

CITY OF BRIGHTON
CITY COUNCIL MEETING
CITY HALL
March 21, 2013

Regular Blue Sky: 7:00 p.m.: Review of Agenda Items for this evening's meeting

REGULAR SESSION - 7:30 P.M.

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Consider approval of the Agenda
5. Approval of [minutes: Regular Meeting](#) and closed session of [March 7, 2013](#)
6. Mayor's Reading of Citizen Inquiries received since the last City Council Meeting
7. Call to the Public

Consent Agenda

8. Consider approval of a recommendation from the BACC (Brighton Arts & Culture Advisory Commission) to [formally rename the DDA-owned property on E. Main Street to be the Brighton Arts & Culture Commission Sculpture Garden](#)
9. Consider approval of a resolution to extend the operation of the Principal Shopping District Board for another three years as recommended by the DDA Board
10. Consider approval of the Mayor's recommended Boardmember Reappointments to the Principal Shopping District and Officer's Compensation Commission

Policy Development & Customer Communications' action item

11. Receive report and presentation from the City Manager and DPS Director regarding the need for a Mill Pond Dredging & Improvement project, the proposed improvement project scope, and non-dredging related options as requested by the City Council at the November, 2012 Goal-Setting Retreat
 - 11a. Consider approval of the City Manager's request to obtain content testing of samples from the existing Mill Pond sediments that would be removed as part of the proposed improvement project
12. Receive the proposed FY 13-14 City Budget from the City Manager
13. Consider [first reading of fireworks' ordinance amendments that staff has drafted for compliance with changes in fireworks-related state laws.](#)

Other Business

14. Information for City Customers
15. Receive updates from Council Member Liaisons to other Boards and Commissions
16. Call to the Public
17. Conduct a closed session regarding an attorney-client privileged opinion from the City Attorney
18. Adjournment

MINUTES OF THE MEETING OF THE CITY COUNCIL OF BRIGHTON
HELD ON MARCH 7, 2013 AT THE BRIGHTON CITY HALL
200 N. 1ST STREET, BRIGHTON, MICHIGAN

BLUE SKY SESSION

The Council conducted a Blue Sky Session at 7:00 p.m. Present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Bohn, Bandkau, Roblee and Pipoly. The Council reviewed the agenda items.

REGULAR SESSION

Mayor Muzzin called the regular meeting to order at 7:30p.m. Following the Pledge of Allegiance, the roll was called, there being present were Mayor Muzzin, Mayor Pro-Tem Cooper, Councilmembers Bandkau, Pipoly, Roblee and Bohn. Also in attendance were Attorney Paul Burns, Staff members Dana Foster, Matt Schindewolf, Kelly Hanna, Jennifer Burke, Diana Lowe, Amy Cyphert, Laurie French, Matt Modrack and Tom Wightman and an audience of 5. Press and Media included Nicole Krawcke from the Patch and Tom Tolen from WHMI.

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to excuse Councilmember Schillinger from the evening's meeting. Motion passed 6-0-1.

STREETSCAPE PROJECT AWARD

City Manager, Dana Foster recognized the DDA Board Members and Community Development Staff for a recent Streetscape Project Award received for the recently completed West Street and Main Street streetscape project. Present were: Bob Herbst, Laurie French, Matt Modrack and Amy Cyphert.

Kerry Sutton, Representative from the Michigan Concrete Association was present and stated this award was given to the City of Brighton for the decorative concrete pavement in the project. She recognized Brendan Fonson, Mike Campbell, Mike O'Leary and Mike Moran and presented a Special Achievement Award to Amy Cyphert.

Matt Modrack referenced the lighted cross-walks in the downtown and stated he is happy to have the local contractors employed for these types of projects.

DDA Chair, Bob Herbst stated he is thankful to be able to serve the City.

Mayor Muzzin recognized the local contractors for their work on these projects.

FIRST RESPONDERS PRESENTATION

Mayor Muzzin stated he attended a presentation Sunday evening at the Cornerstone Church recognizing First Responders. He presented a plaque to Police Chief, Tom Wightman for emergency first responders named "Our Heroes".

Police Chief, Tom Wightman thanked the Mayor and the Cornerstone Church for the plaque and for the recognition.

AGENDA APPROVAL

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to approve the agenda as amended. Delete item #10, Ordinance summaries. Add item #8a, Brighton Arts & Culture Commission appointment. Move from Action Agenda to Consent Agenda item #9, Council Minute Summaries. Motion passed 6-0-1.

MINUTES APPROVAL

It was moved by Councilmember Bandkau, seconded by Cooper to approve the Regular Meeting minutes of February 21, 2013 as presented. Motion passed 6-0-1.

It was moved by Mayor Pro-Tem Cooper, seconded by Bohn to approve the Closed Session minutes of February 21, 2013 as presented. Motion passed 6-0-1.

CITIZEN INQUIRIES

Mayor Muzzin stated it is the consensus of Council not to read the three previously submitted Citizen Inquiries, as they are regarding pending litigation and submitted by a representative of the plaintiff.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:42 p.m. Hearing no comment, the Call to the Public was closed.

CONSENT AGENDA

It was moved by Mayor Pro-Tem Cooper, seconded by Bandkau to approve the Consent Agenda. Motion passed 6-0-1.

The following items were approved:

1. Appointed Cori Senak to the Brighton Arts & Culture Commission to fill an unexpired term of February, 2014.
2. Authorized the City Clerk and City Manager to publish summaries of City Council meeting minutes in place of complete sets of minutes.

FIREWORKS ORDINANCE AMENDMENTS

Planning and Zoning Director, Amy Cyphert briefed the Council on the possible Ordinance amendments regarding fireworks.

Police Chief, Tom Wightman stated they anticipate higher use of fireworks, more vendors and usage.

City Council
March 7, 2013
Page 3

It was moved by Councilmember Roblee, seconded by Pipoly to limit the discharge of fireworks to the day preceding, the day of, or the day after a national holiday, with the addition of special event fireworks and to set First Reading of the Ordinance amendments for March 21, 2013. Motion passed 6-0-1.

CITY CUSTOMER INFORMATION

Councilmember Bandkau stated Chili's will have a fundraiser on Thursday's this March and April for the Brighton Veterans Memorial where a portion of the bill will go towards the memorial.

Councilmember Roblee walked around with a Detroit Institute of Arts representative for the Inside Out Art program locations. There will be a special meeting of the BACC, Chamber of Commerce and the Brighton Art Guild on how to market and promote the project, as well as all of the art currently in the City.

Councilmember Bohn gave a Budget and Finance Subcommittee update.

CALL TO THE PUBLIC

Mayor Muzzin gave a Call to the Public at 8:12 p.m. Hearing none the Call to the Public was closed.

PENDING MICHIGAN TAX TRIBUNAL PENDING LITIGATION CLOSED SESSION

It was moved by Mayor Pro-Tem Cooper, seconded by Pipoly to go into Closed Session to discuss written Attorney-Client privilege communication regarding MTT pending litigation. A roll call vote was taken. Yes: Bohn, Cooper, Muzzin, Bandkau, Roblee, Pipoly. No: none. Absent: Schillinger. Motion passed 6-0-1.

The Council convened into Closed Session at 8:13 p.m.

The Council reconvened the Regular Meeting at 8:18 p.m.

CLOSED SESSION ACTION

It was moved by Councilmember Pipoly, seconded by Bandkau to add a Closed Session Action agenda item. Motion passed 6-0-1.

It was moved by Mayor Pro-Tem Cooper, seconded by Bohn to authorize the City Attorney to accept the proposed stipulation of as set forth in the letter dated March 6, 2013 from the City Assessor. Motion passed 6-0-1.

ADJOURNMENT

It was moved by Councilmember Roblee, seconded by Bandkau to adjourn the meeting at 8:19 p.m. Motion passed 6-0-1.

Diana Lowe, City Clerk

Jim Muzzin, Mayor

DRAFT
City of Brighton
Arts & Culture Commission Minutes
Regular Meeting – February 11, 2013

Chairperson Roblee welcomed new BACC member Shanda Willis.

1. **Call to Order**

Claudia Roblee called the meeting to order at 6:05 p.m. and the roll call was taken:

Claudia Roblee – Present
Kris Tobbe – Absent
Shanda Willis - Present

Larry Lawrence – Absent
MJ Takagi – Present

Also present was Lauri French and Matt Modrack from City Staff.

2. **Approval of the February 11, 2013 Agenda**

Chairperson Roblee suggested that approval of the January 14, 2013 meeting minutes be moved to item 9.a. since Kris Tobbe and Larry Lawrence have not yet arrived.

Moved by MJ Takagi, seconded by Shanda Willis, to approve the February 11, 2013 agenda as amended. Motion carried 3-0-2.

1. **Approval of January 2013 Financial Report**

Lauri French reviewed the financial report and noted that we received the last \$500 donation for Spiral from the owners of Tim Horton's. We also received a \$9,750 insurance claim check for the damage to "Bring Your Chalk and Draw on Me" (with a \$250 deductible). The only expense for January was a check in the amount of \$7,500 for Adnan Charara; this is partial payment for a replacement sculpture and the balance of \$2,500 will be paid upon delivery of the sculpture, probably in April. The earmarked items were reviewed and Staff was requested to follow up with the BAFA 9/11 Memorial committee to see if they still require our \$1,000 that we committed for the memorial.

Moved by MJ Takagi, seconded by Shanda Willis, to approve the January 2013 financial report as presented. Motion carried 3-0-2.

5. **Call to the Public**

Call to the public was made at 6:15 p.m. Hearing no response, call to the public was closed.

New Business

Old Business

6. **DIA "Inside|Out" Program Status (Claudia Roblee/Lauri French)** – Lauri French reported that she and Claudia Roblee attended a press conference on Friday, February 8, at the DIA where they announced the cities that would be participating in this year's Inside|Out program, including the City of Brighton in the summer session. Claudia Roblee noted that a speaker at the press conference referred to the program as "random acts of culture" and that we might want to find a way to use that in our promotion of the event. She would like the BACC members to think about ways to cross-promote the DIA program with our existing sculpture exhibit and the Art Festival, which is the first weekend in August. She suggested doing a pleinair where Brighton Art Guild artists would paint each of the DIA reproductions one day of the Art Festival. This will be discussed further at our March 11 meeting.
7. **Purchase of "Spiral" status** – Lauri French reported that as noted above, we received the last donation for purchase of "Spiral". City Council will consider approval of the donations and BACC's recommendation to purchase the sculpture at their February 21 meeting and arrange for payment to Maureen Voorheis. We have \$500 set aside to re-paint the sculpture when the weather gets warmer.

Brighton Arts & Culture Commission Draft Meeting Minutes

February 11, 2013

Page 2 of 3

8. Outdoor Sculpture Exhibit status for 2013

Lauri French reported that letters were sent to 10 artists whose 15 sculptures are due to be rotated out of the exhibit in August this year to determine if any of them would be interested in extending their exhibit one or two years. The only person she has not heard from yet is Jim Ignash ("Twisted System") and she will call to follow up with him. The sculptures in the exhibit will be extended as follows:

Elegant Lady (Kegham Tazian) – 2 years	August 1, 2015
Stretch (Bryan Barker) – 1 year	August 1, 2014
Doppelganger (John Sauve) – 2 years	August 1, 2015
Through the Storm (Jeffrey Bohl) – 1 year	August 1, 2014
Hear Ye (Jeffrey Bohl) – 1 year	August 1, 2014
Bird Dance (Jeffrey Bohl) – 1 year	August 1, 2014
Sancho Panza (Steve Cannaert) – 2 years	August 1, 2015 (will need to be repainted in spring)

Jayson Lowery would like to remove his two sculptures for exhibit in another show and will make arrangements to remove them this summer. Robert Sestok did not want to extend "Gone Wild" and will also make arrangements for deinstallation.

- a. John Piet ("Dancer Two") noted that he would either be willing to extend or he would be willing to replace his sculpture with the sister piece to "City With a Halo". Lauri will contact him to get a picture of the sculpture before the next meeting (he is in Mexico for the winter) and what the stipend amount would be if we want to replace "Dancer Two".
- b. Erik and Israel Nordin (Detroit Design Center) are interested in replacing their current three sculptures with three new sculptures from their recent exhibit. Lauri will contact them to ask for suggested pieces, locations and what they are looking for in terms of a stipend.

9. Continue Cobb-Hall park name discussion from 1/14/13 meeting

As discussed at the 1/14/13 BACC meeting, there were two suggestions to name the Cobb-Hall property, BACC Sculpture Park or BACC Sculpture Garden.

Moved by MJ Takagi, seconded by Shanda Willis, to forward to City Council the BACC's recommendation to name the parcel currently known as the "Cobb-Hall site" the "BACC Sculpture Garden". The parcel is currently owned by the DDA at 202 E. Main St. (parcel number 4718-31-104-003). Motion carried 3-0-2.

Mr. Modrack also noted that he has asked Lindhout Associates for a quote to be the project manager for the landscape plan and will be taking this to the DDA for approval on February 19, 2013.

- 9.a. Approval of the January 14, 2013 Regular Meeting Minutes – The meeting minutes could not be approved due to the absences of Kris Tobbe and Larry Lawrence. This item will be carried forward to the March BACC meeting.

Other Business

10. Staff Updates

Claudia Roblee noted that she had lunch last week with the new president of the Brighton Art Guild and they discussed ways to cross-promote the BACC and B.A.G. and the possibility of bringing Kaleidoscope back to the City from Green Oak Village Mall.

11. Call to the Public – Call to the Public was made at 6:55 p.m. Hearing no response, Call to the Public was closed.

12. Adjournment

Moved by MJ Takagi, seconded by Shanda Willis, to adjourn the meeting at 6:55 p.m. The motion carried 3-0-2.

Brighton Arts & Culture Commission Draft Meeting Minutes
February 11, 2013
Page 3 of 3

Lauri French, Deputy Director
Community Development, Planning & Zoning
January 15, 2013

Reminder: Next Regular BACC Meeting – Monday, February 11, 2013 – 6:00 p.m.

**POLICY REPORT: CHAPTER 54. ARTICLE V, DIVISION 1. SECTION 54-121
DISCHARGE OF FIREWORKS AMENDMENTS**

MARCH 21, 2013

Prepared by:

Amy Cyphert
Planning & Zoning Director

Reviewed by:

Dana Foster
City Manager

ISSUE:

To consider the First Reading and setting of a public hearing for the proposed amendment to Chapter 54, Article V, Division 1. Section 54-121, Discharge of fireworks.

BACKGROUND:

On January 1, 2012, Public Act 256 of 2011 went into effect. This public act repealed laws that regulated the purchase, sale, possession and use of fireworks and put into effect new regulations.

Public Act 56 of 2011 permits the purchase, sale, possession and use of fireworks with regulations established in the public act. In addition, the public act states the following:

Sec. 7. (1) A local unit of government may enact an ordinance regulating the ignition, discharge, and use of consumer fireworks. However, an ordinance enacted under this subsection shall not regulate the use of consumer fireworks on the day preceding, the day of, or the day after a national holiday.

Currently, Sec. 54-121 Discharge of fireworks, states “it shall be unlawful for any person in the city to fire, discharge, display or possess any fireworks except those which are permitted by state law and the provisions of this Code.”

Attached you will find the proposed amendment to Sec. 54-121 per City Council direction on March 7, 2013.

BUDGET IMPACT: N/A

RELATIONSHIP TO 2012/2013 GOALS: N/A

COUNCIL ACTION:

Introduce the proposed amendments to Chapter 54, Article V, Division 1. Section 54-121, Discharge of fireworks and set a public hearing date.

Attachments:

1. Proposed amendments to Chapter 54, Article V, Division 1 Section 54-121, Discharge of fireworks.

Chapter 54 - OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE V. - OFFENSES AGAINST PUBLIC SAFETY
DIVISION 1. - GENERALLY FIREWORKS.

~~Sec. 54-121. -- Discharge of fireworks.~~

~~(a) — It shall be unlawful for any person in the city to fire, discharge, display or possess any fireworks except those which are permitted by state law and the provisions of this Code.~~

~~(b) — Any person found to violate this chapter shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).~~

~~(Code 1981, § 121.2(15); Ord. No. 479, § I, 7-17-03)~~

~~Secs. 54-122 — 54-130. -- Reserved.~~

Sec. 54-121. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means The Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 et seq. and its amendments.

APA standard 87-1 means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American pyrotechnics association of Bethesda, Maryland.

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.

Fire Marshal means the Fire Marshal of the Brighton Area Fire Department or his or her designee.

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.

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.

Minor means an individual who is less than 18 years of age.

National Holiday means as used in this section, a national holiday is any of the following: New Years Day (January 1); Birthday of Martin Luther King Jr. (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); and Christmas Day (December 25).

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:

- I. Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- II. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) 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.
- III. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- IV. Toy snakes not containing mercury, if packed in cardboard boxes with not more than 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.

Person means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

Special effects means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

Sec. 54-122. Ignition, discharge or use of consumer fireworks.

- (a) It shall be unlawful for any person in the city to ignite, discharge or use any fireworks which are permitted by state law, except on the day preceding, the day of or the day after a national holiday. Any person found to violate Sec. 54-121 (a) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).
- (b) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person without that organization's or person's express permission to use those fireworks on those premises.. Any person found to violate Sec. 54-121 (b) is responsible for a state civil infraction and a civil fine of not more than \$500.00.
- (c) An individual shall not use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. As used in this subsection:
- (1) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.
- (2) "Controlled substance" means that term as defined in section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.
- (d) Ignition, discharge or use of any fireworks shall comply with all applicable state and federal laws and regulations.
- (e) It shall be unlawful for any person in the city to carelessly ignite, discharge or use any fireworks that result in damage to a property or injury to a person. Any person found to violate Sec. 54-121 (a) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).
- (f) Parental responsibility
- (1) It shall be unlawful for the parent, guardian, or other person having legal care and custody of a minor under the age of 17 years to permit such minor to ignite, discharge or use any fireworks in or upon public streets, highways, alleys, parks, playgrounds, public places, commercial establishments and premises, places of amusement, vacant lots, or other unsupervised places in the city between the hours and under the conditions delineated in section 54-121 (a).
- (2) Any person found to violate this section shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).
- (g) It shall be unlawful for the host or organizers of a gathering or event to allow a guest or visitors to ignite, discharge or use any fireworks except when compliant with all applicable state, federal and local laws and regulations. Any person found to violate Sec. 54-121 (f) shall be guilty of a civil infraction and shall be punished by a fine(s) as set forth in section 1-16(b).

Sec. 54-123. Ignition, discharge or use of display fireworks.

- a. No person shall discharge any Display fireworks without a permit issued by the City Council. Permits are not transferable and shall not be issued to a minor.
- b. Applicants for permit under this section must file with the city clerk a sworn application in writing on a form to be furnished by the city clerk, which shall give the following information:
 - (1) Every applicant for a permit to use or discharge display fireworks shall submit, with a nonrefundable application fee, a current and fully completed application.
 - (2) The fees for the permit required by this section shall be charged by the city clerk shall be established by resolution of the council.
 - (3) A permit shall not be issued to a nonresident person, firm, or corporation for ignition of display fireworks until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.
 - (4) All applications shall contain the following information:
 - a. The name, residence address, and telephone number of a resident agent who is a natural person (no post office boxes will be accepted as legal addresses):
 - b. The name, residence address, and telephone number of the applicant:
 - i. If the applicant is a corporation, the name, residence address, and telephone number of each of the officers and directors of the corporation and of each stockholder owning more than 10% of the stock of the corporation if that individual is or will be involved in the management and/or operation of the business. The applicant shall also provide the name, residence address, and telephone number of each individual who will be involved in the management and/or operation of the business, as well as documentation that the corporation is in good standing in the state of incorporation;
 - ii. If the applicant is a partnership, the name of the partnership and the name, residence address, and telephone number of each of the partners having at least a 10% ownership interest, as well as any individual who is or will be involved in the management and/or operation of the business;
 - iii. If the applicant owns stock or has a financial interest in any other business which sells or manufactures fireworks, the name, address, and telephone number of the corporation and the name, address, and telephone number of each such business;
 - c. The address and legal description of the property where the fireworks will be displayed;

discharge of display fireworks shall require a new permit, and the applicant shall follow the application process set forth in this article.

(10) Display permit conditions. The issuance of a permit for the use or discharge of display fireworks shall be conditioned upon compliance with all of the terms and conditions of this article, as well as the International Fire Code. In addition, the issuance of such a permit shall be conditioned upon the following:

- a. The applicant and property owner must execute a written agreement, in a form approved by the City Attorney, to allow police, fire, and emergency personnel designated by the city to be present on the premises before, during, and after the fireworks display for purposes of supervising and inspecting the display and surrounding conditions for public safety hazards and violations of city codes and ordinances; and
- b. The applicant and property owner must execute an indemnification agreement, in a form approved by the City Attorney, to indemnify the city for any and all liability or damages incurred by any person or entity as a result of the fireworks display.

Sec. 54-124. Revocation of display fireworks permit.

A permit issued under this division may be refused, suspended, revoked by the City Council for cause. The term CAUSE as used in this section, shall include the doing or omitting of any act or permitting any condition to exist on the premises for which a permit is issued, which act, omission, or condition is contrary to the health, safety, and welfare of the public, is unlawful, irregular, or fraudulent in nature, is unauthorized or beyond the scope of the permit issued, or is forbidden by this division or any applicable law. Cause shall include but not be limited to:

- (a) Fraud or material misrepresentation in the application;
- (b) Fraud or material misrepresentation in the operation of the fireworks display during a safety inspection;
- (c) Any material violation of this division or of the regulations authorized herein;
- (d) Any violation of federal or state law or local ordinance which creates a risk to the health, safety, or welfare of the community;
- (e) Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire, or other applicable regulatory codes;
- (f) Failure by the owner or operator to permit safety inspection by the city's agents or employees in connection with the enforcement of this division;