

Appendix C

Pyrotechnics in Assembly Occupancies



An **Operating Permit** is required to use **pyrotechnic devices in any assembly occupancy** under the New York State Fire Code. This requirement is established in **19 NYCRR Part 1203 § 1203.3(g)(1)(iii)**.

Additionally, under **§ 1203.3(g)(1)(v)**, an Operating Permit may also be required for any building or occupancy determined by the **Authority Having Jurisdiction (AHJ)** to pose a **substantial potential hazard to public safety**. (See Appendix E for further information.)

Inspection and Safety Requirements

Before an Operating Permit for pyrotechnics can be issued, the following conditions must be met:

1. The Village of Fonda NYS Building and Fire Code Enforcement Officer must conduct a site inspection.
2. The inspection must verify:
 - ☐ All **fire protection and life safety systems** are in service and have current inspection, testing, and maintenance records as required by **Section 901** of the New York State Fire Code.
 - ☐ Adequate **fire safety and emergency preparedness plans** are in place.
 - ☐ **Means of egress** are properly maintained, **interior finishes** are appropriate, and **occupant load calculations** are accurate.

In accordance with **NFPA 1126**, the following additional conditions apply:

- ☐ Permits should be issued for each event or group of related events.
- ☐ The premises must be **made available for inspection before each scheduled event**.
- ☐ Documentation and reports should comply with the permit and guidance sections of NFPA 1126, including annex material that supports AHJ review and approval.

Important Legal Considerations Under New York State Penal Law

Under **Penal Law § 270.00** and **§ 405.00**, most pyrotechnic devices fall within the definition of "fireworks" or "dangerous fireworks." Possessing, using, selling, offering for sale, or exploding such devices **without a valid fireworks display permit is unlawful**.

- **Penal Law § 280.00** prohibits any such activity **in the absence of a permit** issued by the proper "permit authority" under Penal Law § 405.00.
 - The "**permit authority**" for the Village is: Officer designated by the **Board of Trustees**
-

 Important Notice:

An **Operating Permit** issued by the Village of Fonda for using pyrotechnic devices in an assembly occupancy is **NOT** a substitute for the **fireworks display permit** required under Penal Law § 405.00.

- **Obtaining an Operating Permit does NOT authorize any activity prohibited by Penal Law § 270.00.**
- **A separate fireworks display permit** must be obtained from the appropriate authority **in addition** to the Operating Permit.