

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

(585) 394-1120

*Established 1789*

## Operating Permit to Display Fireworks

Ref: NYS Penal Law, Article 405.00

**(TO BE FILED WITH OPERATING PERMIT APPLICATION)**

In accordance with the Fire Code of New York State Section **F3308.1General**, which states that the display of fireworks, including proximate audience displays and pyrotechnic special effects in motion picture, television, theatrical, and group entertainment productions, shall comply with New York State Penal Law Article 405, application is hereby made for a permit to display fireworks in the Town of Canandaigua, Ontario County, New York.

This permit is issued to: \_\_\_\_\_ (sponsor of event)

Site Address: \_\_\_\_\_

NYS License to Deal in or Manufacture Explosives # \_\_\_\_\_ Expires: \_\_\_\_\_

Discharger of Display: \_\_\_\_\_

Supervisor's Name \_\_\_\_\_ Telephone \_\_\_\_\_

Number of employees on site for event: \_\_\_\_\_

Storage of fireworks prior to event: \_\_\_\_\_

Giving them the right to display fireworks on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at  
\_\_\_\_\_ o'clock \_\_\_\_ (AM) \_\_\_\_ (PM)

at: \_\_\_\_\_ (location of event)

Copy of the individual pyrotechnician's NYS Certificate of Competence on file with the Town

Yes            No

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

**TERMS OF PERMIT (IF ISSUED)**

1. **PERMIT WILL BE CONDITIONALLY ISSUED – THE TOWN CODE ENFORCEMENT OFFICER MUST BE CONTACTED AT (585) 394-1120 TO MAKE ARRANGEMENTS FOR A SITE VISIT PRIOR TO DATE OF FIREWORKS DISPLAY.**
2. **No fireworks may be discharged after 10:30 p.m.**
3. An insurance certificate of not less than \$1,000,000.00, with the Town of Canandaigua named as an additional insured, is to be on file in the Town Building Department, 5440 State Route 5 & 20, Canandaigua, NY 14424.
4. Proof of Workers Compensation is to be on file in the Town Building Department office.
5. If required by the Code Enforcement Officer, applicable Fire Department ( \_\_\_\_\_ ) must stand by during the discharge of the fireworks.

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***Property Owner is responsible for any consultant fees\*  
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

***\*See Town Clerk for current Fee Schedule***

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Please note that the **Property Owner** is responsible for all consultant fees during the review of this application including legal, engineering, or other outside consultants. Applications submitted to the Town of Canandaigua Planning Board will normally receive chargeback fees of at least five hours to ten hours for planning services including intake, project review, resolution preparation, SEQR, and findings of fact. PLEASE NOTE that the number of hours will be SIGNIFICANTLY INCREASED due to incomplete applications, plans lacking detail, or repeated continuations. Subdivision applications and larger commercial or industrial projects traditionally require more hours of engineering, legal, and other consultant review and preparation and will incur higher costs. Applications for new construction may be referred to the Town Engineer for engineering review which may include at least an additional eight to twelve hours of review time. The **Property Owner** will also be responsible for legal fees for applications submitted to the Town of Canandaigua Planning Board, Zoning Board of Appeals, or the Town of Canandaigua Development Office. Fees for engineering and legal expenses traditionally range between one hundred and one hundred fifty dollars per hour. A copy of the Town's annual fee schedule is available upon request from the Development Office or the Town Clerk's Office. The **Property Owner's** signature below indicates that the **Property Owner** understands that the **Property Owner** will be responsible for all outside consultant fees incurred as a result of the submitted application, and consents to these charges. Additionally projects approved by the Town of Canandaigua Planning Board may be required to pay a parks and recreation fee as established by the Town Board (currently \$ 1,000 per unit) if required as part of the conditions of approval.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

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\_\_\_\_\_  
Signature of Fireworks Display Representative

\_\_\_\_\_  
Date

**Code Enforcement shall be notified immediately of any changes.**

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FOR OFFICE USE ONLY

Date of site pre-inspection: \_\_\_\_\_

Signature of Inspector: \_\_\_\_\_ Title: \_\_\_\_\_

Contractor Insurance Certificates Required:

C-105.2 or U-26.3 Worker Compensation *and* DB-120.1 Disability *or* CE-200 / BP-1

Permit Issue Date: \_\_\_\_\_

Permit Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Code Enforcement Officer

Note: \_\_\_\_\_

# OPERATING PERMIT APPLICATION FORM

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## Part I Owner/Building Information

Owner's Name: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address of Premises for which Operating Permit is requested:  same as above

Other (specify): \_\_\_\_\_

Tax Map Number & Zone: \_\_\_\_\_ Current Occupancy Class: \_\_\_\_\_

## Part II Type Operating Permit

An Operating Permit is required to conduct any activity or to use any class of building listed below. **Please indicate the type(s) of Operating Permit(s) requested by checking each applicable box.** (If you require assistance, or would like more information, contact Chris Jensen, Code Enforcement Officer, at 585-315-3088.)

Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4), of the Fire Code of New York State (see 19 NYCRR Part 1225); **(See Appendix A.)** Identify the materials and quantities and describe the manner in which the materials will be manufactured, stored or handled (attach additional sheets if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

Conducting a hazardous process or activity (including but not limited to, any commercial or industrial operation which produces combustible dust as a byproduct, fruit and crop ripening, and waste handling; use of tents and membrane structures, airports, motor fuel stations, semiconductor facilities, and any other specialized hazard that specifically regulated in Chapters 11-26 of the Fire Code of New York State. **(See Appendix B.)** Describe the process(es) or activity(ies) to be conducted (attach additional sheets if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

Use of pyrotechnic devices in assembly occupancies; **(See Appendix C.)** Describe the proposed use (attach additional sheets if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

Use of a building containing one or more areas of public assembly with an occupant load of 100 persons or more **(See Appendix D.)** Describe the proposed use (attach additional sheets if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

**OPERATING PERMIT APPLICATION FORM**

**Part II (continued)**

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Use of a building whose use or occupancy classification has been determined by [name of Authority Having Jurisdiction] as posing a substantial potential hazard to public safety. **(See Appendix E.)** Describe the proposed use (attach additional sheets if necessary):

\_\_\_\_\_  
\_\_\_\_\_

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**Part III  
Premises/Building Information**

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1. Date of last Inspection of Premises? \_\_\_\_\_

2. Has a Certificate of Occupancy been issued for the premises?

YES      Type:    Permanent    Temporary      Date of Issuance: \_\_\_\_\_  
 NO

3. Date(s) of issuance of previous Certificate(s) of Occupancy? (If any): \_\_\_\_\_

4. Has a Certificate of Compliance been issued for these Premises?

YES      Type:    Permanent    Temporary      Date of Issuance: \_\_\_\_\_  
 NO

5. Are there currently any open Building Permits associated with the premises?       YES       NO  
If yes, please describe (attach additional sheets if necessary):

\_\_\_\_\_  
\_\_\_\_\_

6. Have any violations to the Uniform Code been issued in relation to the Premises?       YES       NO

If yes, please describe (attach additional sheets if necessary):

\_\_\_\_\_  
\_\_\_\_\_

7. Have any variances to the Uniform Fire Prevention and Building Code been granted in relation to these premises?

YES       NO    If yes please describe (attach additional sheets if necessary): *(Include Variance Decision Number)*

\_\_\_\_\_  
\_\_\_\_\_

8. Additional Comments:

\_\_\_\_\_  
\_\_\_\_\_

**OPERATING PERMIT APPLICATION FORM**

**Part III (continued)**

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**SIGNATURE OF OWNER**

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***Property Owner is responsible for any and all consultant fees\*  
(Town Engineer, Town Attorney, etc.) incurred during the application process.  
\*See Town Clerk for current Fee Schedule***

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I hereby certify that the foregoing information (and all information in attached sheets, if any) is true and complete.

\_\_\_\_\_  
Signature of Owner or Authorized Representatives Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (and Title, if applicable) of person signing Application (Please print)

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**Part IV  
To be completed by the Code Enforcement Officer**

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Inspection Required     YES             NO

Inspections Performed     YES            Date of Inspection: \_\_\_\_\_  
    NO

Tests or Reports required to verify compliance?     YES             NO

If YES, have Tests or Reports been received?     YES             NO

Description:  
\_\_\_\_\_  
\_\_\_\_\_

Application(s) Approved:     YES             NO

Operating Permit Issued By: \_\_\_\_\_

Date Operating Permit Issued: \_\_\_\_\_    Date Operating Permit Expires: \_\_\_\_\_

Type/Description of Operating Permit: \_\_\_\_\_

Conditions of Operating Permit (list conditions here AND in the space provided in the Operating Permit):  
\_\_\_\_\_  
\_\_\_\_\_

Additional Comments:  
\_\_\_\_\_

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**Appendices**

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**Appendix A**  
**Hazardous Materials Storage**

An Operating Permit is required when (1) any hazardous material included in any category listed in tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) of the *Fire Code of New York State* is manufactured, stored or handled and (2) the quantity of such hazardous material exceeds the quantity listed in the applicable table. This would include any building that is (whole or in part) a Group H occupancy, is a pre-existing, non-conforming hazardous occupancy, or has outdoor use manufacture, and/or storage of materials that exceed the tables for physical and/or health hazard.

This type of Operating Permit will not be issued until an inspection has been performed and establishes to the satisfaction of the Code Enforcement Officer that the requirements of the *Fire Code of New York State* are satisfied. These requirements include the provisions of Chapter 27 of the *Fire Code of New York State* as well as any specialized manufacture, use, storage requirements within Chapters 27-42 of the *Fire Code of New York State*. A previous fire safety inspection cannot suffice for an Operating Permit application inspection. If necessary, tests to verify compliance with the *Fire Code of New York State* must be performed and the reports of such tests must be provided to the Code Enforcement Officer. Tests and reports needed to verify compliance with the Fire Code of New York State vary from product to product. Tests and reports may include:

- Verification of inspection of fire protection systems and emergency alarm systems
- Verification of inspection of storage cylinders, tanks, or containers
- Completing of the Hazardous Materials Reporting Form, as required by General Municipal Law 209-u (available from OFPC at <http://www.dos.state.ny.us/fire/pdfs/forms/hm209u.pdf>)
- Presentation of Material Safety Data Sheets for the product(s) requiring permits
- Affidavits that the regulated party is in conformance with other State Agencies (Environmental Conservation, Health, Labor)

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**Appendix B**  
**Hazardous processes and activities**

Commercial or industrial operations producing combustible dust - An Operating Permit is required when a condition or process meets the scoping requirements of Chapter 13 of the *Fire Code of New York State* and is part of a commercial or industrial operation. Chapter 13 references several different standards, based on the products producing dust. The reference standards shall be used and compliance with such standards shall be submitted prior to the issuance of an Operating Permit.

Fruit and Crop Ripening - An Operating Permit is required when a fruit or crop ripening operation meets the scoping requirements of Chapter 16 of the *Fire Code of New York State*. The operating permit will not be issued unless and inspection and/or documented testing demonstrates to the satisfaction of the Code Enforcement Officer that the ethylene generators meet the requirements of Section 1606 of the *Fire Code of New York State* and that the appropriate safeguards are in place.

Waste Handling - An Operating Permit is required when waste materials that are considered hazardous are reclaimed, recycled, collected or otherwise handled at the Premises. Examples of uses that trigger the need for this Operating Permit include wrecking yards, auto dismantling facilities, junk yards, hazardous materials recycling facilities, and the like. An inspection must be performed prior to the issuance of this type of Operating Permit; such inspection must confirm compliance with any applicable sections of the *Fire Code of New York State* including the general fire safety practices in Chapter 3 of the *Fire Code of New York State*.

Other Hazardous Processes and Activities - An Operating Permit is required for any other process or activity determined by the Code Enforcement Officer to be hazardous. Such processes and activities include, but are not necessarily limited to, the following: [*The Authority Having Jurisdiction should determine which processes and activities are considered hazardous and will trigger the need to obtain an Operating Permit, and those processes and activities should be listed here. Such hazardous processes and activities should be administered consistent with local conditions. Processes and activities that commonly trigger the need to obtain an Operating Permit include use of tents and membrane structures, airports, motor fuel stations, semiconductor facilities, and any other specialized hazard that specifically regulated in Chapters 11-26 of the Fire Code of New York State.*]

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**Appendix C**  
**Pyrotechnics in Assembly Occupancies**

An Operating Permit is required for use of pyrotechnic devices in any assembly occupancy. [*Although Part 1203, section 1203(g)(1)(iii), requires an operating permit for use of pyrotechnic devices only in assembly occupancies, section 1203 (g)(1)(v) provides that an operating permit must be required for buildings whose use or occupancy is determined by the Authority Having Jurisdiction to pose a substantial potential hazard to public safety. See Appendix E for further information.*]

An inspection must be completed prior to the issuance of this type Operating Permit. The inspection must confirm (1) that all fire protection and life safety features are inspected and have current maintenance within the timeframes set by Section 901 of the *Fire Code of New York State*, (2) the existence and adequacy of fire safety plans and emergency preparedness, and (3) that the means of egress are properly maintained, that interior finishes are appropriate, and that occupancy calculations are correct. [*The required tests and reports should be consistent with the permit procedures found within NFPA 1126. The section in NFPA 1126 regarding permits and the annex material provide guidance for the Authority Having Jurisdiction on what to request. An operating permit should be required for each show or group of shows, and the Premises should be made available for inspection prior to each event.*]

**IMPORTANT:** Please note that section 280.00 of the Penal Law provides that in the absence of a permit issued by the “permit authority” under section 405.00 of the Penal Law, it is unlawful to offer or expose for sale, to sell or furnish, or to possess, use, explode or cause to explode, any “fireworks” or “dangerous fireworks.” **Most pyrotechnic devices fall within the definition of “fireworks” or “dangerous fireworks” under section 270.00 of the Penal Law.**

Section 405.00 of the Penal Law provides that the “permit authority” of a state park, county park, city, village or town may grant a permit for the public display of fireworks by municipalities, fair associations, amusement parks or organizations of individuals. For a fireworks display within a state park, the term “permit authority” means the state agency having custody and control of the park. For a fireworks display within a county park, the term “permit authority” means the county park commission or such other agency as may have jurisdiction, control and/or operation of the parks or parkways within which any fireworks are to be displayed. For a fireworks display within a city, the term “permit authority” means the duly constituted licensing agency of such city or, in the absence of such agency, an officer designated for the purpose by the legislative body of the city. For a fireworks display within a village, the term “permit authority” means an officer designated for the purpose by the board of trustees of the village. For a fireworks display within the territory of a town outside of villages, the term “permit authority” means an officer designated for the purpose by the town board of the town.

**AN OPERATING PERMIT FOR THE USE OF PYROTECHNIC DEVICES IN AN ASSEMBLY OCCUPANCY IS NOT A PENAL LAW SECTION 405.00 PERMIT. OBTAINING AN OPERATING PERMIT FOR THE USE OF PYROTECHNIC DEVICES IN AN ASSEMBLY OCCUPANCY DOES NOT OBIVATE THE NEED TO OBTAIN A PENAL LAW SECTION 405.00 PERMIT. AN OPERATING PERMIT FOR USE OF PYROTECHNIC DEVICES IN AN ASSEMBLY OCCUPANCY DOES NOT MAKE LEGAL ANY ACT PROHIBITED BY PENAL LAW SECTION 270.00.**

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**Appendix D**  
**Places of Public Assembly with an occupant load of 100 or more persons**

An Operating Permit is required for any place of public assembly that has an occupant load of at least 100 persons. This Operating Permit is required to ensure that life safety and fire protection systems are maintained to the applicable requirements. *[The Authority Having Jurisdiction should determine the appropriate duration of an operating permit for places of public assembly. Depending on the nature of the occupancy, it may be appropriate to limit the duration of the operating permit to a relatively short period, and to require the Owner to apply for a new permit, and to undergo a new inspection, on a relatively frequent basis.]*

An inspection must be completed prior to the issuance of this type Operating Permit. The inspection (and any tests and reports which may be required) must confirm (1) that all fire protection and life safety features are inspected and have current maintenance within the timeframes set by Section 901 of the *Fire Code of New York State*, (2) the existence and adequacy of fire safety plans and emergency preparedness, and (3) that the means of egress are properly maintained, that interior finishes are appropriate, and that occupancy calculations are correct.

**Appendix E**  
***[Optional]***

**Uses and Occupancy Classifications determined by the Code Enforcement Officer to pose a substantial potential hazard to public safety**

The Code Enforcement Officer *may establish Uses and Occupancy Classifications that pose potential hazard to public safety. If Authority Having Jurisdiction establishes such uses and occupancy classifications, the Authority Having Jurisdiction should provide a list, with a brief description, under this appendix E.*