

**FIREWORKS DISPLAY PERMIT
VILLAGE OF MALONE**

343 WEST MAIN STREET
MALONE, NY 12953

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FOR OFFICE USE ONLY

Tax Map ID #: _____ - _____ - _____

Application # _____

Permit #: _____

Invoice # _____

PAYMENT METHOD _____

PERMIT FEE \$ _____

DATE PAID ____/____/____

RECEIVED BY

Ref. NY State Penal Law, Article 405.00

Application Date: _____

Sponsor of the Show

Name: _____

Address: _____

Phone: _____ Contact Person: _____

As a condition of granting the permit, the village requires an adequate bond or indemnity insurance policy, of which coverage may or may not be less than \$1 million for the payment of damages to any people or property resulting from the firework display. The village will ensure that the terms of the bond or indemnity insurance policy covers its officers and employees from any liability.

Display Company Name: _____

Address: _____ Phone: _____

Contact Person: _____

NYS Dept. of Labor Explosives License# _____

Expires: _____

Operator – Name of the certified pyrotechnician who will be in charge of the display.

Name	Certificate	Expires
_____	_____	_____

Authorized Assistants: Names of the individuals who are authorized by the operator to work on the show, identified either by their certificate number and expiration date, if they are certified, or by their age and phone number if they are not certified.

Name	Certificate#/Age	Expires/Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____

(A) Display Date/Time: _____ Expected Duration _____

(B) Display location: _____

(C) Display content: _____

(D) How Fireworks/Pyrotechnics will be stored prior to display: _____

(E) Rain Date for display: _____

(F) If rained out, how fireworks/ pyrotechnics will be stored: _____

(G) For outdoor displays not before a proximate audience, attached a diagram of the area where the display will take place, showing location where the fireworks will be discharged from, the location of the distance to: all buildings, highways, lines of communications, locations of the audience, trees, overhead obstructions or other structures or devices that could be affected by the display or fallout from it

(H) Proof of Insurance or Bond (Minimum One Million Dollars). Please attach a copy of the policy certificate or other proof of Insurance Bond.

(I) For indoor display, in addition to the information provided above, include a written plan for how you intend to use the pyrotechnics as required by the New York State Penal Law 405.10. That plan shall be submitted at least five days prior to the performance and include:

1. In addition to the State Licenses and Certificates already include in this application, proof of Federal ATF Licenses if required
2. Proof of experience of the pyrotechnicians in charge
3. Proof experience with the type of devices being used and a description of duties of any authorized assistants
4. Point of assembly of the pyrotechnic devices

5. Manner and place of storage of the pyrotechnic materials and devices
6. Material Safety Data Sheets (MSDS) for the pyrotechnic materials being used
7. Certification that set, scenery, and rigging materials are inherently flame-retardant or have been treated to achieve flame retardancy
8. For indoor displays, please attach a diagram of the area where the display will take place, showing location where the fireworks will be discharged from, the location of, and distance to the audience, the location of sprinklers and the fallout radius for each pyrotechnic device used
9. A copy of the approved permit and plan shall be kept on the site and available for the review
10. Any significant changes to the plan shall be approved prior to the performance

(J) Notify the local fire chief on the date, time, and location of the planned fireworks display.

(K) I attest the information contained in this permit application is accurate, true and complete to the best of my knowledge, and I understand that any false statements made in this permit application are subject to the application versions of the NYS Penal Law.

Signature of Applicant

Date

For Office Use :

Date Received _____ Received By _____

This is to certify that I have investigated this application and find same (to be) (not to be) in accordance with the provisions of the state and local ordinances, relating to buildings in the Village of Malone and that the same has been () APPROVED () DISAPPROVED On this _____ day of _____ 20____.

Signed _____

Code Enforcement Official

Permits for Fireworks/Pyrotechnic Display (Explanation)

Under §405 of Penal Law, villages are required to review application for permits for display of fireworks within the village. This provision and accompanying regulations of the Department of Labor have made significant changes in permitting requirements. Attached is this application prepared by the Department of Labor, which reflects changes in the state law and regulations.

Formerly, §405 authorized the issuance of permits only for “public displays” of fireworks. The section was amended to allow individuals to obtain permits for display at private events. Additionally, the person in charge of the fireworks display must now have state certification. 12 NY-CRR 61-2.1 through 61.2.7. These certification requirements are administered and enforced by the state Commissioner of Labor. A single, state certified pyrotechnic must have overall responsibility for the fireworks display, ensuring that the display conforms to required standards. The operator has sole responsibility for authorized assistants. If these assistants are not certified pyro-technic, to qualify as an authorized assistant, the person must be over 18 years old, be trained in the performance of the tasks assigned and educated with regard to safety hazards. The application display permit is required to identify the certified operator and state his certificate number. Additionally, assistants must be named, along with their certificate number, if certified, and their age.

New regulations to protect the public have replaced prior provisions. The Department of Labor regulations 12 NYCRR 61-2.8 provide that every outdoor firework show must be conducted in accordance with National Fire Protection Association (NFPA) §1123, in addition to the requirements of §405 of the Penal Law.

Chapter 4 of §1123 provides safety requirements for the display of fireworks and aerial shows and equipment. It also includes provisions regarding the storage and transportation of fireworks. Thus, the provisions of the NFPA, as incorporated into the Department of Labor regulations, provides specific provisions regarding the firing of explosives and pyrotechnic and their transportation and storage. §1123 also requires a site plan that must include the dimensions of display site and location of discharge sites, spectator viewing areas, parking areas, and the associated separation distance.

The NFPA requirements are available on a viewing only basis at the NFPA website (www.nfpa.org). Under §405 of the Penal Law, the permit application, as detailed in the attached permit application, must include the name of the body sponsoring the display and the names of people in charge, their certificate numbers and identification of any individuals assisting in the display and their qualifications. Also, the permit must include the date and time of the day when the display is to be held; the location of the display; the number and kind of fireworks to be discharged; and the manner and place of storage of the fireworks prior to display. Also, the permit must include a diagram of the grounds on which the display is to be held, including the location of all buildings, highways, and other means of the transportation, the lines behind which the audience will be restrained and the location of all nearby trees, telegraph and telephone lines or other overhead obstructions. Significantly, the permit authority - in this case the village - may require other information necessary to protect people.

As a condition of granting the permit, the village must require an adequate bond or indemnity insurance policy, of which coverage may not be less than \$1 million for the payment of damages to any people resulting from the fireworks display. The village should ensure that the terms of the bond or indemnity policy covers it and its officers and employees from any liability.

The village, as permit authority, has discretion to determine whether the application has satisfied all of these requirements.