

2010 North Carolina Pyrotechnics Act

The North Carolina Legislature has modified the General Statutes to define the term fireworks “expert” as a state requirement to obtain a display operator’s permit (N.C.G.S. 14-410), effective February 1, 2010.

To provide some background, the N.C. Fire Code references two standards that provide guidance for safe pyrotechnic shows; NFPA 1123 for outdoor pyrotechnics presentations and NFPA 1126 for Proximate Audience pyrotechnics shows that involve an audience within 75 feet of the fireworks. The permits are broken into two specialties; a standard pyrotechnics operator and a proximate audience pyrotechnics operator. In addition, permits have been developed for assistants expected to perform shows under the direct supervision of an operator.

To better assist those interested in applying for a pyrotechnics operator or assistant permit, the Office of the State Fire Marshal (OSFM) has posted the applications, background information, checklists, and Frequently Asked Questions as described below. As we approach the 2010 fireworks season, these documents contain information that is important to all Pyrotechnics operators, assistants and fire protection jurisdictions in N.C. This information pertains to all fireworks displays, including those that are operated by volunteer operators and their assistants. Please see the sections listed below for information that may pertain to you or your business.

PYROTECHNIC DISPLAYS

There are two different permits necessary for a pyrotechnic show in North Carolina. The first is for the operator and all assistants of a pyrotechnic show. They all must be permitted through OSFM..

The second is from the county commissioners as required in North Carolina Statute 14-413. Pyrotechnic displays are permitted in counties or cities that have passed ordinances allowing such displays and ONLY in those locations. The local governmental authority may issue a pyrotechnic display permit to any adult applicant that meets the following minimum requirements:

1. The applicant must submit a written application for a permit at the advanced notice required by the county or municipality where the show is to occur.
2. The pyrotechnic display and any and all onsite services are provided by a pyrotechnic operator permitted by N.C.
3. The applicant shows proof of liability insurance in a sum not less than the minimum specified by the N.C.G.S. 14-410.
4. The fire code official of the local jurisdiction must inspect the display site and ensure the display can be performed in full compliance with the NFPA standards, OSFM rules for the type of pyrotechnic display to be performed, and N.C.G.S. 14-410. The fire code official must sign the display permit.

Once the jurisdiction has issued a permit in accordance with N.C.G.S. 14-413, it is not transferable to another person or entity. The sale, possession, use and distribution of display fireworks are lawful only for the purpose given by your permit. The jurisdiction has the authority

to adopt rules regarding permitting of pyrotechnic displays that are more stringent than those adopted by the OSFM.

TYPES OF OPERATORS PERMITS:

There are two basic types of Pyrotechnic Operator's permits: Pyrotechnic and Proximate Audience. Both the pyrotechnic and proximate audience permits have associated assistant permits for less experienced "operators in training" as well as "onsite" certified assistants. The Pyrotechnic Operator must be permitted and stay onsite for the duration of the show. For instance, if an operator performs a display in close proximity to an audience, either indoor or outdoor, using special effects fireworks, the operator must obtain a permit to perform Proximate Audience displays. The performance of a show involving both special effect fireworks, and outdoor display fireworks would require the operator to have a pyrotechnics permit only. A show consisting of two different display areas, one in close proximity to the audience (less than 75 feet) utilizing 1.4g or special effect fireworks, and one further from the audience utilizing 1.3 g display fireworks (greater than 75 feet) would require two operators. The operators would hold different permits; one for Proximate Audience Display Operator, and one for Pyrotechnic Display Operator. The only possibility for having one operator (with both permits) would be if the shows were at different times.

PYROTECHNIC OPERATOR'S PERMIT

OSFM has posted a copy of the application for a Pyrotechnic Operator Permit, including application instructions, on this Web site under the heading "Pyrotechnic Operators"

Each person who is responsible for the actual supervision of the display operations must have a Pyrotechnic Operator Permit. The requirements for the operator's permit are:

1. Operator must be 21 years of age or older.
2. Possess a license or permit from the Federal Bureau of Alcohol Tobacco and Firearms.
OR
A letter of clearance Federal Bureau of Alcohol Tobacco and Firearms and an affidavit from the license holder under which you are employed or contracted.
3. Have proof of satisfactory completion of training conducted by the OSFM or from a training program determined to be "substantially equivalent" by OSFM.
4. Have proof of active participation in the safe performance of at least three pyrotechnic displays. The applicant must have performed the duties of a lead operator in all three of these displays (either pursuant to a license from another state or under the supervision of a display operator). Acceptable documentation of experience includes a copy of the display permit from an issuing authority listing the applicant as an operator, or a notarized letter from the display operator or operator's employer under which the applicant performed as a lead operator.
5. Payment to OSFM of the required fee for the Pyrotechnic Operator's permit application.
6. Achieve a passing score of 80% on the North Carolina Operators exam administered by OSFM.

Only one Pyrotechnic Operator is required for a display. Other permitted assistants may assist the Pyrotechnic Operator. All assistants must be at least 18 years old and hold an active OSFM permit, or have been certified onsite by the local fire code official. There are two levels of assistants, permitted and certified.

PYROTECHNIC OPERATORS ASSISTANT (1.3G pyrotechnics)

OSFM has posted a copy of the application for a Pyrotechnic Operator Assistant Permit, including application instructions, on this Web site under the heading "Pyrotechnic Operator Assistant."

Assistant operators may be responsible for the actual supervision of the display operations as long as they operate under a permitted N.C. Pyrotechnic Operator. The requirements for the Assistant Operator permit include:

1. Operator must be 18 years of age or older.
2. Possess a license or permit from the Federal Bureau of Alcohol Tobacco and Firearms.
OR
A letter of clearance Federal Bureau of Alcohol Tobacco and Firearms and an Affidavit from the license holder under which you are employed or contracted.
3. Payment to OSFM of the required fee for the Pyrotechnic Operator assistant permit application.
4. Achieve a passing score of 80% on the North Carolina Operators exam administered by the N.C. OSFM.

PROXIMATE AUDIENCE PYROTECHNIC DISPLAYS

OSFM has posted a copy of the application for a Proximate Audience Pyrotechnic Operator Permit, including application instructions, on this Web site under the heading "Proximate Audience Operator."

Each person who is responsible for the actual supervision of the display operations must have a Pyrotechnic Operator permit. The requirements for the operator's permit include:

1. Operator must be 21 years of age or older.
2. Possess proof of satisfactory completion of training conducted by the North Carolina OSFM or from a training program determined to be "substantially equivalent" by OSFM..
3. Have proof of active participation in the safe performance of at least three Pyrotechnic displays. The applicant must have performed the duties of a lead operator in all three of these displays (either pursuant to a license from another state or under the supervision of a display operator). Acceptable documentation of experience includes a copy of the display permit from an issuing authority listing the applicant as an operator or a notarized letter from the display operator or operator's employer under which the applicant performed as a lead operator.
4. Payment to OSFM of the required fee for the Proximate Audience Pyrotechnic Operator application.

5. Achieve a passing score of 80% on the North Carolina Proximate Audience Operators exam administered by the N.C. OSFM.

Only one Proximate Audience Pyrotechnic Operator is required for a display. Other permitted assistants may assist the Pyrotechnic Operator. All assistants must be at least 18 years old and hold an active OSFM permit, or completed and signed an OSFM safety questionnaire. There are two levels of assistants, permitted and certified.

PROXIMATE AUDIENCE PYROTECHNIC OPERATOR ASSISTANT

OSFM has posted a copy of the application for a Proximate Audience Operator Assistant Permit, including application instructions, on this Web site under the heading "Proximate Audience Assistant."

Assistant operators may be responsible for the actual supervision of the display operations as long as they operate under a permitted N.C. Proximate Audience Operator. The requirements for the Assistant Operator Permit include:

1. Operator must be 18 years of age or older.
2. Payment to OSFM of the required fee for the Proximate Audience Operator assistant permit application.
3. Achieve a passing score of 80% on the North Carolina Proximate Audience Operators Assistant exam administered by the N.C. OSFM.

ONSITE CERTIFIED ASSISTANTS

The onsite assistant certification permit is designed as an initial step for pyrotechnic assistants to begin working in the pyrotechnic field. . This "certification" is provided by the fire marshal of the jurisdiction in which the show is taking place. The onsite assistant may assist with all aspects of the show except moving or coming in contact with the pyrotechnic materials. The application can be downloaded from the pyrotechnic operator or proximate audience operator link and must be filled out by the assistant. The operator of the show is responsible for assuring the assistant has a minimum safety orientation. Following the orientation, the assistant must answer the questions in the application. At the fire code official's inspection, the assistant must present their photo identification and their completed application for review by the fire code official. Upon the review, the fire code official will issue a certification card to the assistant. This card will be issued for each individual show unless the show is to be performed multiple times at the same venue. The fire code official has the ability to extend the effective period for the duration of the repetitive shows. OSFM does not charge for this certification.

PYROTECHNIC DISPLAYS

The local governmental authority may issue a pyrotechnic display permit to any adult applicant that meets the following minimum requirements:

1. The applicant must submit a written application for a permit at the advanced notice required by the county or municipality where the show is to occur.

2. The pyrotechnic display and any and all onsite services are must be provided by a pyrotechnic operator permitted by the State of North Carolina.
3. The applicant must show proof of liability insurance in a sum not less than the minimum specified by the N.C. General Statue 14-410.
4. The fire code official of the local jurisdiction or his or her designee must inspect the display site and ensure the display can be performed in full compliance with the NFPA standards, OSFM Rules for the type of Pyrotechnic Display to be performed, and N.C. General Statute 14-410. The fire code official must sign the display permit.

Once your jurisdiction has issued a permit, it is not transferable to another person or entity. The sale, possession, use and distribution of display fireworks are lawful only for the purpose given by your permit. Your jurisdiction has the authority to adopt rules regarding Pyrotechnic Displays that are more stringent than those adopted by the OSFM.

FOR CODE OFFICIALS - PYROTECHNIC DISPLAYS IN YOUR JURISDICTION

As used in this letter, the term “Pyrotechnic Display” refers to all displays using UN0333, UN0334, or UN0335 outdoor display fireworks (NFPA 1123), and UN0431 or UN0432 Proximate Audience fireworks(NFPA 1126). In essence, these are displays using professional grade fireworks; regardless of who performs the display.

The N.C. Fire Code and the N.C. General Statute 14-413 contain the requirements to obtain permission from the county commissioners in which the exhibition will be performed.

Pyrotechnic Displays are permitted in counties for displays that meet the county specified ordinances allowing such displays, and ONLY if the county has issued a permit for that specific display. To the extent that the authority having jurisdiction permits Pyrotechnic Displays, they must be performed in compliance with the N.C. Fire Prevention Code, the rules adopted by OSFM, and the reasonable rules and regulations for the granting of permits that have been adopted by the authority having jurisdiction jurisdiction.

ADDITIONAL QUESTIONS

For any additional questions, or for questions not covered by the above please contact Rob Roegner, at 919-661-5880 Ext. 249 or e-mail at rob.roegner@ncdoi.gov, or Natalie Pollard at 919-661-5880 ext. 259 or email at natalie.pollard@ncdoi.gov.