

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Beekman

FILED  
STATE RECORDS  
JUN 12 2023

DEPARTMENT OF STATE

Local Law No. 5 of the year 2023

A local law ADOPTING LOCAL LAW NO.5 OF THE YEAR 2023 "CHAPTER 80 PUBLIC AND  
(Insert Title)  
PRIVATE FIREWORKS DISPLAY AND STORAGE"

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of BEEKMAN

as follows:

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2023 of the (County)(City)(~~TOWN~~(Village) of BEEKMAN was duly passed by the TOWN BOARD on JUNE 7 2023, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20    , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

*Ramona J. Bala...*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: June 8, 2023



**Local Law No.5 of 2023**

**"CHAPTER 80 PUBLIC AND PRIVATE FIREWORKS DISPLAY AND STORAGE"**

§ 80-1 Findings and purpose.

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§ 80-3 General restrictions; permit required.

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**§ 80-1 Findings and purpose.**

- A. Pursuant to recent revisions to the New York State Penal Law, § 405.00, it is now legal for private individuals, as well as organizations and municipalities, to employ the services of professional pyrotechnics for fireworks displays. The Town Board of the Town of Beekman hereby finds that such activities are extremely dangerous, as they

incorporate the use of highly explosive materials and other devices which pose a threat to the health and safety of the Town of Beekman and its residents. The Board therefore finds it necessary to enact a chapter benefiting the health, safety and general welfare of the Town of Beekman and its residents with respect to the storage and use of fireworks within the Town's jurisdiction.

B. This chapter shall augment, and in no way conflict with or supersede, §§ 405.00 and 270.00 of the New York State Penal Law and, where applicable, shall regulate those areas specifically prescribed to the authority of the Town.

## **§ 80-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

### **ASSISTANT**

For purposes of this chapter, the individual(s) employed by a state-certified pyrotechnic operator (as defined below) and who is at least 18 years of age and trained in the proper handling and discharge of fireworks.

### **FIREWORKS**

Defined herein in accordance with § 270 of the New York State Penal Law as any blank cartridge, blank cartridge pistol, or toy cannon in which explosives are used, firecrackers, sparklers or other combustible or explosive of like construction, or any preparation containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, or other device containing any explosive substance.

### **HIGHWAY**

Any public street, road, highway or alley, or any private road or street.

### **OPERATOR**

A pyrotechnic or pyrotechnic company certified by the State of New York, pursuant to Article 28-D of the New York State General Business Law and Article 16 of the New York State Labor Law, in the handling, storage and discharge of fireworks.

### **PERMIT**

For purposes of this chapter, a permit issued by the permitting authority for the public display and discharge of fireworks in accordance with the requirements set forth by this chapter and as provided for in the application materials provided by the Town of Beekman.

### **PERMITTING AUTHORITY**

For purposes of this chapter, the Town of Beekman Department, who shall review applications for fireworks displays and, in consultation with the Town of Beekman Fire Department, issue or deny permits in connection therewith.

### **PUBLIC/PRIVATE FIREWORKS DISPLAY**

Any outdoor display of fireworks performed in a manner to be viewed by the general public.

## SPONSOR

For purposes of this chapter, any person, company, municipality, fair association, or other legal entity applying for a permit for the discharge and display of fireworks.

### § 80-3 General restrictions; permit required.

- A. No person or other legal entity shall conduct an indoor fireworks display in the Town of Beekman.
- B. No public or private fireworks display, or storage shall be conducted in the Town of Beekman on a lot containing a one-family, two-family or multi-unit dwelling as its principal use.
- C. No public or private fireworks display, shall be conducted prior to 8:00 p.m. or after 10:00 p.m.
- D. No public or private fireworks display may last longer than 45 minutes.
- E. No public or private fireworks display, nor storage of fireworks, shall be conducted in the Town of Beekman unless a valid permit for such storage and/or display is first issued by the permitting authority.
- F. A permit issued pursuant to this chapter shall not be transferable to any other party. Attempt to transfer such permit shall result in revocation of the permit.
- G. No public or private fireworks display shall result in the closure of any town Roads.
- H. No public or private display shall be set off or require the direct use of any Town Roads.

### § 80-4 Application procedures.

#### A. Information required; filing deadline; fee.

(1) The application for a permit pursuant to this chapter shall contain at least the following information, and supporting documents, on a form provided by the Town:

- (a) The name of the sponsor;
- (b) The name of the state-certified operator hired to conduct the display;
- (c) All assistants who will work with/for the operator in executing the fireworks display for which the permit is sought;
- (d) A verified statement from the sponsor identifying the operator, accompanied by copies of all certificates demonstrating competence as a state-certified operator; such certificates shall include:
  - [1] A copy of the operator's United States Department of Transportation hazardous material certificate of registration;
  - [2] A copy of the operator's United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms explosives permit;
  - [3] A copy of the operator's New York State Department of Labor, Division of Safety and Health license to deal in or manufacture explosives; and
  - [4] Copies of the licenses of the individual assistants who will assist the operator in execution of the fireworks display;

- (e) The date and time on which the display is to be made;
- (f) The number and kind of fireworks;
- (g) The manner and place of storage of the fireworks under the display date;

(h) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions;

(i) A fully explained plan for the setup of the display, cleanup of the display, and an emergency plan in the event of an emergency related to the display.

(j) Such other information as the permitting authority prescribes as necessary for the evaluation and determination of a fireworks permit application.

(2) Such application shall be filed with the permitting authority no less than 30 calendar days before the date on which the proposed fireworks display is to take place. Such application shall be accompanied by a nonrefundable fee as set forth in the Town of Beekman fee schedule on file in the Town Clerk's office.

**B. Bond or insurance.**

(1) Before granting and issuing a permit for the display of fireworks as herein provided, the permitting authority shall require an adequate bond from the sponsor, unless it is a state park, or a city, town or village, which shall not be less than \$1,000,000, conditioned for the payment of all damages which may be caused to a person or to the property of a person or legal entity by reason of the display permitted and arising from any acts or omissions of the sponsor, operator, or any agent, employee, contractor, or subcontractor thereof. A certificate evidencing the purchase of the bond shall be provided to the Town prior to the date of any proposed fireworks display.

(2) The Town may accept, in lieu of such bond, an indemnity insurance policy with liability coverage and indemnity protection equivalent to the terms and conditions upon which such bond would be predicated and for the purposes provided in this section. Such indemnity insurance policy shall name the Town of Beekman, and its agents, officers, directors and employees, as an additional insured. A certificate evidencing the purchase of the policy shall be submitted to the Town prior to the date of any proposed fireworks display.

**C.** Upon receipt of an application for a fireworks permit, the permitting authority shall review the application contents and determine whether such application is in conformity with the requirements of this chapter. The permitting authority shall not unreasonably withhold granting of a permit.

**D.** Denial of an application for a permit shall be in writing, addressed to the sponsor of the permit, setting forth the reasons for such denial.

**E.** The non-refundable fee for submission of a fireworks display permit application shall be as set forth in the Town of Beekman fee schedule.

**§ 80-5 Viewing distance.**

The sponsor and operator shall establish the minimum safe viewing distance from which viewers of the fireworks display can observe the proposed display without risk of harm or injury, which minimum distance shall be approved by the permitting authority. A perimeter shall be established for this purpose, which only authorized members of the permitting authority and operator may cross before and during execution of the fireworks display.

**§ 80-6 Revocation of permit.**

If the permitting authority discovers that the sponsor has provided intentionally misleading or false information in the application materials, or that the sponsor or operator has otherwise violated any provision of this chapter, he/she may deny or revoke the permit prior to the date of the proposed fireworks display.

#### **§ 80-7 Additional requirements.**

- A.** All fireworks that fire as a projectile shall be set up such that they fire in as vertical a direction as possible in order to avoid the possibility that debris will travel outside the perimeter established pursuant to § 80-5, above.
- B.** All debris resulting from the fireworks display shall be promptly collected and properly disposed of by the operator in the manner prescribed by state law.
- C.** There shall be at least two individuals constantly on duty during the discharge of the fireworks display, at least one of whom shall be a state-certified operator. Furthermore, there shall be two approved type fire extinguishers kept within the actual display area, which must be as widely separated as possible.
- D.** The Town reserves the right to have a representative of the permitting authority, or another appropriate representative attend any fireworks display for which a permit is issued.
- E.** The sponsor and operator shall have all permits available and ready for inspection on site before and during the execution of the fireworks display.
- F.** No smoking shall be permitted within 200 feet of any area where fireworks or other related materials are being temporarily stored.
- G.** Neighbors within 500 feet of the display shall be notified in writing one-week prior to the event.
- H.** Adequate warning signage shall be posted on all adjacent roads within 500 feet during the display.

#### **§ 80-8 Penalties for offenses.**

- A.** Any person, legal entity, sponsor, or operator committing an offense against this chapter shall be subject to the penalties of Article 270 of the New York State Penal Law, and § 405.05 of the New York State Penal Law concerning seizure of fireworks contained in §405.05.
- B.** Notwithstanding any conviction(s) for violation of state law, violation of this chapter shall constitute a violation of the Code of the Town of Beekman, subject to civil penalties as outlined in the Town of Beekman Fee Schedule and revocation of any and all permits issued pursuant to this chapter. Any such conviction will also be considered in determining whether future permits under this chapter should be issued to the same sponsor and/or operator.
- C.** The Building Inspector, in addition to any other person or agency authorized under state or local law, shall have the authority to enforce the provisions of this chapter and issue citations for civil penalties for failure to comply with the provisions this.

#### **§ 80-9 Fees.**

The Town board may from time to time approve by simple resolution the fees, penalties and deposits to be charged pursuant to this chapter. Such fees, penalties and deposits shall be adequate for recovery by the town of its costs incurred in the administration and enforcement of this chapter.

#### **§ 80-10 Severability.**

In the event any section, subsection, paragraph, or clause of this chapter is declared invalid by a court of competent jurisdiction, such finding shall have no effect on the remaining provisions of this chapter or their enforceability.



**§ 80-11 Conflict with state law.**

In the event any section, subsection, paragraph, or clause of this chapter is in conflict with §§ 270 or 405 of the State Penal Law, the provisions of the Penal Law are deemed to be incorporated herein and will control.

**RESOLUTION NO. 06:07:23-4**  
**RE: RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BEEKMAN**  
**ADOPTING LOCAL LAW NO. 5 OF THE YEAR 2023 "CHAPTER 80 PUBLIC AND PRIVATE FIREWORKS DISPLAY AND STORAGE"**

**WHEREAS**, the Town Board of the Town of Beekman introduced Local Law No. 5 of 2023 entitled "CHAPTER 80 PUBLIC AND PRIVATE FIREWORKS DISPLAY AND STORAGE" on May 23, 2023; and

**WHEREAS**, the Town Board members had the opportunity to review the proposed local law and it has sat on the desks of the Town Board for the required period of time; and

**WHEREAS**, a public hearing was duly held on June 7, 2023, at Town Hall, 4 Main Street, Poughquag, NY regarding Local Law No. 5 of 2023; and

**WHEREAS**, at this public hearing the Town Board members considered any public comments received during the public hearing as well as any written comments received; and

**WHEREAS**, the Town Board has determined that the matter is a Type II Action under SEQRA and no further environmental review is required.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Beekman does hereby affirm and adopt Local Law No. 5 of 2023 entitled, "CHAPTER 80 PUBLIC AND PRIVATE FIREWORKS DISPLAY AND STORAGE;" and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby authorized and directed to file a copy of this Local Law with the New York Secretary of State.

**Introduced: COUNCILMAN LEMAK**

**Seconded: COUNCILMAN STIEGLER**

**ROLL CALL VOTE:**

Councilman Stiegler	<b>AYE</b>
Councilman Battaglini	<b>AYE</b>
Councilman Lemak	<b>AYE</b>
Councilwoman Wohrman	<b>AYE</b>
Supervisor Covucci	<b>AYE</b>

**Dated: June 7, 2023**

**BY ORDER OF THE TOWN BOARD**  
**LAUREEN ABBATANTUONO, TOWN CLERK**

DATED: June 8, 2023  
BEEKMAN, NY

CERTIFICATION

I, LAUREEN ABBATANTUONO, the duly qualified and acting Clerk for the Town of Beekman Town Board, Dutchess County, State of New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of a regular/adjourned meeting of the Town Board of the Town of Beekman, held on the 7th day of June, 2023 and that the Resolution set forth herein is a true and correct copy of the of the Town Board of said Town adopted at said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town, the 8th day of June, 2023.

  
LAUREEN ABBATANTUONO  
TOWN CLERK

