



## **FIREWORKS**

### **SCOPE**

This publication outlines the requirements to sell, transport and/or discharge fireworks within the City of Winchester

### **OVERVIEW**

Because of the potential hazards to persons and property, the City Fire Marshal closely regulates fireworks and pyrotechnics. In accordance with the Fire Prevention Code, it shall be unlawful for any person, firm, or corporation to transport, manufacture, store, possess, sell, offer for sale, expose for sale, or to buy, use, ignite or explode any fireworks.

There are, however, exceptions permitting the sale and use of certain consumer fireworks approved by the City Fire Marshal; consumer fireworks legally permitted for sale and use in the City of Winchester are known as approved permissible fireworks. In addition, outdoor fireworks displays and indoor pyrotechnic displays are permitted when approved by the City Fire Marshal, and only after a Fire Prevention Code Permit (FPCP) has been issued to the person, firm, or corporation making application for a permit to conduct a fireworks or pyrotechnic display.

### **DEFINITIONS**

**Permissible Fireworks** - defined by the Fire Prevention Code as any sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies. The use of consumer 1.4G permissible fireworks not approved by the City Fire Marshal is prohibited in Winchester.

**Illegal Fireworks** - Most consumer fireworks are not available for sale in Winchester because they are illegal. Aerial shells, firecrackers, cherry bombs, roman candles, and skyrockets are just a few examples. These fireworks are often purchased in other localities and are the most common types associated with fireworks-related injuries.

**The term "Fireworks"** - does not apply to automobile flares, paper caps containing not more than an average of 0.25 grain (16 mg) of explosive content per cap, or toy pistols, toy canes, toy guns or other devices utilizing such caps and items commonly known as party pops, pop rocks, and snap-n-pops.

### **Limitations & Prohibitions**

**Use of Fireworks** - Unless expressly approved by the City Fire Marshal in the form of a Fire Prevention Code Permit (FPCP), the exploding, igniting, and use of fireworks is strictly prohibited in the City of Winchester. However, the supervised use of approved permissible fireworks on private property with the consent of the owner of such property is allowed, and a permit is not required. Fireworks obtained or purchased in other localities that are not permissible fireworks approved by the City Fire Marshal shall be prohibited.

**Sale of Fireworks** - Unless expressly approved by the City Fire Marshal in the form of a Fire Prevention Code Permit (FPCP), offering for sale, exposing for sale, retailing, and wholesaling fireworks is prohibited in the City of Winchester.

**Storage of Fireworks** - Unless expressly approved by the City Fire Marshal in the form of a Fire Prevention Code Permit (FPCP), the storage and possession of fireworks is strictly prohibited in the City of Winchester. However, the safe storage of permissible fireworks on private property with the consent of the owner of such property is allowed, and a permit is not required.

**Manufacturing of Fireworks** - The manufacturing of fireworks is prohibited in the City of Winchester. In addition, the use of pyrotechnic material obtained through the dismantling of fireworks for the purpose of building, assembling, or fabricating another fireworks device, incendiary device, or explosive device, is strictly prohibited. Permissible fireworks devices shall not be altered or modified.

**Transportation of Fireworks** - Permit incorporated with the use permit: The transportation of fireworks in the City of Winchester, shall be in accordance with applicable federal and state regulations.

**Disposal of Illegal or Unwanted Consumer Fireworks** - If you would like to dispose of any illegal or unwanted consumer fireworks in your possession without penalty, please contact the City Fire Marshal at **540-662-2298**.

### **Reporting Fireworks Accidents**

Accidents involving the use of fireworks which result in personal injury or property damage shall be immediately reported to the City Fire Marshal through the Emergency Communications Center (ECC).

**Emergency** situations should be reported by calling: **9-1-1**

**Non-emergency** situations can be reported by calling: **540-662-4131**.

### **PYROTECHNICIAN CERTIFICATION IN VIRGINIA**

Pursuant to § 27-97 of the Code of Virginia (COV), the Fire Prevention Code requires at least one person at each fireworks display be certified by the State Fire Marshal's Office (SFMO) as a Pyrotechnician.

### **PERMISSIBLE FIREWORKS**

Permissible fireworks, and the use of such fireworks, shall comply with the following:

- Shall be approved by the City of Winchester Fire Marshal
- Shall **not** explode.
- Shall **not** move or perform as a projectile.
- Shall **not** emit flame or sparks to a distance greater than 5 meters (16.4 feet).
- Shall **not** be thrown or placed on any surface or article where it can cause an unwanted fire.
- Shall **not** be used on private property without the approval of the property owner.
- Shall **not** be sold or stored on the property of another without the express written permission of the property owner.
- Shall **not** be sold to persons under the age of 18 unless the person is accompanied by a parent or legal guardian.
- Shall **not** be used or ignited inside, under, or within 50 feet from any structure.
- Shall **not** be used or ignited within 100 feet of tents or membrane structures.
- Shall **not** be used or ignited within 300 feet of all fireworks retail sales locations including fireworks stands.
- Smoking shall be prohibited inside or within 50 feet of fireworks retail sales areas including fireworks stands.
- Smoking shall be prohibited within 25 feet of all permissible (consumer) fireworks located outside.

- Use of permissible fireworks for any purpose other than the approved and intended use shall be prohibited.
- Fireworks shall be used in accordance with manufacturers' instructions/directions.

### **Emergency Procedures**

- A written emergency plan must be submitted as part of the permit review process. This plan shall include the following information:
- Procedures to be followed for misfires. No misfires shall be re-fired without the approval of the Fire Marshal.
- Procedures to be followed in the event of a catastrophic failure of a firework device or component or other accident related to event activity. This must include emergency notification to fireworks personnel, event staff and emergency personnel.
- Procedures for retrieval, security, disposal and or transport of fireworks that are damaged or otherwise rendered unstable by the Fire Marshal for the purpose of re-firing. If this requires the services of a third party, this shall include the contact information and proof that said firm is a certified hazardous disposal firm, licensed to conduct business in Virginia. Said firm shall be immediately accessible for notification purposes by the applicant and shall be on site within a twenty four (24) hour period once notified by the applicant. Should the applicant not include the name and contact information of such a company, the applicant acknowledges that it will be responsible for paying all costs that may be incurred by the Fire Marshal's Office in abating and cleaning up the hazard.

### **Additional Attachments**

The following items are to be provided as attachments to this application:

- A diagram of the grounds or area where the display will be held. The diagram is not required to be to scale however it must show:
  1. The display site radius (with an indicated distance in feet) for the largest shell to be used in the display, and
  2. The points at which the shells and/or cakes are to be positioned and fired, and
  3. The lines behind which the audience will be restrained (with an indicated distance in feet), and
  4. Location of significant buildings (with an indicated distance in feet), highways, overhead obstructions and utilities, and
  5. The indicated direction of North.
- Proof of a certificate of insurance which shows that the applicant has general liability insurance in the amount of at least \$5,000,000 combined single limit for bodily injury and property damage provided by an insurance company authorized to sell insurance in Virginia by the Virginia State Corporation Commission. Commercial General Liability is to include bodily injury and property damage, personal injury and advertising injury, products and completed operations coverage. The City of Winchester must be named by endorsement to the policy as additional insured and provided a copy prior to the event. Certificate holder: City of Winchester, 15 N. Cameron Street, Winchester, VA 22601. This insurance policy shall become available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the permitted activity. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the

activities authorized by the permit, and remains continuously in effect until such activities are completed.

- Authorization letter from landowner(s) within the display site to allow aerial fireworks over their property.



**WINCHESTER FIRE & RESCUE DEPARTMENT**  
**OFFICE OF THE FIRE MARSHAL**  
 21 S Kent Street, Suite 301  
 Winchester, VA 22601  
 (540) 662-2298



**Permit Application – Fireworks Display/Pyrotechnics/Special Effects**

<b>Fireworks Company Name</b>		<b>Application Date</b>	
<b>Address</b>			<b>Date of Show</b>
<b>Applicant Name</b>			
<b>Display Operator's Name</b>			
<b>Company Emergency Telephone</b>	<b>Display Operator's Telephone</b>	<b>Display Operator's VA Pyrotechnician Certification #</b>	
<b>Sponsor Organization</b>		<b>Contact:</b>	
<b>Address</b>			<b>Phone</b>
<b>Emergency #</b>			
<b>Venue Name/Location</b>		<b>Contact:</b>	
<b>Address</b>			<b>Phone</b>
<b>Event Description</b>			
<p align="center">The applicant hereby accepts full responsibility for the adherence to all requirements of the Virginia Statewide Fire Prevention Code and the City of Winchester Code pertaining to this application.</p>			
<b>Permit</b>		<b>Description</b>	
<input type="checkbox"/> Fireworks Aerial Display	A presentation of fireworks for a public or private gathering.		
<input type="checkbox"/> Indoor/Special/Theatrical	A visual or audible effect used for entertainment purposes, often produced to create an illusion.		
<input type="checkbox"/> Flame Effects	The combustion of solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience.		
<input type="checkbox"/>	I have received and read the permit guidelines.		
<input type="checkbox"/>	I have attached the required site plan, Insurance certificate, applicable fee, and property owner permission letter.		
<input type="checkbox"/>	I understand that this permit must remain in a conspicuous location on the premises and is not transferable.		
<input type="checkbox"/>	I understand a site inspection must be conducted by the Fire Marshal's Office prior to the validation of the permit.		
<input type="checkbox"/>	Permit Fee: \$250	Type of payment:	Check Number:
<b>Signature</b>			<b>Date</b>
<p>Mail Completed Application and Payment To:          Winchester Fire and Rescue Department • Fire Marshal's Office • 21 S Kent Street, Suite 301 • Winchester, VA 22601</p>			

**For Fire Department Use Only**

<b>Application Received</b>		
<b>Application Reviewed</b>		
<b>Payment Received</b>		
<b>Inspection Completed</b>		
<b>Permit #</b>		<b>Approval:</b> <b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Conditionally approved</b> <input type="checkbox"/>