

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, State of New York will hold a public hearing on Thursday, May 21, 2020 at 2:00 p.m. time then in effect to consider a proposed amendment to Chapter 164 of the Town Code, entitled "Fire Prevention."

To attend virtually (PC, Mac, smart phone, ipad, tablet) visit smithtownny.gov (Town Meetings) for simple click and Zoom URL address or use the following **Zoom** meeting directions. For regular phone access, use the number provided below.

Whichever method you choose you will need to input the **Webinar ID: 912 3868 6443** and the **password: 812512** when prompted.

If this is your first time using Zoom, you may be asked to check your audio and video settings at <https://zoom.us/test>.

Via Computer – either download the Zoom app at <https://zoom.us/download> or insert the following link to your browser <https://support.zoom.us/hc/en-us/articles/214629443-Zoom-web-client>. Click on “Join a Meeting”. Insert Meeting ID and password. Click “Open Zoom Meetings”. You will be asked for your email address and name. Click on “Join Webinar” and you will be at the meeting at its scheduled time and date.

Via mobile device (smart phone, ipad, tablet) – download the free Zoom app from your app store. It looks like a white camera inside a blue square. Follow the prompts and use the Webinar ID and password above.

Regular phone – Dial **1-646-558-8656**

You can leave the meeting at any time.

Proposed Local Law #7-2020 Chapter 164. Fire Prevention.

Additions indicated by underlines.

Deletions indicated by ~~strikeouts~~.

§ 164-6 Definitions.

FIREWORKS

~~Any combustible or explosive combination or any substance or composition or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type balloons which require fire underneath to propel the same, firecrackers,~~

~~torpedoes, skyrocketes, Roman candles, dago bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound or any tablets or other devices containing any explosive substance; except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of 0.25 of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for the use of such caps, the sale and use of which shall be permitted at all times.~~

Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4G fireworks or 1.3G fireworks.

FIREWORKS, 1.4G

Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion. Such 1.4G fireworks which comply with the construction, chemical composition and labeling regulations of the DOTn for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR Parts 1500 and 1507, are not explosive materials for the purpose of this code.

FIREWORKS, 1.3G

Large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration or detonation. Such 1.3G fireworks include, but are not limited to, firecrackers containing more than 130 milligrams (2 grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition and other display pieces which exceed the limits for classification as 1.4G fireworks. Such 1.3G fireworks are also described as Fireworks, UN 0335 by the DOTn.

PYROTECHNICS

Controlled exothermic chemical reactions timed to create the effects of heat, hot gas, sound, dispersion of aerosols, emission of visible light or a combination of such effects to achieve the maximum effect from the least volume of pyrotechnic composition.

PYROTECHNIC ARTICLE

A pyrotechnic device for use in the entertainment industry, which is not classified as fireworks.

Article XXI Fireworks Pyrotechnics, and Pyrotechnic Articles

§ 164-130 Sale and discharge prohibition; exceptions; permit required.

- A. Except as hereinafter provided, it shall be unlawful for any person to store, offer for sale, expose for sale, sell at retail or otherwise or use or explode any fireworks, pyrotechnics, and/or pyrotechnic articles provided that the Fire Prevention Division may grant permits for supervised public displays of fireworks, pyrotechnics, and/or pyrotechnic articles by a municipality, fair association, amusement park and other fraternal or service organizations. Every such display shall be handled by a competent operator approved by the Fire Prevention Division and shall be so located, discharged or fired as, in the opinion of the Fire Prevention Division, after proper inspection by a Fire Marshal, shall not be hazardous to property nor endanger any person.
- B. Application for a permit shall be made, in writing, at least 30 days in advance of the date of display. After such a privilege shall have been granted, the possession and use of fireworks, pyrotechnics, and/or pyrotechnic articles for such display shall be lawful for the purpose only. No permit granted hereunder shall be transferable.
- C. No permit authorizing the display of fireworks, pyrotechnics, and/or pyrotechnic articles shall be granted unless the applicant thereto furnishes evidence of general liability insurance in the limits of not less than \$3,000,000 for bodily injury or death to anyone and \$1,000,000 for injury to or destruction of property.
- D. No permit authorizing the display of fireworks, pyrotechnics, and/or pyrotechnic articles shall be granted unless the Town is named insured under the required policy of general liability insurance, and such policy shall be noncancelable without 10 days' prior written notice to the Town.
- E. The display of fireworks, pyrotechnics, and/or pyrotechnic articles shall be in accordance with the appropriate current standards of the NFPA, as well as the specifications set forth in the New York State Penal Law. If any conflict exists in the requirements, the more restrictive requirement shall control.
- F. ~~At all fireworks displays~~ During the display of fireworks, pyrotechnics, and/or pyrotechnic articles, a Fire Marshal shall be present before and during the exploding of all fireworks, pyrotechnics, and/or pyrotechnic articles. The local Fire Department, if deemed necessary by the office of the Fire Marshal, shall also be advised so that they may be on a standby status at its headquarters or at the site of the display.

Dated: May 5, 2020

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF SMITHTOWN
VINCENT PULEO
TOWN CLERK