

Town of Mina



PERMITS FOR FIREWORKS DISPLAYS

NY Penal Law § 270: Unlawfully Dealing with Fireworks and Dangerous Fireworks

Fireworks are explosives and if mishandled they can be deadly. New York has strict rules concerning the sale, possession and use of fireworks. Anyone who violates any of the rules could be charged with a felony or misdemeanor. Under New York Penal Code § 270.00 you will be charged with unlawfully dealing with fireworks and dangerous fireworks if you possess, explode, sell or furnish fireworks.

If you put on a public display of fireworks you would not be guilty of unlawfully dealing with fireworks and dangerous fireworks if you have a permit as described in New York Penal Code § 405.

NY Penal Law § 405.00: Permits for Public Displays of Fireworks

1. Definition of "permit authority." The term "permit authority" means and includes the agency authorized to grant and issue permits provided in § 405.00. The permit authority in a town shall be an officer designated for the purpose by the town board thereof.
2. Permits for fireworks displays. Towns may grant a permit for the display of fireworks to municipalities, fair associations, amusement parks, persons, or organizations that submit an application in writing. The application for such permit shall set forth:
 - a. The name of the body sponsoring the display and the names of the persons actually to be in charge of the firing of the display who shall possess a valid certificate of competence as a pyrotechnician as required under the general business law and article sixteen of the labor law. The permit application shall further contain a verified statement from the applicant identifying the individuals who are authorized to fire the display including their certificate numbers, and that such individuals possess a valid certificate of competence as a pyrotechnician.
 - b. The date and time of day at which the display is to be held.
 - c. The exact location planned for the display.
 - d. The number and kind of fireworks to be discharged.
 - e. The manner and place of storage of such fireworks prior to the display.
 - f. 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 restrained and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.

3. Applications for permits. All applications for the display of fireworks shall be made at least five days in advance of the date of the display and the permit shall contain provisions that the actual point at which the fireworks are to be fired be in accordance with the rules promulgated by the New York State Commissioner of Labor.
4. No permit granted and issued shall be transferable.
5. Bonds. Before granting and issuing a permit for display of fireworks, the permit authority shall require an adequate bond from the applicant in a sum to be fixed by the permit authority, which, however, shall not be less than one million dollars. The permit authority may accept, in lieu of such bond, an indemnity insurance policy with liability coverage and indemnity protection equivalent to the terms and conditions upon which such bond is predicated and for the purposes provided in this section.

Town of Mina Permitting Authority

At a regular meeting of the Mina Town Board held on August 14, 2012, the Town Board approved the Office of the Town Supervisor as the permitting authority to grant and issue permits for fireworks displays.

REQUEST FOR FIREWORKS DISPLAY PERMIT

Town of Mina, Findley Lake, NY

Ref. N.Y. State Penal Law, Article 405.00

Application Date: _____

SPONSOR OF THE SHOW

Name

Address

Phone

Contact Person

DISPLAY COMPANY

Company Name

Address

Phone

Contact Person

NYS Department of Labor Explosives License #

Expiration Date of Explosives License

OPERATOR - Certified Pyrotechnician who will be in charge of the display.

Name

Certificate #

Expiration Date of Certificate

AUTHORIZED ASSISTANTS - Individuals who are authorized by the operator to work on the show, identified by certificate number & expiration date, if they are certified, or by their age and phone number, if they are not certified.

#1 Name

Certificate #/Age

Expiration Date of Certificate/Phone Number

#2 Name

Certificate #/Age

Expiration Date of Certificate/Phone Number

#3 Name

Certificate #/Age

Expiration Date of Certificate/Phone Number

DISPLAY INFORMATION

Date/Time

Expected Duration

Location

Content

How will fireworks be stored prior to display

Rain Date

If rained out, how will fireworks be stored

FOR OUTDOOR DISPLAYS NOT BEFORE A PROXIMATE AUDIENCE

Attach a diagram of the area where the display will take place, showing location from where the fireworks will be discharged, the location of and distance to: all of the buildings, highways, lines of communications, location of the audience, trees, overhead obstructions or other structures or devices that could be affected by the display or fallout from it.

PROOF OF INSURANCE OR BOND (\$1 MILLION MINIMUM REQUIRED)

Attach a copy of the policy certificate or other proof of insurance or bond

INDOOR DISPLAYS - In addition to the information provided above, include a written plan for how you intend to use the pyrotechnics as required by New York State Penal Law 405.10. That plan shall be submitted at least five days prior to the performance and include:

- * In addition to the state licenses and certificates already included in this application, proof of federal ATF licenses, if required
- * Proof of experience of the pyrotechnician in charge
- * Proof of experience with the types of devices being used and a description of duties of any authorized assistants
- * Point of assembly of the pyrotechnics devices
- * Manner and place of storage of the pyrotechnic materials and devices
- * Material Safety Data Sheets (MSDS) for the pyrotechnic materials to be used
- * Certification that set, scenery and rigging materials are inherently flame retardant or have been treated to achieve flame retardancy
- * Certification that all materials worn by performers in the fallout area during the use of pyrotechnic effects are inherently flame retardant or have been treated to achieve flame retardancy
- * For indoor displays, attach a diagram of the area where the display will take place, showing the location from where the fireworks will be discharged, the location of, and distance to, the audience, the location of sprinklers and the fallout radius for each pyrotechnic device used
- * A copy of the approved permit and plan shall be kept on site and available for review
- * Any significant changes to the plan shall be approved prior to the performance

ATTESTATION - I attest that the information contained in this permit application is accurate, true and complete to the best of my knowledge, and I understand that false statements made in this permit application are subject to the applicable versions of the New York State Penal Law.

Signature of Applicant

Date

FOR TOWN USE:

Town Official Who Reviewed Permit Application

Approved/Rejected

Date

Comments