



McDowell County Fire Marshal's Office

129 Barnes Rd, Marion, NC 28752
Office (828) 652-3241
Email: fire.marshall@mcdowellinc.gov



Permit Application

Pyrotechnic Display Event / Sale

FIREWORKS SPECIAL USE PERMIT REQUIREMENTS

ALL PROVISIONS OF THE NORTH

CAROLINA FIRE CODE, CHAPTER 33, NORTH CAROLINA GS 14-414 AND NFPA 1123, 1124

AND 1126 SHALL BE MET AND ADHERED TO AT ALL TIMES.

**THE MCDOWELL COUNTY FIRE MARSHAL'S OFFICE SHALL REQUIRE STANDBY
FIREFIGHTERS AND/OR FIRE SUPPRESSION EQUIPMENT DURING ANY OR ALL
REQUESTED FUNCTIONS.**

ALL REQUIRED FEES SHALL BE PAID PRIOR TO THE COMMENCEMENT OF THE EVENT

Date of Application: ____ / ____ / ____

- A. Pyrotechnic Company: _____
- B. Point of Contact: _____ Contact Phone Number _____
- C. Mailing Address: _____
City: _____ State _____ Zip _____
- D. Contact Email: _____
- E. Event Sponsor: _____ Phone Number _____
- F. Event Site Location: _____
- G. Date of Display: _____ Rain Date of Display: _____
- H. **Valid** NCOSFM Pyrotechnics Operators Permit Number (Provide Copy): _____
- I. **Valid** NCOSFM Pyrotechnics Operators Assistants Permit Number (Provide Copy): _____
- J. Approximate Start Time: _____

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- K. Approximate End Time: _____
- L. Largest Diameter of Mortar: _____
- M. Total Number of Mortar Rounds: _____
- N. Type of Display: Standard Pyrotechnics Proximate Audience Pyrotechnics Other _____
- O. Fire Procedure: Hand Electrical Other _____
- P. Written Property Owners Permission: Yes No
- Q. Static Indoor/Outdoor Sales Display: Yes No

Conditions of Application shall be made at least **six weeks** in advance of the pyrotechnic display. A permit shall be required for the storage, display, and use of any fireworks.

2. Proper identification and licenses shall be provided to the McDowell County Fire Marshal’s Office prior to the issuance of a permit. The Lead Pyrotechnic Operator shall have an “Outdoor/Indoor Pyrotechnics Display Operators license from the North Carolina Department of Insurance – Office of the State Fire Marshal. The approved Licensed Operator shall be designated as the responsible party and shall be required to be on site at all times.
3. A \$115.00 (per site/event) application fee is required at the time of issuance of the Fireworks Display Permit. Upon the approval of the event by the Fire Marshal or a designee, a pyrotechnics permit will be issued. **Make checks payable to “McDowell County”.**
4. A board of county commissioners or the governing board of a city shall not issue a permit under this section unless the display operator provides proof of insurance in the amount of at least five hundred thousand dollars (\$500,000) or the minimum amount required under the North Carolina State Building Code pursuant to G.S. 143 138(e), whichever is greater. A board of county commissioners or the governing board of a city may require proof of insurance that exceeds these minimum requirements. (1947, c. 210, s. 4; 1993 (Reg. Sess., 1994), c. 660, s. 3.1; 1995, c. 509, s. 11; 2003 298, s. 1; 2007 38, s. 2; 2009 507, s. 2; 2013 275, s. 2; 2015 124, s. 2.)
5. A site map of the fireworks display is to be included with details of the firing site and device layout, the locations of spectators, the fallout perimeter, and fireworks storage area.
6. Provide a complete list of all pyrotechnic devices to be displayed. Displays for a proximate audience require the submittal of device and effect descriptions. A Site Safety Plan including emergency procedures, PPE utilized by personnel, evacuation/help needed signal and any other pertinent information shall be submitted at the time of permit issuance.
7. The company performing the launching operations shall be responsible for any and all damages that may result from the operations.
8. Any fireworks remaining unfired after the display shall be immediately disposed of in a way safe for the particular type of fireworks remaining.
9. The Fire Marshal or designee shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of Chapter 33 of the North Carolina Fire Prevention Code or General Statute 14-414.
10. The Fire Marshal or designee shall have the final decision as to the fallout area and safety perimeter. The decision to conduct or postpone the show shall be at the discretion of the Fire Marshal and/ or the qualified display operator.
11. The Fire Marshal or designee shall conduct a site application and pre and post display safety site inspection.

12. The Lead Operator shall call the **McDowell County Fire Marshal's Office (828) 652-3241** with questions concerning these regulations
13. Obtain approval for any road closures when applicable.
14. Provide a copy of the current ATF License from the fireworks company.
15. Obtain written permission from the owners of the land on which the fireworks shall be discharged and upon any land which debris might reasonably fall. Pyrotechnic displays will not be allowed without the written permission of the landowners.

INDOOR DISPLAY REQUIREMENTS

1. A permit shall be required for the firing of any fireworks inside of a building or structure.
2. No permit shall be transferred to another structure. If the show is moved to another location a new permit shall be issued.
3. No permit shall be issued until the Fire Marshal or his designee prior to the first show approves the show setup. This setup may require a pyrotechnic demonstration of the devices used in the event.
4. No permit shall be issued unless the building listed as the location of the display has had a current fire inspection and is in compliance with the North Carolina Fire Prevention Code.
5. The location of the fireworks display shall be specified as to street address, building designation and exact area within the building to assure the proposed display can be safely discharged as approved.
6. At no time shall the amount of explosive compounds inside the building listed on the permit exceed the amount necessary for one show date consumption.

SALES OF FIREWORKS INDOOR/OUTDOOR

- (1) The fireworks legally allowed by law are classified as "safe & sane" firework products. A few examples of this class include smoke bombs, sparklers, ash snakes, string poppers, and spark "fountains". A general rule to follow in determining if product is legal or illegal is if it "flies or projects", it is not legal.
- (2) Fireworks of any other classification within McDowell County are hereby declared to be contraband and subject to seizure by any member of the Fire Marshal's Office or a law enforcement officer unless possessed by a permittee or a public display.
- (3) Any person who shall violate the State law references – Regulation of explosives, G.S. 160A-183; pyrotechnics, ~~64~~§410 or provisions of subsections (a) or (b) of this section shall be guilty of a misdemeanor and shall be punishable by imprisonment up to 30 days or a fine of \$500.00, or both.
- (4) **An Operational Permit shall be issued by the Fire Marshal's office or his designee for the sale of legal fireworks as outlined by the State of North Carolina. This is the responsibility of Event Sponsor and/or Permit Holder**

Crowd Control Mangers shall be provided when crowds exceed 1000 persons whose duty shall be the enforcement of crowd control and site security. The monitors shall be located around the display site to prevent spectators or any other unauthorized persons from entering the site. The display site consists of the immediate area where a firework / pyrotechnic display is conducted, including the discharge site, the fallout area, and the required separation distance

from mortars to spectator viewing and parking areas. Provisions for crowd control and site security shall include the number and location of monitors, method of monitor identification, and provisions for keeping spectators out of the display site. During the period before the display, where pyrotechnic materials are present, public access to the site is not permitted. Only the pyrotechnic operator and necessary pyrotechnic operator assistants shall be permitted in the discharge area (area immediately surrounding the fireworks mortars) while the display is in progress. The discharge area shall be so restricted throughout the display and until the discharge area has been inspected by the pyrotechnic operators after the display site and declared safe by the operator and the Fire Marshal or designee.

I, the undersigned do hereby agree to comply with IFC Chapter 33, all Local, State, and Federal Laws.

These answers have been given to the best of my ability and knowledge. I hereby understand that any answer deliberately falsified or misrepresented shall be justification for revocation of the permit.

Name of Applicant (type or print): _____

Signature of Applicant: _____

Date: ____ / ____ / _____

Permit Fee: \$115.00 Check here if Fee Exempt:

Remit Payment to McDowell County 25 West Fort St, Marion NC 28752

Payment must accompany this permit application. This application will not be processed until payment is received.