REQUEST FOR BOARD ACTION

ITEM NO. 8.

DATE OF MEETING: June 27, 2011

REQUESTED BY: Tommy Batson, Fire Marshal Office

SHORT TITLE: Resolution to Allow Pyrotechnic Display on July 1, 2011 Requested by Mr. Bert Lea.

BACKGROUND: The Pender County Fire Marshal Office has received a request from Mr. Bert Lea to allow a fireworks display at his home off Factory Road in Hampstead on July 1, 2011. The North Carolina Office of State Fire Marshal now requires the Board of County Commissioners to approve all Pyrotechnic Displays under N.C.G.S. 14-413. This requirement was implemented as a result of a fireworks truck explosion that occurred while preparing for a show in Ocracoke, NC in 2009 in which four people were killed. The State of North Carolina Legislature passed the 2010 North Carolina Pyrotechnics Act that 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. NC Fire Code references two standards that provide guidance for safe pyrotechnic shows; NFPA 1123 for outdoor pyrotechnics presentations and NFPA 1126 for Proximate Audience pyrotechnic shows that involve an audience within 75 feet of the fireworks. All Operators and assistants will possess a license or permit from the State of North Carolina and Federal Bureau of Alcohol Tobacco and Firearms. The Fire Marshal Office will be on site for review and approval of the complete setup, display shooting and cleaning up from the pyrotechnic display. The pyrotechnic display will be a private display at the home of Mr. Lea off of Factory Rd, Hampstead NC on July 1, 2011. It will be conducted by an approved and licensed "expert" company, Zambelli Fireworks of New Castle, PA. The display will meet all rules and regulations set by NC Code Fire Code, NFPA 1123, NFPA 1126, OSFM, and AFT. This same pyrotechnic show has been successfully completed in Pender County by Zambelli Fireworks at the Lea's site in 2009 & 2010 as well as the 2008, 2009, and 2010 North Carolina Spot Festival in Hampstead NC.

Zambelli Fireworks meets all of the liability insurance requirements set by the State of North Carolina and the Fire Marshal Office recommends approval of their request.

A Check List from the Department of Insurance and Office of State Fire Marshal is attached.

SPECIFIC ACTION REQUESTED: To consider a resolution to allow the pyrotechnic display.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

PB
Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the request to allow a private pyrotechnic display at the home of Mr. Bert Lea off of Factory Rd, Hampstead NC on July 1, 2011 is approved.

The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED_____ SECONDED_____

APPROVED_____ DENIED_____UNANIMOUS

YEA VOTES: Brown___ Tate ___ Rivenbark ___ Ward___Williams ___

_____ 06/27/11
George R. Brown, Chairman Date

_____ 06/27/11
ATTEST Date

NORTH CAROLINA
DEPARTMENT OF INSURANCE
OSFM
OFFICE OF STATE FIRE MARSHAL

Fireworks Display Checklist
(AHJ)

Display Pre-Set Up	1. County permit has been approved and issued.	☐
	2. Confirm actual measurements of the display site match measurements submitted on the county permit application and distances are appropriate for the sizes of devices being used.	☐
	3. Confirm there are no additional hazards located in or near the display site.	☐
	4. The location of the spectator area meets the required distances.	☐
	5. Ensure all smoking materials, matches, lighters, or open flames are prohibited within 50 feet of fireworks.	☐
	6. All North Carolina Office of State Fire Marshal issued permits are visible.	☐
	7. All assistants are permitted or on-site certified.	☐
Display Set Up	8. All fireworks, launch equipment, and pyrotechnic materials are protected from inclement weather and kept dry at all times.	☐
	9. Ensure only authorized personnel are allowed at the discharge site during set up.	☐
	10. No personnel at the discharge site are under the influence of alcohol, narcotics, or medication that could adversely affect judgment, mobility, or stability.	☐
	11. Verify all personnel are aware of and follow safe handling practices and loading procedures for all pyrotechnic devices.	☐
	12. Verify no sources of ignition are present in the discharge site. Hazards for electrically fired displays may include exposed battery terminals, cell phones, or other electronic or rechargeable devices. Wireless remotely fired displays may be sensitive to other radio frequency (RF) generating devices such as cell phones or two-way radios.	☐
	13. All mortars and racks are made of approved materials, and are of sufficient strength, length, and durability to allow shells to be propelled to safe deflagration heights.	☐
	14. All shells properly fit mortars and all larger shells are pre-loaded as required.	☐
	15. All mortars, mortar racks, bundles, pre-loaded box items, cakes, candles, and ground displays are thoroughly inspected and deemed inherently stable.	☐

NORTH CAROLINA DEPARTMENT OF INSURANCE
OSFM
OFFICE OF STATE FIRE MARSHAL

Fireworks Display Checklist - continued
(AHJ)

Display Firing

16. No personnel at the discharge site are under the influence of alcohol, narcotics, or medication that could adversely affect judgment, mobility, or stability. ☐

17. Verify all personnel understand their assigned duties and responsibilities during the display. ☐

18. Ensure only necessary personnel are located within the discharge area while the display is in progress. ☐

19. Only flashlights or other non-incendive lighting devices are used in firing and ready box areas. ☐

20. Personnel in the discharge area are wearing long-sleeved and long-legged clothing made of cotton, wool or similar flame resistant cloth. ☐

21. Personnel in the discharge area are using all required personal protective equipment including head, eye, hearing, and foot protection. ☐

22. Fire service and EMS(optional) are present and in appropriate locations. ☐

23. Verify access to the display site is restricted and that no unauthorized persons or vehicles are located within the display site. ☐

Post-Display

24. Verify sources of ignition are terminated such as fusees or portfires are extinguished or electrical firing panels are disconnected. ☐

25. Confirm display site access remains restricted while being inspected for unfired or malfunctioned pyrotechnic devices. ☐

26. All discharge areas are treated as if unfired or malfunctioned pyrotechnic devices are present. ☐

27. After adequate time has elapsed all mortars, box items, cakes, candles, and ground display pieces are cautiously inspected for any unfired pyrotechnic devices. ☐

28. Any unfired or malfunctioned pyrotechnic devices are properly handled and/or properly packaged for return to the supplier. ☐