific guidelines.

Mayor Fischer said that frequency should be called out. How could the City regulate or limit fireworks displays? He suggested adding verbiage to the website to discourage repeat applicants, to give some measure of power to staff on behalf of the Council to discourage frequent displays. He suggested adding application fees to the process with a return applicant incurring higher fees for additional displays. City Attorney Schultz said he would look into it.

The Committee gave directions to continue working on a draft ordinance that includes language about frequency of displays and permit fees.

## **ORDINANCE REVIEW COMMITTEE**

**April 21, 2025 | 5:30 p.m.**

**Mayor Fischer called the meeting to order at 5:30 P.M.**

**ROLL CALL:** Mayor Fischer, Mayor Pro Tem Casey\*, Council Member Staudt

**ALSO PRESENT:** Victor Cardenas, City Manager  
Thomas Schultz, City Attorney  
Cortney Hanson, City Clerk  
Charles Boulard, Community Development Director  
John Martin, Fire Chief  
Barb McBeth, City Planner  
Lindsay Bell, Senior Planner

### **APPROVAL OF AGENDA:**

**ORCM 25-04-01 Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To approve the agenda as presented.**

**AUDIENCE COMMENT:** None

### **MATTERS FOR DISCUSSION:**

#### **1. Approval of minutes from December 2, 2024:**

**ORCM 25-04-02 Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To approve the Ordinance Review Committee meeting minutes from December 2, 2024.**

#### **2. Discussion on a proposed Fireworks Ordinance.**

Clerk Hanson spoke about the need for a permitting process for fireworks displays and the draft ordinance provided by Attorney Schultz. The committee requested updated wording about the frequency of requests.

**ORCM 25-04-03 Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY:**

**To set the initial Fireworks Permit Application fee at \$750 and the second permit fee at \$1,000.**

**ORCM 25-04-04 Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To refer the amendments to the Fireworks Ordinance to City Council.**

*\*Member Casey arrived at 5:35pm*