

**TOWN OF TICONDEROGA
COUNTY OF ESSEX, STATE OF NEW YORK
Local Law 1 of 2009**

**A LOCAL LAW REGULATING
PUBLIC FIREWORK DISPLAYS**

Be it enacted by the Town Board of the Town of Ticonderoga, as follows:

Section 1. Purpose and statutory authorization.

A. This Local Law is designed to promote the health, safety and general welfare of the people of the Town of Ticonderoga by imposing regulations to help ensure the safe conduct of outdoor fireworks displays within the Town of Ticonderoga.

B. This Local Law is enacted pursuant to the authority granted by Article 405 of the Penal Law of the State of New York and subject to all the conditions and provisions contained in said Article 405, as the same may be amended from time to time.

Section 2. Definitions.

As used in this Local Law, the following terms shall have the meaning indicated:

ASSISTANT — A person who works under the direction of the operator to put on a public fireworks display.

BODY — A municipality, fair association, amusement park or organization of individuals.

FIREWORKS — The same definition as provided in New York State Penal Law § 270.00

HIGHWAY — Any public street, road, highway or alley or any private road or street.

OPERATOR — The person with overall responsibility for safety and the setting up and discharge of a public fireworks display.

PERMIT — The written authorization of the permit authority granted to any body to conduct a public fireworks display.

PERMIT AUTHORITY — Town Supervisor.

PUBLIC FIREWORKS DISPLAY — An outdoor display of fireworks performed as entertainment.

SPONSOR — The person who exercises general control over the arrangements for the public fireworks display. The sponsor and the operator may sometimes be the same person.

Section 3. Administration and enforcement.

The permit authority is authorized to grant and issue a permit for the public display of fireworks and to take all such actions as are necessary for the proper execution of its authority. The enforcement provisions provided herein shall be by the permit authority, the Town of Ticonderoga Police Department and any other persons as may be from time to time authorized by the Town Board of the Town of Ticonderoga.

Section 4. Permit required, application procedure.

- A. No person shall conduct a private fireworks display in the Town of Ticonderoga, except as otherwise permitted by the New York State Penal Law.
- B. No public fireworks display may be conducted in the Town of Ticonderoga unless a valid permit for such a display has been issued by the permit authority.
- C. Application for such a permit shall be made to the permit authority on the form provided by it at least 10 days in advance of the date of the fireworks display. The application shall set forth the following information:
- (1) The name of the person promoting the fireworks display and the name of the person actually to be in charge of the firing of the display.
 - (2) The date and time of day at which the fireworks display is to be held.
 - (3) The exact location planned for the display.
 - (4) The age, experience and physical characteristics of the operators (a minimum of two shall be required).
 - (5) The number and kind of fireworks to be discharged.
 - (6) The manner and place of storage of such fireworks prior to display.
 - (7) A diagram, with distances shown in feet, of the grounds on which the fireworks 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.
 - (8) Such other information as the permit authority may deem necessary to protect persons or property.

(9) A copy of the emergency plan shall be provided by the sponsor, operator and any subcontractors. The emergency plan shall include, at a minimum, emergency evacuation plans, safety and security plans, and any other plans deemed necessary by the Town Board, Chief of Police of the Town of Ticonderoga, the Code Enforcement Officer, Ticonderoga EMS and the Chief of the local Fire Department.

D. The application shall be signed by the sponsor, the operator and any subcontractors.

E. Upon receipt of an application for a permit, the permit authority may make an investigation of the site of the proposed display for the purpose of determining whether the regulations provided for herein have been complied with.

F. No permit granted hereunder shall be transferable, and any such permit shall apply only to the fireworks display for which it is granted.

Section 5. Regulations for public fireworks displays.

A. Firing distances; mortar pieces.

(1) The actual point at which the fireworks are to be fired shall be at least 50 feet from the nearest aboveground telephone or telegraph line, tree or other overhead obstruction, and such point shall also be no nearer to the audience or any permanent building, highway or railroad or other means of travel than the distance provided in the following table:

Shell Size		Minimum Radius Distance (feet)
Inches	Millimeters	
3 or less	76 or less	280
4	102	560
5	127	700
6	152	840
7	178	980
8	203	1120
10	254	1400
12	305	1680

(2) Mortar pieces in excess of 6 inches shall require a variance to be issued by the Town Board. In no event shall any mortar piece exceeding 12 inches in diameter be used or discharged. Distances from bulk storage areas of materials that have a flammability, explosive or toxic hazard shall be twice that required by the above table.

B. The audience at any fireworks display shall be restrained behind lines at such distances from the point at which the fireworks are discharged as are provided in the table contained in Subsection A above. The sponsor shall be responsible for controlling the audience.

C. Only persons actively involved in the fireworks display shall be allowed inside the minimum radius distance line contained in Subsection A above.

D. 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.

E. Any fireworks that remain unfired after the display is concluded must be immediately disposed of in a way safe for the particular type of fireworks remaining and consistent with all applicable federal and state laws, rules and regulations.

F. All debris resulting from the fireworks display shall be properly disposed of by the operator before leaving the discharge site. The operator shall remain at the discharge site for a least one hour after the completion of the display to ensure that the site is secure and clean.

G. No fireworks shall be left unattended at any time prior to, during or after the fireworks display. No fireworks shall be stored at the site of the display more than eight hours before actual discharge, but a longer period may be granted at the discretion of the permit authority. As soon as the fireworks have been delivered to the display site, they shall not be left unattended nor shall they be allowed to become wet.

H. No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than 30 miles per hour, as determined by measurements taken at Ticonderoga Municipal Airport or its successor name(s).

I. All operators and assistants shall be over the age of 18 years, competent and physically fit for the task. A copy of a valid driver's license or other valid picture identification acceptable to the permit authority must be provided for all operators and assistants.

J. There shall be at least two operators or assistants constantly on duty during the discharge, and at least two soda-acid or other approved-type fire extinguishers of at least 2 1/2 gallons' capacity each shall be kept at as widely separate points as possible within the actual area of display.

K. Any applicant for a permit to conduct a fireworks display shall send a copy of the application to the Chief of Police of the Town of Ticonderoga, the Code Enforcement Officer, Ticonderoga EMS and the Chief of the local Fire Department that provides service to the display area. The Chief of Police, Code Enforcement Officer, Chief of Ticonderoga EMS and Chief of the local Fire Department shall be notified of the display location, date and time if a permit is issued, and the Fire Department's attendance at the display shall be requested.

L. Any body issued a permit hereunder shall at a minimum comply with these regulations and New York State Penal Law Article 405 and should comply with the standards and guidelines contained in National Fire Protection Association (NFPA) Standard 1123 regarding outdoor display of fireworks.

M. The operator shall have any permit issued, copies of all MSDS sheets on the materials being used, and the FAA notification available for examination by the permit authority or the Town of Ticonderoga Police Department at the time of the display. All vehicles carrying fireworks or materials used in the Public Fireworks Display shall contain such signs or placards as required by applicable law.

N. No smoking shall be permitted within 50 feet of any area where fireworks or other associated materials are kept or stored.

O. No permit shall allow the use of fireworks beyond 10:30 p.m.

P. Any and all employees and/or subcontractors used by the operator shall be bound by the requirements of this Local Law.

Section 6. Bond or insurance required.

A. No permit shall be issued until an adequate bond in a sum to be fixed by the permit authority, but in no case less than \$1,000,000, is provided by the applicant. The bond shall be conditioned for the payment of all damages which may be caused to a person or persons or to property by reason of the fireworks display so permitted and arising from any acts of the sponsor, operator, or his agents, employees, assistants, contractors, or subcontractors. Such bond shall run to the Town of Ticonderoga and shall be for the use and benefit of any such person or persons or any such owner or owners of any property so injured or damaged. Any such person or persons or such owner or owners are hereby authorized to maintain an action on such bond, which right of action shall also accrue to the heirs, executors, administrators, successors or assigns or such persons or owners.

B. The permit authority may accept, in lieu of such bond, an indemnity insurance policy with liability coverage and indemnity protection equivalent to or exceeding the terms and conditions upon which such bond is predicated and for the same purposes provided. The indemnity insurance shall list the Town of Ticonderoga as an additional insured and an original of which shall be filed with the permit application.

Section 7. Permit fee.

The permit fee for a fireworks display shall be set annually by resolution of the Town Board.

Section 8. Penalties for offenses.

A. Any person or persons, associations or corporations committing an offense against this Local Law or any section or provision thereof shall be subject to the penalties imposed by §§ 270.00 and 405.05 of the Penal Law, including the provisions relating to the seizure of fireworks contained in § 405.05.

B. Notwithstanding a conviction for an offense against any provisions, a person or entity committing an offense under this Local Law shall be subject to revocation of any permit herein granted without reimbursement of fees paid therefor.

C. In addition to any fine or imprisonment for a conviction of an offense against this Local Law, each offense shall be subject to a penalty of not less than \$250 nor more than \$1,000 or imprisonment not to exceed one year, or both.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. Effective Date.

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.