

Town of Milo, New York

Department of Buildings
137 Main Street – Town Hall
Penn Yan, New York 14527
Telephone No.: (315) 531-8042
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GUIDE FOR APPLICANTS APPLYING FOR A FIREWORKS DISPLAY PERMIT

This publication has been written to aid potential applicants in understanding and appreciating the permitting process, and to provide an explanation of the rules and standards under which the issuance of a Fireworks Display Permit is made by this Town's Code Enforcement Officer.

Why must a permit be issued for the display of fireworks?

New York State Penal Law §405.00 regulates fireworks display permits. During the 2009 New York State legislative session, several changes were made to state laws regulating fireworks and pyrotechnics. These changes mandated that the Town of Milo issue permits for the display of fireworks at private and public events such as weddings, parties and fairs, and such changes address various safety issues to better protect localities and the public.

What must be illustrated in the site plan?

In accordance to New York State Penal Law §405.00 (2), a site plan must be submitted with an Application for a Fireworks Display Permit. The information needed to be illustrated on such plan will depend if your display is conducted outdoors or indoors. Please refer to page #4 of this Application for more information.

What other agencies must I contact prior to the display of fireworks?

The Owner of the property on which the display of fireworks is to be held shall contact the following agencies a minimum of five (5) days prior to the display of fireworks:

- Yates County, Office of the Sheriff: (315) 536-4438
- Local fire department:
 - Penn Yan Fire Department: (315) 536-6111
 - Himrod Fire Department: (607) 243-8588

Can I put on a fireworks display for a private party that I am planning? I have been told that all displays must be open to the public.

New York State Penal Law Section 405.00 has been changed to allow for nonpublic displays. You are still required to obtain a permit from the Town of Milo for such display. You will also need to contract with a company or individual who is licensed by the Department of Labor to have the explosives and a Certified Pyrotechnician will have to be in charge of the display.

Application Checklist: Please make ten (10) collated copies of each document, except for the application fee, and submit the application package to the Town's Code Enforcement Officer.

- | | |
|--|---|
| <input type="checkbox"/> Completed application form | <input type="checkbox"/> Liability insurance (Event Sponsor - \$1 million min.) |
| <input type="checkbox"/> Application fee (\$25 flat fee) | <input type="checkbox"/> Liability insurance (Operator - \$1 million min.) |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> NYS DOL Explosives License |

FIREWORKS DISPLAY PERMIT APPLICATION FORM

TOWN OF MILO, NEW YORK

WHEN TO USE THIS FORM: *This form is to be used by an owner of the property on which the display of fireworks is to be held.*

Contact Information:

Owner(s) Name:	<input type="text"/>		
Contact Person:	<input type="text"/>		
Address:	<input type="text"/>		
Telephone No.:	<input type="text"/>		
Firework's Company Name:	<input type="text"/>		
Contact Person:	<input type="text"/>		
Address:	<input type="text"/>		
Telephone No.:	<input type="text"/>		
NYS DOL Explosives License No.:	<input type="text"/>	Expires:	<input type="text"/>

Onsite Pyrotechnician's Information:

Operator ¹ Name:	<input type="text"/>		
NYS Certification No.:	<input type="text"/>	Expires:	<input type="text"/>
Date of Birth:	<input type="text"/>	Age:	<input type="text"/>
Authorized Assistant Name:	<input type="text"/>		
NYS Certification No.:	<input type="text"/>	Expires:	<input type="text"/>
Date of Birth:	<input type="text"/>	Age:	<input type="text"/>
Authorized Assistant Name:	<input type="text"/>		
NYS Certification No.:	<input type="text"/>	Expires:	<input type="text"/>
Date of Birth:	<input type="text"/>	Age:	<input type="text"/>
Authorized Assistant Name:	<input type="text"/>		
NYS Certification No.:	<input type="text"/>	Expires:	<input type="text"/>
Date of Birth:	<input type="text"/>	Age:	<input type="text"/>

(Continue on a separate sheet if necessary.)

¹ The operator, who shall be a Certified Pyrotechnician, is responsible for ensuring that the fireworks display conforms to the standards of NFPA 1123. The operator also must authorize and supervise everyone else who works on the displays as "authorized assistants." See 12 NYCRR sections 61.1(a) (definitions).

Information pertaining to Fireworks Display:

Fireworks Display Date and Time:

Rain Date for Display:

Display Location:

Display Content:

How will the fireworks be stored prior to the display?

Contact Date of Emergency Services:

Yates County, Office of the Sheriff:

Name of person contacted:

Penn Yan Fire Department:

Name of person contacted:

Himrod Fire Department:

Name of person contacted:

Site Plan:

1. *Outdoor display not before a proximate audience.* Please attach a site plan of the area where the display will take place, showing the location where the fireworks will be discharged from, the location of, and distance to: all 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.
2. *Indoor displays.* Please attach a written plan prepared by a Certified Pyrotechnician on 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 (5) days prior to the performance and include:
 - a. In addition to the State Licenses and Certificates already mentioned in this Application, proof of Federal ATF Licenses if required;
 - b. Proof of experience of the Certified Pyrotechnician in charge;
 - c. Proof of experience with the types of devices being used and a description of the duties of any authorized assistances;
 - d. Point of assembly of the pyrotechnic devices;
 - e. Manner and place of storage of the pyrotechnic materials and devices;
 - f. Material Safety and Data Sheets (MSDS) for the pyrotechnic materials to be used;
 - g. Certification by an Approved Professional that set, scenery and rigging materials are inherently flame retardant or have been treated to achieve flame retardancy;
 - h. Certification by an Approved Professional 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; and
 - i. A site plan 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.

Proof of Insurance:

1. **Owner:** Please attach a copy of your liability policy certificate that clearly documents a minimum of \$1 million coverage. Such policy must provide coverage for damages to any people or property resulting from the fireworks display as well as coverage for the Town of Milo, its officers, and employees from any liability related to this fireworks display.
2. **Fireworks Contractor / Operator:** Please attach a copy of your liability policy certificate that clearly documents a minimum of \$1 million coverage. Such policy must provide coverage for damages to any people or property resulting from the fireworks display as well as coverage for the Town of Milo, its officers, and employees from any liability related to this fireworks display.

Contract between Owner and Fireworks Contractor/Operator:

Please attach a copy of the signed contract between the owner and the fireworks contractor / operator.

AGREEMENT TO PAY FEES FOR CONSULTANT SERVICES INCURRED BY THE TOWN

When reviewing an application for, or when conducting inspections in relation to, an application, the Town of Milo, New York may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work related to the application. Whenever possible, the Town of Milo, New York shall work cooperatively with the applicant to identify what scope of work shall require the employment of consultants. Additionally, the Town may require that an applicant deposit a lump sum in order to retain consultants. In the event that such sum is insufficient to fund the necessary consulting services, the Town of Milo, New York may require additional deposits.

Let it be understood and the property owner agrees that:

1. In hiring outside consultants, the Town of Milo, New York may engage registered design professionals, financial analysts, planners, lawyers or other appropriate professionals who can assist the Town in analyzing a project to ensure compliance with all relevant laws, bylaws, and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Town's decision or regulations, or inspecting a project during construction or implementation.
2. Funds received by the Town of Milo, New York pursuant to this section shall be deposited with the Town Clerk who shall establish a line item for this purpose. Expenditures from this line item may be made at the direction of the Town Clerk without further appropriation. Expenditures from this line item shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the property owner. Additionally, the failure of a property owner to pay any fee shall be grounds for denial of an application. Lastly, any outstanding fees incurred by the Town of Milo, New York shall be charged against the property, and shall constitute a lien thereon in favor of the municipality, and the amount of such costs shall be entered on the tax rolls as being due and payable. Such fees may also be recovered in any other lawful manner.
3. At the completion of the Town's review of a project, any excess amount in the line item attributable to a specific project shall be repaid to the property owner. A final report of said line item shall be made available to the property owner if requested.
4. Any property owner may take an administrative appeal from the selection of the outside consultant to the Town Board. Such appeal must be made in writing and may be taken only within twenty (20) days after the Town has mailed or hand-delivered notice to the property owner of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The required time limit for action upon an application by the Town Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Town Board within one month following the filing of the appeal, the selection made by the Town of Milo, New York shall stand.

DISCLOSURE AFFIDAVIT (GML SECTION 809)

The Applicant has read and is familiar with the provisions of the General Municipal Law, Section 809, which states:

- A. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of plat, exemption of plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality or a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- B. For the purpose of this section of State law, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
 - 1. is the applicant;
 - 2. is an officer, director, partner or employee of the applicant;
 - 3. legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant; or
 - 4. is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.
- C. Ownership of less than five per cent of the Stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

If a Town of Milo officer, employee or relative of either as defined in the General Municipal Law, Section 809 has any interest in this application, the full particulars are provided on an attached sheet.

OWNER'S AGREEMENT TO CONTENTS OF APPLICATION

I attest that the information contained in this permit 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. Lastly, I understand and agree that I, as the owner of the property subject to this application, am ultimately responsible for the compliance with applicable local, state and federal laws.

Property Owner's signature

Date:

Property Owner's name:

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AUTHORIZED REPRESENTATIVE FORM

WHEN TO USE THIS FORM: *This Authorized Representative form is enclosed if the owner wants to authorize someone to represent him/her/they regarding an Application submitted to the Town of Milo. Please complete this form and submit it to this Town's Code Enforcement Officer. Lastly, the designation of an Authorized Representative does not relieve the Owner from his/her/their responsibility to comply with applicable local, state and federal laws.*

Owner's Name:

Owner's Address:

Owner's Telephone No.:

Representative's Name:

Representative's Address:

Representative's Telephone No.:

The Owner hereby permits the Authorized Representative to act on his/her/their behalf regarding an Application submitted to the Town of Milo, New York. Such Owner also authorizes this Town to release any or all information relating to this Application to this Authorized Representative.

Owner's Signature:

Date of Signature:

STATE OF NEW YORK)
 SS.:
COUNTY OF)

On this _____ day of _____, 20____, before me personally came _____, to me known and known to me to be the person described in and who executed the foregoing instrument and he/she acknowledged to me that he/she executed the same.

Notary Public