

Office/Contact: Facilities and Services

Source: University Policy 10:10; SDCL Chapter 34-37

Link: <https://www.sdstate.edu/sites/default/files/file-archive/2019-11/Fire%20Safety.pdf>;

<https://sdlegislature.gov/Statutes/34-37>

SOUTH DAKOTA STATE UNIVERSITY
Policy and Procedure Manual

SUBJECT: Fireworks, Pyrotechnics, and Flame Effects

NUMBER: 10:13

1. Purpose

This policy and its procedures set forth the requirements for the safe and responsible use of fireworks, pyrotechnics, or flame effect displays on University Property.

2. Definitions:

- a. Fireworks: any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation.
- b. Flame Effects: the combustion of flammable solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience.
- c. Pyrotechnics: any device containing a chemical mixture that produces visible or audible effects for proximate audience by combustion, deflagration or detonation.
- d. Cold Spark: any pyrotechnic device that produces a shower of sparks without the use of fire or smoke.
- e. University Fire Official: as set forth in University Policy 10:10.
- f. University Property: any property owned, leased, or operated for the University, or on the campus of the University.
- g. Vendor: the contracted entity authorized by the University to perform Fireworks, Pyrotechnics, or Flame Effects.

3. Policy

- a. No Fireworks, Pyrotechnics, Flame Effects Displays (“Displays”), or Cold Spark machines are allowed on University Property unless authorized in compliance with this policy and applicable law.

- b. Items covered by this policy and used for curriculum or for standard facilities operations of the University are not subject to this policy, but are subject to all applicable safety standards, policies, procedures, and applicable laws.
- c. Any use of Displays must be performed by a contracted Vendor that is licensed and bonded. The Vendor must provide proof of insurance coverage in the amounts and coverage limits sufficient to meet the needs of the University. The default coverage limit shall be \$1,000,000 minimum coverage per occurrence, but the University may approve a different coverage limit in writing and list such limit in the permit. The insurance must list the permit holder, the Vendor, the University, the SDBOR, and the State of South Dakota as additional insureds. Proof of insurance must be provided to the University in the form of a formal endorsement to the policy evidencing the coverage and the required additional insureds.
- d. The University Fire Official, in consultation with the Risk Management Coordinator and AVP for Facilities and Services, is responsible for the review and authorization for any Displays on University Property. Approved Displays will be issued a *Fireworks and Pyrotechnics Display Permit* by the University Fire Official, as set forth herein.
 - i. A permit may be denied for any Display if the University Fire Official determines that the Display is inconsistent with applicable safety requirements or applicable law.
- e. A *Fireworks and Pyrotechnics Display Permit* (or “Permit”) may be granted only for a single Display. Each Display shall be defined by the Display planned, the area or location in which the Display will take place, and the period of time during which the Display will take place.
 - i. The area or location in which the Display will take place must be defined with particularity and must encompass a space or area suitable for properly controlling the effects of the Display.
 - ii. The time period for the Display must be a single contiguous time period for a separate defined occurrence (e.g. a dinner, a conference, a reception, a concert, a sporting competition within the defined areas, etc.). A series of events may only be permitted in special circumstances at the discretion of the University Fire Official.
 - iii. The area or location of the Display, the space or area designated for Display, and the applicable time periods for the Display must each be set forth in the Permit and in the application for the Permit. A facility reservation or facility use agreement must be included in the application for a Permit; however, a facility reservation or facility use agreement does not constitute approval by the University Fire Official of the Display. A facility use may occur without the approval of a Display.
 - iv. The application for a Permit must include a plan that addresses safety and security.

- f. All Displays will require an emergency action plan developed with the Emergency Management Specialist to include venue, qualifications of the person using pyrotechnic or fireworks, and a description of pyrotechnics being used.
- g. Upon receipt of an approved *Fireworks and Pyrotechnics Display Permit* from the University Fire Official, the Vendor may procure necessary permits and approvals from the local Fire Marshal.
- h. The University may discontinue a previously approved Permit at any time based on changed facts.

4. Procedures

- a. Groups or individuals wishing to obtain authorization for a Display under this policy must submit a fully completed application for *Fireworks and Pyrotechnics Display Permit* with the reservation or facility use agreement for review and routing through the applicable facility use reservation process to the University President, or designee.
- b. A fully completed *Fireworks and Pyrotechnics Display Permit* application and all required documents, including a completed facility reservation or facility use agreement, security plans, and any other requested information must be submitted within a reasonable time period prior to the proposed event. Once the facility use agreement has been completed, the application and accompanying documents will route through the approved electronic process to the University Fire Official for review.
- c. The University Fire Official, in consultation with the Risk Management Coordinator and AVP for Facilities and Services, will review the application, required documents, and internal unit approvals.
- d. The University Fire Official, in consultation with the Risk Management Coordinator and AVP for Facilities and Services, may require additional review of facility use reservations, facility use agreements, emergency response plans, vendor contracts, and other supporting information and documentation by other University officials to inform the Fire Official's, in consultation with the Risk Management Coordinator and AVP for Facilities and Services, decision whether to approve or deny an application.
- e. If the application is not approved, the University Fire Official will indicate the reason for the disapproval.
- f. If the application is approved, the University Fire Official, in consultation with the Risk Management Coordinator and AVP for Facilities and Services, will approve a *Fireworks and Pyrotechnics Display Permit* for the Display.
- g. Following the University Fire Official's decision, in consultation with the Risk Management Coordinator and AVP for Facilities and Services, and signature, a copy of the fully completed application will be provided to the requesting party.

- h. Upon approval of an application and receipt of the Permit for a Display, the approved Vendor may submit a copy of the Permit with their request for the Display through the local Fire Marshal to comply with local or municipal regulations.
- 5. Responsible Administrator

The AVP for Facilities and Services, or designee, is responsible for annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of this policy.

SOURCE: Approved by President on 04/03/2024.