

## TOWN OF SUNAPEE FIREWORKS ORDINANCE

By virtue of the authority granted the Town of Sunapee pursuant to RSA 160-B:10 and 160-C:6, the town hereby adopts the following ordinance regulating the use of fireworks:

### **I. Class B "Display" Fireworks**

A. Public displays of fireworks, as defined in RSA 160-B:1, within the Town of Sunapee are prohibited unless a permit is obtained for such displays. Application to make such a display shall be made in writing to the Fire Chief or his/her authorized designee as set forth in Section IV of this ordinance, and shall be accompanied by a \$100 application fee for each display. Displays for nonprofit organizations shall be exempt from any permit fee.

B. A condition of approval of any permit issued for the display of Class B fireworks shall be that all requirements and procedures outlined in NH RSA 160-B, and the administrative rules adopted by the New Hampshire State Police, Saf-C 5000 shall be followed.

C. The possession and storage of Class B fireworks, except in conjunction with a valid permit to display fireworks, a valid permit issued under this ordinance, a valid approval to sell fireworks, or RSA 160-B:4, is prohibited in the Town of Sunapee.

### **II. Permissible (Class C "Common") Fireworks**

The display of Permissible (Class C "Common") Fireworks is prohibited in the Town of Sunapee unless a written fireworks permit is first obtained pursuant to Section IV of this ordinance.

### **III. Limitation on Possession, Storage, and Display of Class C "Common" Fireworks**

A. Those displaying or igniting the fireworks shall be at least 21 years of age or older.

B. Only Permissible (Class C) Fireworks, as determined by the Department of Safety, shall be allowed.

C. Fireworks shall be ignited a minimum of 50 feet from any structure, overhead utilities, or woodlands.

D. The property owner where the display is located shall be required to have a means of fire extinguishment readily accessible.

E. Fireworks shall only be discharged between the hours of 5:00 PM and 10:00 PM.

F. The private property owners where the display of fireworks is located, as well as the person(s) displaying the fireworks, shall be responsible for compliance with this ordinance.

G. Fireworks shall only be discharged on days when the Fire Danger day is Class One, Class Two or Class 3, as determined by the New Hampshire Division of Forest and Lands- Bureau of Forest Protection.

H. Fireworks Permits are limited to 3 permits per address per calendar year.

I. Permits are not necessary on New Year's Eve, Memorial Day, July 4, Labor Day

Weekend, and Christmas. All other provisions of this ordinance apply.

#### **IV. Procedure to Obtain a Permit**

- A. The applicant shall appear in person before the Fire Chief or his/her authorized designee and complete the Permit Application Form provided by the Town.
- B. The applicant shall provide proof that he or she is the landowner of where the fireworks discharge is to occur or has the landowner's written permission.
- C. The applicant shall provide a valid photo identification.
- D. The applicant shall be at least 21 years of age or older.
- E. For Permissible (Class C) Fireworks, a copy of the receipt from the purchase of the fireworks must be presented with the permit application to confirm that the fireworks are, in fact, permissible.
- F. The applicant acknowledges that he/she is aware of the firework limitations described in paragraph III, and that a valid permit holder under this ordinance and/or property owner must still comply with those limitations.
- G. The permit shall be valid only for the date it is issued.
- H. Any permit issued under this ordinance incorporates the limitations described in paragraph III.
- I. The Town shall charge an application fee in the amount of \$20 to cover the administrative costs of carrying out this chapter.

#### **V. Enforcement**

- A. The Fire Chief or his/her authorized designee or any police officer of the Town of Sunapee reserve the right to inspect the permitted location and fireworks to be discharged at any time during the period for which the permit is issued. Failure to allow such an inspection shall result in the immediate revocation of the permit.
- B. The private property owner of the location of the fireworks discharge and/or the person responsible for the violation shall be subject to the following for failure to comply with any provision of this ordinance:
  - 1. First Offense: Written warning and or revocation of permit.
  - 2. Second Offense: \$250.00 fine and/or revocation of permit.
  - 3. Third Offense and subsequent violations: \$500.00 fine and/or revocation of permit. Persons violating this ordinance for a third time will be prohibited from obtaining any further Permissible Fireworks Permits.

All fines shall be paid to the Town of Sunapee and deposited into the General Account.

C. The applicant shall be responsible for reimbursing the Town of Sunapee for all costs associated with the mitigation of any fire or other emergency which is the result of the applicant's misuse of Fireworks.

D. The Fire Chief, his/her authorized designee, or any police officer of the Town of Sunapee, shall have the authority to issue citations for violations of this ordinance.

E. Persons found in possession of or discharging Non-Permissible Fireworks shall be subject to the penalties outlined in NH RSA 160-B:4.

F. Nothing in this ordinance shall preclude any sworn police officer from enforcing any section of NH RSA 160-B or NH RSA 160-C.

## **VI. Appeals**

A. Any party aggrieved by the implementation or administration of the provisions of this ordinance may appeal to the Board of Selectman within 14 days and not thereafter.

B. All appeals shall be in written form setting forth the basis of the appeal and submitted to the Town Manager.