

**TOWN OF DARIEN**  
Genesee County, New York 14040

**Part A**

**PERMIT APPLICATION FOR PYROTECHNIC DISPLAY**

This application shall be executed in several counterparts, each of which shall be deemed an original, and all of which shall be deemed to constitute a single application.

**Permit Requirements:**

- All uses of all pyrotechnics in areas of public assembly shall be approved by the Town of Darien. The Town of Darien shall determine that appropriate measures are established to provide:
  - Acceptable Crowd Management
  - Security Fire Protection (including sprinklers)
  - Other Emergency Services
- Before the performance of any production, the permittee shall submit a plan for the use of pyrotechnics to the Town of Darien. See below for plan requirements.
- After permit has been granted, the permittee shall keep the plan available at the site for safety inspectors or other designated agent of the Town of Darien.
- The Town of Darien reserves the right to have fire apparatus on site at any event it deems, in its discretion, to warrant such action.

**❖❖❖❖ WARNINGS ❖❖❖❖**

Any addition of pyrotechnics to a performance or any significant change in the presentation of pyrotechnics shall require approval by the Town of Darien.

Each event requiring a separate setup of pyrotechnic materials will necessitate the completion of additional Application for Pyrotechnic Display and payment of the \$50.00 permit fee. **A continuing program does not negate this requirement.**

For any one (1) single pyrotechnic event, a minimum application fee of \$700.00 will apply.

## PYROTECHNIC PLAN REQUIREMENTS

Name of the person, group organization or other entity sponsoring the production: \_\_\_\_\_

Date and time of day of the production:      Date: \_\_\_\_\_      Time: \_\_\_\_\_ a.m./p.m.

Exact location of the production: \_\_\_\_\_

Name of the person actually in charge of firing the pyrotechnics (*Pyrotechnic Operator*): \_\_\_\_\_

Number, names and ages of all assistants who are to be present (*Must be 18 years of age. Use separate page if more than 8 assistants*):

Name: _____	Age: _____	Name: _____	Age: _____
Name: _____	Age: _____	Name: _____	Age: _____
Name: _____	Age: _____	Name: _____	Age: _____
Name: _____	Age: _____	Name: _____	Age: _____

Qualifications/Experience of the pyrotechnic operator: (*Must be 21 years of age with a valid license and copy of resume*): \_\_\_\_\_

Copy of License Attached:     Yes     No      Copy of Resume Attached:     Yes     No

Number and types of pyrotechnic devices and materials to be used, the operator's experience with those devices and effects: (*Use separate page if more room is needed*)

Device Name: _____	#: _____	Device Name: _____	#: _____
Device Name: _____	#: _____	Device Name: _____	#: _____
Device Name: _____	#: _____	Device Name: _____	#: _____

Diagram of the grounds or facilities where the production is to be held.

Diagram attached:     Yes     No

This diagram shall show:

- |   |  |
|---|--|
| 1.      The point at which the pyrotechnic devices are to be fired:             | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2.      The fallout radius for each pyrotechnic device used in the performance: | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3.      The lines behind which the audience shall be restrained:                | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4.      Placement of sprinkler systems:   | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Point of on-site assembly of pyrotechnic devices: \_\_\_\_\_

Manner and place of storage of pyrotechnic materials and devices:

Manner: \_\_\_\_\_ Place of Storage: \_\_\_\_\_

Material safety data sheet (MSDS) for the pyrotechnic materials to be used:

MSDS Attached:  Yes  No

Certification that the set, scenery, and rigging materials are inherently flame-retardant or have been treated to achieve flame retardancy. Certification attached:  Yes  No

Certification of all materials worn by performers in the fallout area during use of pyrotechnic effects shall be inherently flame-retardant or have been treated to achieve flame retardancy. Certification attached:  Yes  No

The applicant agrees to provide the Town of Darien with a copy of its general liability policy that provides not less than:

- One million (\$1,000,000) liability limit for fifty (50) people or less in attendance of the event, for any one occurrence. Liability Certificate attached:  Yes  No
- Five million (\$5,000,000) liability limit for fifty-one (51) people or more in attendance of the event, for any one occurrence. Liability Certificate attached:  Yes  No

**PYROTECHNIC OPERATOR CERTIFICATION**

I, \_\_\_\_\_, hereby certify that I am a licensed Pyrotechnic Operator for \_\_\_\_\_, and I am duly authorized to make and file this application. That all statements contained in this Permit Application and Plan Requirements are true to the best of my knowledge and belief, and that the work will be performed in the manner set forth in this Permit Application, Plan Requirements and Requirements for the Use of Pyrotechnic Devices filed herewith. If approved, this Application will constitute the entire agreement between the parties hereto and supersedes all prior and contemporaneous agreements, understanding, negotiations and discussions, either oral or executed in writing by the parties to be bound thereby. Further, the Pyrotechnic Operator holds harmless and agrees to indemnify the Town of Darien in the event there are any claims arising from the above activity, including reasonable attorney fees.

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Signature of Pyrotechnic Operator

**VENUE MANAGER CERTIFICATION AND WAIVER OF LIABILITY  
AND ASSUMPTION OF RISK**

I, \_\_\_\_\_, hereby certify that I am the Venue Manager of \_\_\_\_\_ and am duly authorized to approve of this application of behalf of \_\_\_\_\_. I hereby acknowledge that I have read all statements contained in this Permit Application and Plan Requirements and understand them to be true to the best of my knowledge and belief, and that the work will be performed in the manner set forth in this Permit Application and in the Plan Requirements filed herewith. The party signing this document of behalf of \_\_\_\_\_ warrants and represents that he/she, as the Venue Manager, is authorized to enter into this agreement on behalf of \_\_\_\_\_. Also, I, as Venue Manager, further agree on behalf of \_\_\_\_\_ to hold harmless and agree to indemnify the Town of Darien in the event there are any claims arising from the above activity, including reasonable attorney fees.

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Signature of Venue Manager

\_\_\_\_\_  
[name of facility]

## **Part B**

### **REQUIREMENTS FOR THE USE OF PYROTECHNIC DEVICES**

1. a. Two (2) or more fire extinguishers of the proper classification and size as approved by the Town of Darien shall be readily accessible while the pyrotechnics are being loaded, prepared for firing, or fired. In all cases, at least two (2) pressurized water or pump extinguishers shall be available. Additional fire extinguishing equipment shall be provided as required by the Town of Darien. Personnel who have a working knowledge of the use of the applicable fire extinguishers shall be present while the pyrotechnic are being handled, used, or removed. No personnel shall use or handle pyrotechnic materials or devices while under the influence of intoxicating beverages, narcotics, controlled substances, and prescription or non prescription drugs that can impair judgment. Fire detection and life safety systems shall not be interrupted during the operation of pyrotechnic effects.
- b.
  - (1) All pyrotechnic devices shall be mounted in a secure manner to maintain their proper positions and orientations so that, when they are fired, the pyrotechnic effects describe in the plan submitted by the permittee are produced. Pyrotechnic devices shall be mounted so that no fallout from the device endangers human lives, results in personal injury, or damages property. Pyrotechnic materials shall be fired only from equipment specifically constructed for the purpose of firing pyrotechnic materials, The pyrotechnic operation shall be responsible for selecting equipment and materials that are compatible.
  - (2) Where rockets are launched before an audience, performers, or support personnel, the rockets shall be attached securely to a guide wire or cable with both ends securely attached and placed on an impact-resistant surface located at the terminal end of the guide. This guide wire or cable shall be of sufficient strength and flame resistance to withstand the exhaust from the rocket. An effective arrangement to stop the rocket shall be provided.
  - (3) Pyrotechnics shall be:
    - (a) place so that any hazardous debris falls into a safe, flame-resistance area;
    - (b) fired so that the trajectory of their pyrotechnic material is not carried over the audience;
    - (c) placed for firing so that no flammable materials are within their fallout area.

- (4) Pyrotechnic devices and materials used indoors shall be specifically manufactured and marked for indoor use by the manufacturer.
- (5) Airbursts shall be permitted to be fired above the assembled audience, subject to the following conditions:
  - (a) The airburst shall be suspended by a minimum 30-gauge metal wire that is attached securely to a secure support acceptable to the authority having jurisdiction.
  - (b) The airburst shall occur at a minimum height of three (3) times the diameter of the effect.
  - (c) Where the effect is demonstrated, there shall be no burning or glowing particles below the fifteen (15) foot level above the floor.
- c. Each pyrotechnic device fired during a performance shall be separated from the audience by at least fifteen (15) feet but not less than twice the fallout radius of the device. Concussion mortars shall be separated from the audience by a minimum of twenty-five (25) feet. There shall be no glowing or flaming particles within ten (10) feet of the audience.
- d.
  - (1) The facility where pyrotechnic materials and devices are handled and used shall be maintained in a neat and orderly condition and shall be kept free of any conditions that can create a fire hazard.
  - (2) Smoking shall not be permitted within twenty-five (25) feet of the area where pyrotechnics are being handled or fired; provided that smoking by performers as part of the performance shall be permitted as blocked in rehearsals and if expressly approved by the pyrotechnic operator and the Town of Darien.
- e.
  - (1) The pyrotechnic effect operator shall advise all performers and support personnel that they are exposed to a potentially hazardous situation when performing or otherwise carrying out their responsibilities in the vicinity of a pyrotechnic effect. Performers and support personnel familiar and experienced with the pyrotechnic effects being used shall be permitted to be in the area of a pyrotechnic effect, but only voluntarily and in the performance of their duties.
  - (2) No part, projectile, or debris from the pyrotechnic material or device shall be propelled so that it damages overhead properties, overhead equipment, or the ceiling and walls of the facility.

- (3) Immediately before any performance, the pyrotechnic operator shall make a final check of wiring, positions, hook-ups, and pyrotechnic devices to ensure that they are in proper working order. The pyrotechnic operator also shall verify safety distances.
- (4) The placement and wiring of all a pyrotechnic devices shall be designed to minimize the possibility of performers and support personnel disturbing the devices during a performance.
- (5) The pyrotechnic operator shall exercise extreme care throughout the performance to ensure that the pyrotechnic devices function correctly and that the performers, support personnel, and audience are clear of the devices.
- (6) When pyrotechnics are fired, the quantity of smoke developed shall be controlled so as not to obscure the visibility of exit signs or paths of egress.

*Penal Law §405.10*

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Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Signature of Pyrotechnic Operator