

## **Fireworks Displays**

## **Checklist & Affidavit**

### **New Requirements beginning in 2008**

Since the state legislature has changed some of the requirements for local fireworks displays, PE Partners has instituted changes in how the fireworks exposures must be underwritten in the effort to ensure appropriate public safety (and therefore reduce the governmental entity's liability exposure) and to provide consistency and fairness in a risk-sharing environment.

### **FIREWORKS DISPLAY CONDUCTED BY GOVERNMENTAL ENTITY**

Please note that any coverage provided by PE Partners is provided only to the insured governmental entity pursuant to the following conditions. Contractors or other sponsors (either companies, groups or individuals) are not provided any coverage through PE Partners policy or endorsement(s).

- (1) PE Partners now requires a satisfactorily completed and accepted **Fireworks Application Checklist** and **Fireworks Safety Affidavit** (see attached) to secure coverage for a public fireworks display being conducted by the city (*Professional fireworks displays provided by professional fireworks exhibitors or any other non-covered party are expressly excluded from coverage under PE Partners Policy*) and these are designed to mirror the state Fireworks Permit requirements to provide for public safety.
- (2) The Checklist and Affidavit are required whether the city is shooting (a) a permit-required "professional" display, or (b) a "non-professional" fireworks display that is utilizing only "over the counter" consumer fireworks and does not require a permit from the Tennessee State Fire Marshal's Office (SFMO).
- (3) To receive liability coverage for the governmental entity, the entity must follow the safety requirements of NFPA 1123 and 1124, and the regulations governing public safety as outlined in TCA Title 68, Chapter 104 and enforced by the Tennessee SFMO. These regulations generally require (a) adequate safety measures regarding transportation (typically governed by DOT requirements) and storage of the fireworks, (b) an adequate fall zone for the fireworks, (c) an adequate safety perimeter for the viewing public, and (d) the presence of fire department personnel.
- (4) These requirements must be followed even if a permit is not required by the Tennessee SFMO.
- (5) The local fire chief, police chief, and Chief Administrative Officer (Mayor, City Manager, Executive Director, etc.) must sign the attached affidavit attesting to the fact that these safety precautions are being complied with to provide for appropriate safety for the general public.

### **FIREWORKS DISPLAY CONDUCTED BY CONTRACTED EXHIBITOR OR OTHER NON-COVERED PARTY**

If fireworks display is provided by contracted exhibitor, or any other non-covered party performs the fireworks display for the governmental entity, there is no coverage for the fireworks display under the governmental entity's liability policy with PE Partners. (1) A Certificate of Insurance naming the governmental entity as an Additional Insured should be obtained to ensure that the entity's police, fire or other staff being used by the non-covered party conducting the fireworks display, pursuant to their fireworks license and permit, are covered for liability associated with the fireworks display under the Additional Insured endorsement to the exhibitor(s) insurance policy. (2) Again, PE Partners Liability Policy expressly excludes coverage for fireworks displays if conducted by a non-covered party (i.e. a party other than the governmental entity, its employees & its volunteers).

**Please fully complete this Fireworks Application Checklist and Affidavit  
and return to PE Partners Underwriting Department**

**Fireworks Application Checklist**

- |    |  |        |                       |
|----|--|--------|-----------------------|
| 1) | Compliance with NFPA 1123 and 1124   | Yes___ | No___                 |
| 2) | Compliance with TCA Title 68, Chapter 104  | Yes___ | No___                 |
| 3) | Compliance with any other requirements &/or regulations regarding public safety during public fireworks displays | Yes___ | No___                 |
| 4) | Is the fireworks display being “shot” by an appropriately trained shooter?                                       | Yes___ | No___                 |
| 5) | Tennessee SFMO Fireworks Permit obtained   | Yes___ | No___ Not Required___ |
| 6) | PE Partners Fireworks Safety Affidavit signed & submitted  | Yes___ | No___                 |

**Fireworks Safety Affidavit**

We, the undersigned, have reviewed the plans and procedures that will be followed during the public fireworks display provided by \_\_\_\_\_ and do hereby  
(entity name)  
acknowledge that the attached **Fireworks Application Checklist** has been completed truthfully and accurately, and that the appropriate safety precautions are being followed including transportation and storage of the fireworks, an adequate fall zone is being provided for the fireworks per NFPA 1123, an adequate safety perimeter has been established for the viewing public per NFPA 1123, and there will be fire department personnel and equipment present during the public fireworks display.

\_\_\_\_\_  
Name of City or Organization

\_\_\_\_\_  
Date of Event

\_\_\_\_\_  
Name of Police Chief – Please Print

\_\_\_\_\_  
Signature of Police Chief

\_\_\_\_\_  
Name of Fire Chief – Please Print

\_\_\_\_\_  
Signature of Fire Chief

\_\_\_\_\_  
Name of Chief Administrative Officer – Please Print

\_\_\_\_\_  
Signature of Chief Administrative Officer