

**TOWN OF RHINEBECK
APPLICATION FOR PUBLIC
DISPLAY OF FIREWORKS**

INSTRUCTIONS AND INFORMATION

Please read the below carefully and complete the attached application.

The Town Board of the Town of Rhinebeck is the permit authority contemplated by New York State Penal Law §405.00. The Town Board may, upon application in writing, grant a permit for the public display of fireworks by the following: (1) municipalities; (2) fair associations; (3) amusement parks; (4) organizations of individuals.

All applications for permits for the public display of fireworks must be made at least FIVE DAYS IN ADVANCE of a regularly scheduled Town Board meeting prior to the date of the scheduled fireworks display.

The applicant must provide in their application suitable provisions to demonstrate that the actual point at which the fireworks arc is to be fired shall be at least two hundred feet from the nearest permanent building, public highway or railroad or other means of travel and at least fifty feet from the nearest above ground telephone or telegraph line, tree or other overhead obstruction.

No permit may be issued to conduct a public 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, section two hundred forty-four of the racing, pari-mutuel wagering and breeding law.

PROOF OF WRITTEN NOTICE OF THE PLANNED FIREWORKS DISPLAY MUST BE GIVEN BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO ALL ADJACENT LANDOWNERS, AND PROOF OF SUCH MAILING MUST BE PROVIDED WITH THE APPLICATION. A SIGNED AND DATED ACKNOWLEDGEMENT BY AN ADJACENT LANDOWNER OF THE WRITTEN NOTICE OF THE DISPLAY IS ACCEPTABLE IN LIEU OF THE AFOREMENTIONED MAILED NOTICE.

The audience at such public display must be restrained behind lines at least one hundred and fifty feet from the point at which the fireworks arc is discharged and only persons in active charge of the display shall be allowed inside such lines. All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearby as possible in a vertical direction unless such fireworks can be fired from the shore of a lake or other large body of water (where they may be directed in such manner that the falling residue from the deflagration will fall into such lake or body of water) and that any fireworks that remain unfixed after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

No fireworks display shall be held during any wind storm in which the wind reaches a velocity of more than thirty miles per hour.

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All persons in actual charge of firing the fireworks shall be over the age of eighteen years, competent and physically fit for the task, and there shall be at least two such operators constantly on duty during the discharge. At least two soda acids or other approved type of fire extinguishers of at least two and one-half gallons capacity each shall be kept at as widely separated points as possible within the actual area of the display.

The Town Board requires the applicant to also obtain approval for such permit by the Village of Rhinebeck Police Department and/or the Dutchess County Sheriff's Department and the Fire Department having jurisdiction, over the territory at which the fireworks are to be displayed. Any permit issued pursuant to this application shall be non-transferable.

Before granting and issuing a permit for public display of fireworks, the Town Board requires an adequate bond from the applicant therefore, unless it is a state park, county park, city, village or town, or from the person to whom a contract for such display shall be awarded in the sum of one million dollars, conditioned for the payment of all damages, which may be caused to a person or persons or to property by reason of the display as is so permitted and arising from any acts of the permittee, as agents, employees, contractors or sub- contractors. This bond shall run to the Town of Rhinebeck, shall be for the use and benefit of any person or persons or any owner or owners of any property so injured or damaged, and such person or persons or such owner or owners are hereby authorized to maintain an action thereon, which right of action shall also accrue to the heirs, executors, administrators, successors or assigns of such person or persons or such owner or owners. The Town Board hereby authorizes, as a matter of preference in lieu of such bond, 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 herein provided.

Please return the application to:

Rhinebeck Town Clerk
80 East Market Street
Rhinebeck, NY 12572

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1. Sponsor's Name: _____
2. Address: _____
3. Phone Number: _____
4. Name & Type of Event: _____
5. Name of Organization: _____
6. Type of Organization: _____
7. Officers of Organization: _____

9. Date & Time of Day at Which Display is to be held: _____
10. Exact Location of Planned Display: _____
11. Number & Kind of Fireworks to be Discharged: _____

12. Owner of Property that has Given Permission for Display: _____
13. The following adjacent landowners were provided notice by certified mail, return receipt requested: _____

(Please attach the return receipt cards and a copy of the notice provided.)

(Signed letters of acknowledgement of notice of the display from adjacent landowners shall be accepted in lieu of mailed notices.)

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14. The manner and place of storage of such fireworks prior to the display shall be: _____

15. Is the boundary line of the property less than five hundred yards from the boundary line of any property that is owned, leased or operated by any breeder as defined in subdivision four, section two hundred forty-four of the racing, pari-mutuel wagering and breeding law?

Yes____ No____

16. Attach 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. The location of all nearby trees, telegraph or telephone lines or other overhead obstructions.

17. Attach a copy of the bond or indemnity insurance policy with liability coverage and indemnity protection not less than \$1,000,000,000 naming the Town of Rhinebeck as additional insured.

18. Attach a copy of a letter from the appropriate local fire department approving of the proposed display.

19. Attach a copy of a letter from the appropriate local law enforcement agency approving of the proposed display.

20. The names of the persons actually to be in charge of the firing of the display:

The Applicant's signature on this Application certifies that the above named person or persons possesses a valid certificate of competence as a pyrotechnician as required under New York's general business law and article sixteen of the labor law.

21. The names of the persons who are authorized to fire the display, including their certificate numbers:

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The Applicant's signature on this Application certifies that the above named person or persons possesses a valid certificate of competence as a pyrotechnician as required under New York's general business law and article sixteen of the labor law.

22. The Applicant's signature on this Application certifies that the actual point at which the fireworks are to be fired are in accordance with the rules promulgated by the commissioner of labor pursuant to section four hundred sixty-two of the labor law and that all the persons in actual charge of firing the fireworks shall be over the age of eighteen years, competent and physically fit for the task, that there shall be at least two such operators constantly on duty during the discharge and that at least two approved type fire extinguishers shall be kept at as widely separated points as possible within the actual area of the display.

The Applicant affirms that the Applicant is fully familiar with the terms of this application and the New York State Penal Law §405.00 and acknowledges receipt of pages 1 and 2 of this permit.

Signature of Applicant _____

Name (printed): _____

Date: _____

INCOMPLETE APPLICATIONS WILL NOT BE FORWARDED BY THE TOWN CLERK TO THE TOWN BOARD FOR CONSIDERATION.

THIS PERMIT MAY BE REVOKED AT ANY TIME WITHOUT NOTICE BY THE TOWN SUPERVISOR, TOWN CLERK, POLICE OR FIRE DEPARTMENT IN THE EVENT OF FAILURE TO COMPLY WITH ANY CONDITIONS SET FORTH IN THIS PERMIT OR NEW YORK STATE PENAL LAW §405.00.

For Town Clerk Use Only

Application Received on: _____

Town Board Approved: _____

Notice of Approval Sent: _____

Permit Number ____ of 20__