



**Kerrville Fire Marshal**  
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## Section 5

### Pyrotechnics Display

This guidelines are to be followed when a business, group, or other entity within the City of Kerrville, requests a permit for the use and display of pyrotechnics, commonly referred to as "fireworks."

All pyrotechnic storage, use, and display shall conform to applicable federal and state laws and local City Ordinances.

#### Kerrville, TX City Ordinance:

*3308.1.1 Prohibition of sale or shooting of fireworks inside city limits; exception. It shall be unlawful for any person to sell, use, shoot, discharge, explode, ignite, possess, or display any fireworks within the city, except as provided in this Section. Public fireworks displays are permissible provided that all state and local laws are met and a permit is issued. The applicant shall meet the insurance requirements specified below as a prerequisite to obtaining a permit. Insurance requirements for a public fireworks display shall include commercial general liability insurance. All insurance shall name the city as an additional insured and the insurance certificates shall provide that the city shall be provided 30 days prior written notice of cancellation or modification of coverage. Insurance shall include a waiver of subrogation in favor of the city. The insurance provided by the supplier/operator also shall name the sponsor as an additional insured.*

*Aggregate: \$3,000,000.000 combined single limit.*

*Bodily injury/property damage per occurrence: \$1,000,000.00 combined single limit.*

*Personal injury: \$500,000.00.*

*Medical: \$5,000.00.*

*No such permit shall be granted to any applicant more than twice during any calendar year, and any fireworks display there under shall be concluded not later than 10:00 p.m. on the date specified.*

*As used in this Section, the term "fireworks" shall be given its usual and ordinary meaning and shall include the following: firecrackers, Roman candles, sparklers, torpedoes, buzz bombs, skyrockets, atomic wings, aerial flash salutes, and trailblazers.*

#### Territorial Applicability.

1. This article shall be applicable and in force throughout the territory of the city within its corporate limits.
2. **Defined by Ordinance.** Fireworks shall mean any form of explosive or incendiary device designed to be set off or lighted by flame or heat, and shall specifically include, but not be limited to, Roman candles, skyrockets, sparklers, firecrackers, salutes, whistles, fuses, flares, flares, torches, bottle rockets, skyrockets, or any other type casing containing any propellant charge or pyrotechnic effect.
3. **Defined by International Fire Code.** Fireworks shall mean any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion,

deflagration, and detonation, and/or activated by ignition with a match or other heat-producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein.

## Fees

4. All pyrotechnic shows are required to be supervised by a representative of the Kerrville Fire Marshal's Office. A Kerrville Fire Department brush truck and two (2) firefighters are required to be on standby during and after the event..

## General Requirements

5. It shall be unlawful for any individual, firm, partnership, corporation, or association to sell, possess, manufacture, storage, handle, transport, and use any fireworks. **Exception:** The use of fireworks for approved display as permitted by the fire marshal
6. Before the performance of any production, the operator shall submit a plan for the use of pyrotechnics to the Kerrville Fire Marshal.
7. The addition of pyrotechnics to a performance or any change in the presentation of pyrotechnics, excluding the reduction in the number or size of the devices, shall require approval by the Kerrville Fire Marshal.
8. For displays, compliance is required with the following:
  - a. *IFC* and City of Kerrville Ordinances
  - b. *Texas Occupational Code Chapter 2154, Regulation of Fireworks & Fireworks Displays* and *28 TAC 34.800* for licensing
  - c. *NFPA 1123, 1124, 1126*
  - d. ATF Federal Explosive Law and Regulations and DOT regulations
9. All assistants shall be at least 18 years old.
10. All plans shall be submitted as soon as is possible so that the Kerrville Fire Marshal has time to be present and to notify other interested parties.
11. A Fire Watch is required throughout the duration of the display.
12. Two - 2.5 gal pressurized water-type fire extinguishers shall be readily available on-site and within 20 feet of the operator.
13. No pyrotechnic displays shall be performed after 10:00 pm.
14. No outdoor pyrotechnic displays shall be permitted/continued when wind velocity exceeds 6 mph or causes fallout to land outside approved fallout zone.

## Submittal Requirements-Public Display

15. Each submittal shall have:
  - a. A completed Kerrville Fire Marshal Permit Application
  - b. A copy of your Texas State Fire Marshal's Office Pyrotechnics license.
  - c. A copy of your ATF fireworks license.
  - d. A copy of Texas State Driver's License with H/X Endorsement of individual who will be transporting Aerial Fireworks.
  - e. Proof of Insurance including general liability, auto liability, worker's comp, and additional insured listed as the City of Kerrville, and all limits indicated.
16. Provide a copy of your Texas State Fire Marshal's Office Pyrotechnic permit indicating the following:
  - a. Quantity of each type of pyrotechnics device (i.e. mortar, flash-bank, aerial, etc.)
  - b. Total amount of 1.4G and/or 1.3G fireworks
  - c. The name, address, email address, and phone number of the individual, group, or organization sponsoring the outdoor fireworks display
  - d. The name, address, email address, and phone number of the supplier of the fireworks, if different from that of the operator

- e. The date and time of day at which the outdoor fireworks display is to be held, with a proposed rain/wind date and time in the event the display is postponed
- f. The exact location planned for the outdoor fireworks display
- 17. In addition, the following information shall be provided:
  - a. Location and type of storage magazine and location and type of fireworks kept on site.
  - b. Number of assistants who are to be present
  - c. Means of site security
  - d. The manner and place of storage of such fireworks prior to delivery to the outdoor fireworks display site.
- 18. Provide a diagram of the grounds on which the outdoor fireworks display is to be held showing the following:
  - a. Point at which the fireworks are to be discharged
  - b. Location of all buildings, highways, and other public rights of ways
  - c. Location of other possible overhead obstructions
  - d. Identify significant ground features
  - e. Parking areas
  - f. Spectator viewing areas
  - g. Location of fireworks storage areas
  - h. Fallout area, including dimensions
  - i. North arrow
  - j. Likely wind direction
  - k. Location of significant roadways, including access and control points
  - l. Traffic plans indicating the flow of vehicles into and out of the site before and after the display
  - m. Location of emergency vehicle staging area and access routes

### **Pre-Show Review Inspection Requirements**

- 19. Fireworks storage location and magazine
- 20. Mortar boxes
- 21. Separation distance between the audience and the pyrotechnic devices
- 22. Licenses and trained personnel on-site
- 23. Location of fire extinguisher(s)
- 24. Barricades, if required

### **Submittal Requirements-Proximate Audience Displays**

- 25. This section shall apply to any outdoor use of pyrotechnics at distances less than those required by [\*NFPA 1123, Code for Fireworks Display\*](#).
- 26. Each submittal shall have a
  - a. Completed Kerrville Fire Marshal Permit Application
  - b. A copy of your Texas State Fire Marshal's Office Special Effect or Flame Effects license, whichever is applicable.
  - c. Proof of Insurance including general liability, auto liability, worker's comp, and all limits indicated.
- 27. The plan shall include the following:
  - a. Name of the person, group, or organization sponsoring the production
  - b. Date and time of day of the production
  - c. Exact location of the production
  - d. Name of the person actually in charge of firing the pyrotechnics (i.e., the pyrotechnic operator)
  - e. Number, names, and ages of all assistants who are to be present
  - f. Number and types 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

- g. Diagram of the grounds or facilities where the production is to be held that shows 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 is to be restrained
  - h. Point of on-site assembly of pyrotechnic devices
  - i. Manner and place of storage of the pyrotechnic materials and devices
  - j. Material safety data sheet (MSDS) for the pyrotechnic material(s) to be used
  - k. Certification that the set, scenery, and rigging materials are inherently flame- retardant or have been treated to achieve flame-retardency
  - l. 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-retardency
28. Indicate compliance with SB 693 for use of Flame Effects or Pyrotechnics.
29. Indicate compliance with *Texas Occupational Code Chapter 2154 & TAC 34.800*.

### **Pre-Show Review and Demonstration**

- 30. A walk-through and a representative demonstration of the pyrotechnics shall be approved by the Kerrville Fire Marshal before a permit is approved.
- 31. The Kerrville Fire Marshal shall be permitted to waive this requirement based on past history, prior knowledge, and other factors, provided the authority is confident that the discharge of pyrotechnics can be conducted safely.
- 32. The demonstration shall be scheduled with sufficient time allowed to reset/reload the pyrotechnics before the arrival of the audience.
- 33. The pre-show inspections shall include a review of the following:
  - a. In-place fire protection
  - b. Fireworks storage location and magazine
  - c. Detonation device
  - d. Separation distance between the audience and the pyrotechnic devices
  - e. Exits
  - f. Licenses and trained personnel on-site
  - g. Location of fire extinguisher(s)
  - h. Barricades, if required
- 34. Where the use of certain indoor pyrotechnics requires smoke detectors to be bypassed or air-handling systems to be disengaged, the fire marshal shall have a fire marshal representative shall be present for the demonstration.
- 35. The individual responsible for the life safety systems of the building shall return those systems to normal operating conditions as soon as the likelihood of false alarms from the pyrotechnics has passed.

### **Additional Information**

- 36. Plans approved by the City of Kerrville, Fire Marshal give authorization for construction and/or operation. Final approvals are subject to field verification. Any approval issued by the Fire Marshal does not release the contractor or property owner from the responsibility of full compliance with all applicable codes and ordinances relating to the construction project.