

LOCAL LAW NO. 2 OF 2017
A LOCAL LAW ADOPTING
THE TOWN OF INDIAN LAKE FIREWORKS DISPLAY LAW

WHEREAS, the Town of Indian Lake wishes to authorize the private display of fireworks within the Town in accordance with New York State Penal Law Section 405.

NOW, THEREFORE, BE IT ENACTED BY THE INDIAN LAKE TOWN BOARD
AS FOLLOWS:

Section 1. Authority – This Local Law is adopted pursuant to New York State Penal Law Section 405.

A. SHORT TITLE AND GENERAL PROVISIONS:

1. This local law shall be known as the “Fireworks Display Law”.
2. The Town of Indian Lake wishes to provide residents the ability to celebrate by use of Fireworks provided Fireworks displays are undertaken in a manner that promotes safety consistent with the provisions of New York State Penal Law Section 405. The Town Board wishes to set forth the process for obtaining a Fireworks Display Permit and to establish the minimum requirements that must be met by Applicants.

B. PROHIBITION: No person, firm or entity may discharge Fireworks (as that term is defined in New York State Penal Law Section 207) unless doing so complies with Penal Law Section 405 and the requirements of this Chapter.

PERMIT PROCESS:

1. All Fireworks Display Permits must be submitted to the Town of Indian Lake Code Enforcement Officer.
2. Applicants seeking a Fireworks Permit must submit:
 - a) The name of the entity or person sponsoring the display and the names of the person(s) actually to be in charge of the firing of the display and proof that the latter possesses a valid certificate of competence as a pyrotechnician as required under the general business law and article sixteen of the labor law.
 - b) 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.
 - c) The date and time of day at which the display is to be held.
 - d) The exact location planned for the display.
 - e) The number and kind of fireworks to be discharged.
 - f) The manner and place of storage of such fireworks prior to the display.
 - g) 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.

h) A Bond of no less than \$1,000,000 must be posted, conditioned for the payment of all damages, which may be caused to a person(s) or to property, by reason of the display and arising from any acts of the permittee, his agents, employees, contractors or subcontractors. Such bond shall run to the Town and shall be for the use and benefit of any person(s) or any owner or owners of any property so injured or damaged, and such person(s) or such owner(s) are hereby authorized to maintain an action thereon, which right of action also shall accrue to the heirs, executors, administrators, successors or assigns of such person or persons or such owner or owners. In the alternative, the permittee may submit proof of 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.

i) Certificate of Workers Compensation Insurance Coverage where applicable; and

j) Payment of the Application Fee which shall be established and, from time-to-time modified, by Resolution of the Town Board.

3. All requests for permits must be received a minimum of 14 days prior to the occasion.

4. The Town of Indian Lake Code Enforcement Officer may not approve any Application which does not comply with the requirements set forth herein and may not deny any permit that meets the requirements.

5. The Town of Indian Lake Code Enforcement Officer may not Approve more than three Fireworks Display Permits during a single calendar year for discharge from the same property/site.

C. REQUIREMENTS:

1. The Applicant must comply with all provisions of the New York State Penal Law Section 405 and NFPA 1 123.
2. The Code Enforcement Officer may not grant any permit to conduct a display of fireworks upon any property where the boundary line of such property is less than five hundred yards from the boundary line of any property which is owned, leased or operated by any breeder as defined in subdivision four of section two hundred fifty-one of the racing, pari-mutuel wagering and breeding law.
3. Discharge of Fireworks may not occur less than 200 feet from any building or roads, less than 50 feet from any overhead obstructions, including tree limbs. The point of discharge shall also be no less than 150 feet from the line or lines where the audience will be restrained if the Fireworks are to be viewed from an on-site location.
4. Discharge of Fireworks may not occur less than _____ feet from any shared boundary line with any other owner unless such owner or owners have provided a written authorization for such Fireworks Display.
5. The Code Enforcement Officer, the Fire Chief or person appointed by either may, upon reasonable notice to the property owner, inspect the site either prior to or following issuance of any permit.

6. No Fireworks Display may be held when the wind reaches a velocity of thirty miles per hour and, under this circumstance, the permit will automatically be deemed rescinded whether or not the permittee is advised of wind speeds by the Town Code Enforcement Officer, Fire Chief or anyone else. It is the permittees' obligation to be aware of wind speeds and to cancel the Fireworks Display under this circumstance.
7. At least two 5 pound minimum ABC rated fire extinguishers shall be ready for use at the discharge site.
8. Fire Department attendance during the Display will be at the discretion of the Fire Department and neither the permittee nor owner may refuse to allow entry.

Section 2. Severability - The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

Section 3. Effective Date - This Local Law shall take effect upon filing in the office of the New York State Secretary of State.

I HEREBY CERTIFY that the Local Law annexed hereto, designated Local Law # 2 of 2017 of the Town of Indian Lake was duly adopted by the Town Board of the Town of Indian Lake on, July 10, 2017 in accordance with the applicable provisions of the Law.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Town of Indian Lake on this 11th day of July, 2017

Town Clerk:

A handwritten signature in cursive script, reading "Julie A. Clawson", written over a horizontal line.

Julie A. Clawson

Town Seal:

