



ALABAMA
 DEPARTMENT OF INSURANCE
 CRIMINAL INVESTIGATIONS DIVISION
 STATE FIRE MARSHAL'S OFFICE
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DEPARTMENTAL OPERATIONS
 SPECIALIST
 ALESHA WOMBLE

IMPORTANT NOTICE

TO: All Public Display and Close Proximate Applicants

FROM: Scott F. Pilgreen 
 State Fire Marshal

DATE: October 20, 2017

RE: Public Display and Close Proximate Fireworks Applications

Section 8-17-216(b), Code of Alabama, 1975 states in part, "Applications for a state permit for a public display must be made in writing to the State Fire Marshal's Office **at least 10 business days** before the display date."

The responsibility for obtaining the permit lies with the person, company, or organization who wishes to have the display or close proximate show. If there is any question regarding the ability of an applicant to get the application and fee into the State Fire Marshal's Office by the applicable deadline. The completed application packet and fee should be done online at www.firemarshal.alabama.gov. ***This office does not rely upon the date on which an application and fee are submitted, but upon the date a completed packet is received, in determining compliance with this law.***

Section 8-17-213, Code of Alabama, 1975, states in part, "No person shall deliver, sell or ship fireworks into or within the state of Alabama unless the consignee produces the required permit or evidence that the consignee holds said permit."

Distributors are responsible for determining that a display permit has been issued before they deliver, sell, or ship fireworks into or within this state.

The permit applicant, public display sponsor, and the person or company conducting the public fireworks display or close proximate show shall comply with all applicable sections of the currently adopted National Fire Protection Association Code for the Outdoor Display of Fireworks (NFPA 1123), the Code for the Manufacture, Transportation and Storage of Fireworks (NFPA 1124) and Use of Pyrotechnics Before a Proximate Audience (NFPA 1126).

These sections of state law regarding fireworks are very clear, as is this office's intentions to abide by the provisions of the law. Applicants and permit holders will likewise be expected to abide by these and all other sections of the state fireworks law.

Information to be included in display packets along with checklist information;

Shooter Requirements – a minimum of eight (8) verifiable shows performing as a lead shooter, and a detailed resume which includes the following; name of show, date of show, location (city/state), and valid driver's license. If driver's license is not available another form of government ID will be accepted.

Close Proximate Shows – a demo will be required

If there are any questions concerning the intent or meaning of this notice, contact the State Fire Marshal's Office immediately at (334) 241-4166.

PUBLIC DISPLAYS/CLOSE PROXIMATES

Definition of terms. As used in this Article, the following terms shall have the meanings ascribed to them in this section, unless clearly indicated otherwise.

- (1) Distributor. Any person engaged in the business of making sales of fireworks for resale to all holders of the required Alabama permits who in turn shall resell to any permit holder; or any person who receives, brings, or imports any fireworks of any kind into the state of Alabama, except to a holder of an Alabama Manufacturer's or Distributor's permit.
- (2) Permit. The written authority of the state fire marshal issued under the authority of this Article.
- (3) Person. Includes any corporation, association, co-partnership or one or more individuals.
- (4) Sale. An exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal proprietor, salesman, agent, association, co-partnership or one or more individuals.
- (5) Special Fireworks. All articles of fireworks that are classified as Class B explosives in the regulations of the U. S. Department of Transportation, including all articles classified as fireworks other than those classified as Class C.
 - a) An application **must be** submitted through our online system at www.firemarshal.alabama.gov. No applications will be accepted through the mail. The application is located under Online Applications on the left hand side. Once application has been approved by our office, you will receive an email confirmation with permit attached. The Close Proximate permits will be received the day of demo. The fee for a public display permit issued ten (10) business days prior to the event is \$60.00. The fee for public display permit issued less than ten (10) business days prior to the event is \$120.00. The fee for close proximate permit issued ten (10) business days prior to the event is \$120.00. Close Proximate permit for multiple shows on the same day is \$60.00 per application. The fee for close proximate permit issued less than ten (10) business days prior to the event is \$240.00. Close Proximate permit for multiple shows on the same is \$120.00 per application. *This office does not rely upon the date on which an application and fee are submitted, but upon the date a completed packet is received, in determining compliance with this law.* These permits are valid for the date specified thereon only. This fee will be paid online when completing the application process.
 - b) No permit will be issued to anyone under 21 years of age.
 - c) No sales of any type are permitted with this permit.
 - d) An accurate record of each shipment received must be maintained by the holder of a public fireworks display permit.

- e) These permits do not replace or relieve any person of state, county, or municipal privilege licenses as now or hereafter provided by law.
- f) Each permit applicant must meet any and all requirements of the Alcohol, Tobacco and Firearms Division of the U. S. Treasury Department for the shipping, sale, possession and use of special fireworks for public displays. The applicant must also secure any permit or license required by them before making application for a state display permit.
- g) The applicant must certify that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives.
- h) The application must bear the signed approval of the chief supervisory officials of the fire and police departments.
- i) Permits are not transferable.
- j) Possession and sale of special fireworks shall be limited to a holder of a federal license issued for display fireworks.
- k) Only the holder of a distributor's permit is permitted to sell fireworks to the holder of a public fireworks display or close proximate permit. Manufacturers, wholesalers, retailers, or seasonal retailers may not sell fireworks to the holder of a public fireworks display permit unless the seller also possesses a distributor's permit. It is the applicant's responsibility to ensure the company they are purchasing their special fireworks from holds a valid fireworks distributor's permit issued by the State Fire Marshal's Office.
- l) The line on the fireworks application requesting **COMPANY FIREWORKS WILL BE PURCHASED FROM** shall mean the person or company who will actually shoot the fireworks. This must be someone trained in the proper setup and shooting of Class B fireworks.
- m) The permit applicant, public display/close proximate sponsor, and the person or company conducting the public fireworks display or close proximate show shall comply with all applicable sections of the currently adopted National Fire Protection Association Code for the Outdoor Display of Fireworks (NFPA 1123), the Code for the Manufacture, Transportation and Storage of Fireworks (NFPA 1124), and the Use of Pyrotechnics Before a Proximate Audience (NFPA 1126).
- n) The close proximate application shall be either an indoor or outdoor display that is at a distance less than those required by NFPA 1123.

Revised 10/20/2017

Public Display Checklist

When submitting an application for Public Display, please make sure the following items are included in the packet to our office.

Only complete packets will be accepted. Incomplete packets received will be returned by U.S. Mail.

Incomplete packets received within ten (10) business days will be returned by U.S. Mail. Therefore, this will not allow sufficient time to process the application.

_____ Public Display Application and fee paid at www.firemarshal.alabama.gov

_____ Interstate commerce in fireworks is regulated in the U.S. by the Department of Treasury, Bureau of Alcohol, Tobacco, and Firearms (ATF). An ATF license is required to purchase fireworks classed as 1.3G explosives.

_____ Public Display in a harbor or on a navigable waterway should be approved by the U.S. Coast Guard, Marine Police and other maritime authority. To the extent required by the authority having jurisdiction, public display in the vicinity of a commercial airport or heliport should be approved by the Federal Aviation Administration or other aviation authority.

_____ Plan for the use of pyrotechnics (following items should be included)

1. Name of the person, group, or organization sponsoring the production.
2. Date and time of day of the production.
3. Exact location of the production including a display site which will identify significant ground features, public rights of way, significant buildings or structures, overhead obstructions, parking areas, spectator viewing areas, north arrow, likely wind direction, location of emergency vehicle staging area and access routes.
4. Name and age of the person actually in charge of firing pyrotechnics (i.e., the pyrotechnic operator) which will be at least 21 years old.
5. Number, names, and ages of all assistants who are to be present. Assistants must be at least 18 years old.
6. Copies of government issued photo identification cards for lead shooter and assistants
7. Qualifications and evidence of experience of the pyrotechnic operator.
8. Confirmation of any applicable state and federal licenses held by the operator or assistant(s).
9. Evidence of the applicant's insurance carrier or financial responsibility, this can be in the form of an insurance certificate.
10. Number and type of pyrotechnic devices and materials to be used, the operator's experience with those devices and effects, and a definition of the general responsibilities of assistants.
11. Diagram of the grounds or facilities where the production is to be held. This diagram shall show the point at which the pyrotechnic devices are to be fired, the fallout radius for each pyrotechnic device used in the performance, the lines behind which the audience shall be

restrained, the location of all buildings, highways and other lines of communication, and the location of other possible overhead obstructions.

12. Point of on-site assembly of pyrotechnic devices
13. Manner and place of storage of the pyrotechnic materials and devices.
14. Material safety data sheet (MSDS) for the pyrotechnic material(s) to be used
15. The display operator, sponsor, or both should prepare and submit site plans to the authority having jurisdiction for approval. These diagrams should be drawn to approximate scale, should illustrate compliance with NFPA 1123, and to the extent required by the authority having jurisdiction.
16. Upon receipt of this application, the authority having jurisdiction should make or initiate an investigation of the site of the proposed display for the purpose of determining compliance with these regulations in the case of the particular display.

This event must meet or exceed NFPA 1123 standards.

***NOTE:* Flame effects utilizing propane gas are to get approved through the State LP Gas Board at (334) 242-5649.**

Close Proximity Checklist

When submitting an application for Close Proximity, please make sure the following items are included in the packet to our office.

Only complete packets will be accepted. Incomplete packets received will be returned by U.S. Mail.

Incomplete Packets received within ten (10) business days will be returned by U.S. Mail. Therefore, this will not allow sufficient time to process the application.

_____ Close Proximity Application and fee paid online at www.firemarshal.alabama.gov

_____ Plan for the use of pyrotechnics (following items must be included)

1. Name of the person, group, or organization sponsoring the production
2. Date and time of day of the production
3. Exact location of the production
4. Name of the person actually in charge of firing pyrotechnics (i.e., the pyrotechnic operator)
5. Copies of government issued photo identification cards for lead shooter and assistants
6. Number, names, and ages of all assistants who are to be present
7. Qualifications of the pyrotechnic operator
8. Confirmation of any applicable state and federal licenses held by the operator or assistant(s)
9. Evidence of the permittee's insurance carrier or financial responsibility
10. Number and type of pyrotechnic devices and materials to be used, the operator's experience with those devices and effects, and a definition of the general responsibilities of assistants.
11. Diagram of the grounds or facilities where the production is to be held. This diagram shall show the point at which the pyrotechnic devices are to be fired, the fallout radius for each pyrotechnic device used in the performance, and the lines behind which the audience shall be restrained.
12. Point of on-site assembly of pyrotechnic devices
13. Manner and place of storage of the pyrotechnic materials and devices
14. Material safety data sheet (MSDS) for the pyrotechnic material(s) to be used
15. Certification that the set, scenery, and rigging materials are inherently flame-retardant or have been treated to achieve flame retardancy.
16. Certification that all materials worn by performers in the fallout area during use of pyrotechnic effects shall be inherently flame retardant or have been treated to achieve flame retardancy.

_____ Written Information about products from manufacturer detailing the following:

1. Name of the pyrotechnic device and a description of its effect
2. Performance characteristics (duration, height, and diameter of the effect) for the pyrotechnic device where used as specified, or, in the case of binary materials, where used in the specified amounts for the designated materials and equipment
3. Material safety data sheet (MSDS) for the pyrotechnic materials

4. The manufacturer's statement regarding whether the pyrotechnic device or material is intended for indoor use and whether it is to be used with any cautions or special considerations
5. Instructions for the proper method(s) of placing, loading, and using the pyrotechnic device, including any cautions or special considerations
6. Name, address, and phone number of the manufacturer

_____ Identification of Pyrotechnic Devices or Binary Systems

1. Name of the pyrotechnic device or binary system
2. Name, address, and phone number of the manufacturer
3. Statement describing the conditions of use and potential hazards
4. Manufacturer's statement regarding whether the pyrotechnic device or binary system is intended for indoor use.

PLEASE SEND ALL INFORMATION TO:

MAILING ADDRESS:

P.O. BOX 303352
MONTGOMERY, AL 36130-3352

OVERNIGHT ADDRESS:

PLEASE USE FEDEX, UPS, OR DHL FOR OVERNIGHTS

201 MONROE STREET, SUITE 1790
MONTGOMERY, AL 36104

This event must meet or exceed NFPA 1126 standards.

***NOTE:* Flame effects utilizing propane gas are to get approval through the State LP Gas Board at (334) 242-5649.**