# FIREWORKS / PYROTECHNICS

## DEFINITION

"Fireworks/Pyrotechnics" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or device containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of 25 hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns, or other devices for use of such caps, the sale and use of which shall be permitted at all times.

## MANUFACTURE, SALE AND DISCHARGE OF FIREWORKS

A- Except as hereinafter provided it shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks. The Codes Enforcement Officer shall have power to adopt reasonable rules and regulations for the granting of permits supervised public displays of fireworks by the municipality, fair associations, amusement parks, and other organizations. Every such display shall be handled by a competent operator approved by the Codes Enforcement Officer, and shall be of such a character, and so located, discharged, or fired as in the opinion of the Codes Enforcement Officer after proper inspection, shall not be hazardous to property or endanger any person.

B- Application for permits shall be made in writing at least 15 days in advance of the date of display. After such privilege shall have been granted, sale possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

# APPLICATION FOR PERMIT

1. Application for permit to operate a public display of fireworks in conformance with the terms of Article 405 and related Section of Article 270 Penal Code of the State of New York shall be made in writing to the Codes Enforcement Officer.

2. Such application shall set forth:

   a. The name of the Organization sponsoring the display together with the names of persons actually in charge of firing of the display.

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   b. The date(s) and time(s) of day at which the display is to be held and rain date if needed.

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   c. The exact location planned for the display.

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   d. Pyrotechnician information which shall be attached to this application includes: a current photo, date of birth, social security number, experience, and a copy of Department of the Treasury – Bureau of Alcohol, Tobacco and Firearms License/Permit (18 U.S.C. Chapter 40, Explosives)

   e. A description of the fireworks and the quantity to be discharged.

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   f. The manner and place of storage of such fireworks prior to the display.

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   g. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communication, the lines behind which the audience will be retained, and the location of all nearby trees, telegraph or telephone lines, or overhead obstructions.

   h. Copy of current Certificate of Liability Insurance and Workers Compensation Insurance, $2,000,000 minimum amount.

   i. Copy of current State of New York Department of Labor, Division of Safety and Health, License to deal in or manufacture explosives certificate.

   j. Permit Fee – Check payable to the "Town of DeWitt" in the amount of fifty-two dollars ($65.00).

3. Upon receipt of such application at least fifteen (15) days in advance of the date for the display, the Codes Enforcement Officer shall make, or cause to be made an investigation of the site of the proposed display for the purpose of determining whether the provision of these regulations are complied with in the case of the particular display.

## QUALIFICATIONS OF OPERATORS

The persons in actual charge of the firing of fireworks in a public display shall be able-bodied persons of at least eighteen (18) years of age, and competent for the task.

There shall be always at least two (2) operators of the display constantly on duty during the discharge.

## CONDUCT OF DISPLAY

Public display of fireworks shall be permitted in accordance with standards established by the National Fire Protection Association standards (N.F.P.A. 1123, 1124, and 1126). The Codes Enforcement Officer may increase N.F.P.A. recommended distances in certain cases.

The audience at a public display of fireworks shall be restrained behind lines as per N.F.P.A. standards, and only persons in active charge of the display shall be allowed inside of these lines.

All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction provided that where such fireworks are to be fired beside a lake or other large body of water they may be directed in such a manner that the falling residue from the deflagration will fall into the said body of water.

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a safe way for the particular type of fireworks remaining.

No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than twenty-five (25) miles per hour. In such cases the Codes Enforcement Officer may authorize the display at a future date suitable to the group holding the display.

## GENERAL

Approved Class "A" type fire extinguishers of at least 2-1/2 gallon capacity each shall be kept at as widely separated points as possible within the actual area in which the discharging is being done.

Prior to any public display, a test firing of certain representative pyrotechnics shall be conducted in the presence of the Codes Enforcement Officer or his designee. Test firings shall be conducted at a time determined to be convenient by all parties.

Respective Fire Department Personnel from which the district the display is to be conducted shall be on site or on standby by orders of the fire chief.

## Final Approvals

DeWitt Town Board_____ Date_____

DeWitt Police_____ Date_____

Fire Department_____ Date_____

Code Enforcement_____ Date_____