

NEW Temporary Structure Consumer Fireworks License Application Checklist

This document is a checklist to help make sure that your application to the Pennsylvania Department of Agriculture (“Department”) for a New Temporary Structure Consumer Fireworks License is complete. It should be reviewed, signed and returned to the Department along with your complete application.

The person submitting the application to the Department for the Applicant should check or initial each box, where indicated, to confirm that the indicated step has been taken to complete the Application.

The Department can inspect the temporary structure at any time while operating, and it must be in compliance with the Fireworks Law, NFPA 1124 and Department requirements at all times. An incomplete application will be returned to the Applicant by the Department without further action by the Department.

Checklist:

- The Applicant has read, understood and completed the New Temporary Structure Consumer Fireworks License Application. The Application has been fully-executed by the Applicant, with all blanks filled-in.
- The Applicant understands an incomplete application will be returned to the Applicant by the Department without further action by the Department.
- A *certified check, money order or cashier's check*, made payable to the “Commonwealth of Pennsylvania” in the full amount called for in the Application, is enclosed with the Application.
- The attachments called for in the Application is included with the Application. It includes:
 1. **Attachment 1:** Proof of required insurance coverage (pending receipt direct to the Bureau from the insurance provider).
 2. **Attachment 2:** Attestation explaining how the temporary structure and product is to be secured.
 3. **Attachment 3:** Permit or other document from local government allowing the temporary structure to operate at the location identified in this application.
 4. **Attachment 4:** Proof that the temporary structure to be used is compliant with the law (fire safety, access/egress and square footage).



pennsylvania

DEPARTMENT OF AGRICULTURE

BUREAU OF RIDE AND MEASUREMENT STANDARDS

There are no misrepresentations or false statements in this document. All representations in this application are made subject to the criminal penalties for unsworn falsification to authorities (Pennsylvania Crimes Code, 18 Pa. C.S.A. § 4904).

Printed Name

Signature

Date



Application for New Temporary Structure Consumer Fireworks License

Check One: <input type="checkbox"/> A Natural Person <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other (please describe)			
Business Name (please print)			
Mailing Address			
City		State	ZIP
Phone Number		FAX Number	
E-Mail & Website			
Physical Address where the Temporary Structure is to be Located while Operating: (if different from above)			
City		State	ZIP
Operation Date(s): Open Date: Closing Date: Opening Date: Closing Date:			
24/7 Contact Name		Phone Number	
FAX Number		E-Mail Address	

Please print the requested information for all individuals with any ownership interest (include partnerships, associations, corporations, etc.). If more space is needed please attach a blank sheet.

Name		Title	
Address			
City		State	ZIP
Date of Birth		Maiden Name/Alias:	
Has the above person ever been convicted of a felony? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Name		Title	
Address			
City		State	ZIP
Date of Birth		Maiden Name/Alias:	
Has the above person ever been convicted of a felony? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Name		Title	
Address			
City		State	ZIP
Date of Birth		Maiden Name/Alias:	
Has the above person ever been convicted of a felony? <input type="checkbox"/> Yes <input type="checkbox"/> No			

A. Pennsylvania Department of Agriculture (“PDA”) Information

The Applicant or any person may contact PDA at the following address for any purpose related to this application or any license issued pursuant to this application:

Pennsylvania Department of Agriculture	Telephone: 717-787-9089
Bureau of Ride and Measurement Standards	Fax: 717-783-4158
ATTN: Fireworks	E-mail: RA-wgghts&measures@pa.gov
2301 North Cameron Street	
Harrisburg, PA 17110-9408	

B. Applicant’s Acknowledgments.

The Applicant acknowledges the following:

1. The statutory authority for this license is Act 43 of 2017. The Applicant has been provided a copy of that statute within this licensure packet.
2. The referenced statute may change after a license is issued. If this occurs, the revised or new statute supersedes any contradictory or inconsistent provision or requirement set forth in this application.
3. The Temporary Structure complies with the current edition of National Fire Protection Association 1124, *Code for the Manufacture, Transportation and Storage of Fireworks and Pyrotechnics Articles* (NFPA 1124), as it relates to retail sales of consumer fireworks in temporary structures.
4. The outdoor storage unit, if any, is separated from the wholesale or retail sales area to which a purchaser may be admitted by appropriately rated fire separation.
5. Consumer fireworks not on display for retail sale are stored in an outdoor storage unit.
6. The Temporary Structure is (or, if not yet on-site, will be) located at least five miles from a permanent facility that was licensed by the Department under the previous Fireworks Law (the act of May 15, 1939 (P.L. 134, No. 65)) as of October 30, 2017. NOTE: As of January 1, 2023, this required five-mile setback radius decreases to *two miles*.
7. When consumer fireworks are delivered to the Temporary Structure, they shall be unloaded in compliance with all applicable Federal, State and Local standards.
8. The Temporary Structure is (or, if not yet on-site, will be) no closer than two hundred fifty (250) feet from any facility selling or dispensing gasoline, propane or other such flammable products. This 250-foot distance shall be measured by the shortest line from the exterior of the Temporary Structure to any gasoline, propane or flammable product storage tank or dispensing device at a facility that sells or dispenses gasoline, propane or other such flammable products.
9. The Temporary Structure does not exceed 2,500 square feet.

10. The Temporary Structure is (or, if not yet on-site, will be) secured at all times during which consumer fireworks are displayed within the structure.
11. The Applicant has contacted the primary fire department that serves the local government unit in which the Temporary Structure is (or, if not yet on-site, will be) located, and has fully apprised that fire department of the nature of the business.
12. The eligible sales period (the ability to have consumer fireworks displayed and for sale) is limited to June 15 through July 8 (24 days) and December 21 through January 2 (13 days) of each year. The Temporary Structure is such that it does not operate or is not in place for a period that exceeds 20 consecutive calendar days.
13. The sale of consumer fireworks from a Temporary Structure is limited to the following:
 - (1) Helicopter, Aerial Spinner (American Pyrotechnics Association Standard 87-1, 3.1.2.3).
 - (2) Roman Candle (American Pyrotechnics Association Standard 87-1, 3.1.2.4).
 - (3) Mine and shell devices not exceeding 500 grams.
14. No smoking is permitted in the Temporary Structure.
15. No cigarettes or tobacco products, matches, lighters, or any other flame-producing devices are permitted to be taken into the Facility.
16. No minors are permitted in the Temporary Structure unless accompanied by an adult. If a minor is admitted in the company of an adult, the minor is required to stay with the adult at all times while in the Temporary Structure.
17. The Temporary Structure carries at least two million dollars (\$2,000,000) in public and product liability insurance. The insurance policy has been procured from an insurer or surety authorized to do business within the Commonwealth of Pennsylvania. The Applicant is responsible for assuring that the insuring company notifies PDA immediately upon cancellation or change of this insurance coverage. A valid certificate of insurance is attached as "**Attachment 1**," naming PDA as an additional certificate holder for notification purposes, and evidencing proof of required insurance coverage. If the Applicant has more than one licensed facility and there is a single certificate of insurance covering more than one structure, the certificate shall reflect that there is at least \$2,000,000 in coverage with respect to each facility. Insurance coverage must be maintained for the duration of the license, failure to maintain coverage may be cause to suspend or revoke the license. It is the responsibility of the licensee to ensure the Bureau receives a current certificate of insurance from the insurance company before there is a lapse in coverage.
18. No display fireworks (1.3g) are stored or located at the Temporary Structure.
19. No person who appears to be under the influence of intoxicating liquor or drugs is admitted. No liquor, beer, or wine are permitted in the Temporary Structure.
20. No consumer fireworks or display fireworks shall be ignited within three hundred (300) feet of the Temporary Structure.

21. An evacuation plan is posted in a conspicuous location for the Temporary Structure in accordance with NFPA 1124.
22. PDA may, as part of its consideration of this application, or in its role as licensor, request such additional information, access and records as are reasonably necessary to determining whether the Applicant or licensee is in compliance with the statute and the conditions of licensure. The Applicant will cooperate with PDA in this regard.
23. The Applicant agrees that, if a license is issued, the Applicant shall apprise PDA of any procedures, conditions or events that violate any of the acknowledgments made in this application.
24. If the Applicant is an individual, he/she has never been convicted of a felony criminal offense. If more than one person has an equitable ownership interest in the Applicant business, none of these persons has ever been convicted of a felony criminal offense.
25. If the Applicant has been issued a license relating to consumer fireworks by another jurisdiction, that issuer is listed as follows: _____

If any such license has been suspended or revoked by the issuing jurisdiction, an explanation of the suspension or revocation follows: _____

C. Application Fee, License Fee and Attachments.

A certified check, money order or cashier's check, made payable to the "Commonwealth of Pennsylvania" for the initial application fee (\$1,000 nonrefundable), and the annual licensing fee of \$3,000 bearing the Applicant's name, is enclosed with this application.

Both fees (initial application fee and annual license fee) must be submitted.

In addition, the following document is attached and incorporated herein by reference:

1. **Attachment 1:** Proof of required insurance coverage (pending receipt direct to the Bureau from the insurance provider).
2. **Attachment 2:** Attestation explaining how the temporary structure and product is to be secured.
3. **Attachment 3:** Permit or other document from local government allowing the temporary structure to operate at the location identified in this application.
4. **Attachment 4:** Proof that the temporary structure to be used is compliant with the law (fire safety, access/egress and square footage)

Additional attachments, such as Corporate Resolutions or Partnership Agreements, may be required as part of the signature process, below.

D. Signature.

The signature of the Applicant below is legally sufficient to bind the Applicant. There are no misrepresentations or false statements in this document. All representations in this application are made subject to the criminal penalties for unsworn falsification to authorities (Pennsylvania Crimes Code, 18 Pa. C.S.A. § 4904).

Select Appropriate Signature Section (based upon type of Applicant):

If the Applicant is an Individual Person:

Signature of Applicant: _____
Printed Name of Applicant: _____
Date of Signature: _____

If the Applicant is a Corporation and the *Corporate Officers* are signing:

Complete Name of Corporation: _____
Signature of President or VP
(indicate which): _____
Printed Name of Signer: _____
Date of Signature: _____
Signature of Secretary or Treasurer
(indicate which): _____
Printed Name of Signer _____

If the Applicant is a Corporation and the *Authorized Representative* is signing:

Complete Name of Corporation: _____
Signature of Authorized
Corporate Representative: _____
Printed Name of Signer: _____
Date of Signature: _____

*ATTACH A COPY OF A CORPORATE RESOLUTION GRANTING THE SIGNER AUTHORITY TO
BIND THE CORPORATION.*

If the Applicant is a Partnership, *all Partners* must sign:

Name of Partnership: _____

Signature of Partner: _____

Printed Name of Partner: _____

Date of Signature: _____

Signature of Partner: _____

Printed Name of Partner: _____

Date of Signature: _____

Signature of Partner: _____

Printed Name of Partner: _____

Date of Signature: _____

Signature of Partner: _____

Printed Name of Partner: _____

Date of Signature: _____

Signature of Partner: _____

Printed Name of Partner: _____

Date of Signature: _____

Signature of Partner: _____

Printed Name of Partner: _____

Date of Signature: _____

*ATTACH A COPY OF THE PARTNERSHIP AGREEMENT AND ALL DOCUMENTATION
DEMONSTRATING IDENTITY OF PARTNERS.*