

Town Warrant
March 10, 1981

Article 35. To see if the Town will vote to adopt the following ordinance and pass any vote relating thereto:

TOWN OF SUNAPEE, NEW HAMPSHIRE
AN ORDINANCE
To control unreasonable noise.

The Town of Sunapee ordains:

Section 1. It shall be unlawful to make unreasonable noise in a private or public place which can be heard in a private or public place, anywhere in the Town of Sunapee, when it is to the annoyance or inconvenience of others, and a person shall be in violation of this ordinance if (s)he refuses with a lawful order of a police officer to stop said unreasonable noise. Violators shall be summoned to court and if found guilty shall be fined not less than \$25.00 and not more than \$50.00.

Section 2. This ordinance shall take effect upon its passage.

NEW BUSINESS:

06-19 Public Hearing: Amendment of Ordinance - Municipal Code Chapter Disorderly Actions § VI

Miller Lovett moved to open the Public Hearing at 6:10 pm seconded by Frank Michel. Hearing opened.

Lt. Keith True supported the insertion of additional language regarding the illegal use of fireworks to the Town Ordinance regarding disorderly actions that was amended earlier this year. The amended ordinance allows for issuance of a ticket for the illegal use of fireworks and the funds generated go into the Town's general fund. The enforcement of this ordinance takes place at the local level as opposed to the State level. Lt. True stated that Section 6 should be amended to include the language "or any New Hampshire permissible fireworks". The amended ordinance reads:

"Such person discharges any consumer fireworks formerly known as class "C" explosives or any New Hampshire permissible fireworks within the Town of Meredith without properly obtaining a permit by the appropriate authority, that being the Fire Chief and Chief of Police as outlined in NH RSA 160."

Shawn Cross of Atlas Fireworks spoke regarding the distinction between commercial and consumer fireworks and the Class C firework classification. Mr. Cross spoke in favor of the additional proposed language.

A discussion ensued regarding permitting and safety issues and the additional costs in enforcement of the ordinance.

Ed Engler spoke to a minor change in punctuation within the proposed ordinance.

Colette Worsman motioned to close the Public Hearing at 6:40 pm. Seconded by Frank Michel. Public Hearing closed.

Frank Michel motioned to amend Section 6 of the Disorderly Actions Ordinance as presented with minor punctuation changes, seconded by Colette Worsman. All in favor. Motion passed.

06-20 Senior Center Week Proclamation

Carol Granfield read the proposed Senior Week Proclamation as follows:

Whereas, Older Americans are significant members of our society, investing their wisdom and experience to help enrich and better the lives of younger generation; and

Fireworks Ordinance (2007)

CHAPTER 40. FIREWORKS GENERALLY

Sec. 40-101. Statement of purpose.

(a) It is declared to be the intent of the town to promote an environment free from danger or excessive noise which unnecessarily jeopardizes the health and welfare of the citizens of the town and degrades the quality of life in this community, without unduly prohibiting, limiting or otherwise regulating the function to certain noise-producing equipment which is not amenable to such controls yet is essential to the economy and quality of life of the community. The purpose of this article is to establish standards for the control of fireworks in the town and by prohibiting specific activities during designated times.

(b) In accordance with the statement of intent in subsection (a) of this section, it shall be unlawful for any person to violate any of the provisions or regulations as set forth in this chapter.

Sec. 40-102. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Explosive compound" means any chemical compound, mixture, or device the primary or common purpose of which is to function by the substantially instantaneous release of gas and heat.

"Fireworks" means and includes:

(a) Any combustible or explosive composition or substance or combination of substances or, except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.

(b) "Fireworks" does not include sparklers or devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture.

(c) "Fireworks" also does not include novelties and trick noisemakers containing not more than 10 grams of pyrotechnic composition, and not containing mercuric thiocyanate, which novelty or trick noise maker is intended upon burning to produce smoke or a small report intended to surprise the user.

Sec. 40-103. Permits Required.

(a) It shall be unlawful for any person or firm to discharge or display any fireworks in the town limits, or to allow any such discharge of fireworks to enter the town limits, where such fireworks are designed or used to propel any projectile, flame, or shower of sparks a distance of greater than five feet into the air, or such fireworks are designed or used to produce a report that would be construed to meet definitions outlined in Chapter 60, Section 60-102 of the Town of Newbury Ordinances, unless such person or firm has obtained a permit issued from the Chief of the Newbury Fire Department or designee allowing such discharge or display.

(b) Permits issued for the discharge of fireworks shall specifically identify the type, class, and amount of fireworks authorized for discharge or display.

(c) Permits issued for the discharge of fireworks shall specifically identify and restrict the date / time / duration / location / & direction (if restricted), of the fireworks discharge or display.

(d) A permit issued under this article may be denied by the Chief of the Newbury Fire Department or designee where cause exists that environmental or any other condition should preclude such issuance.

(e) Any permit issued under this article may be revoked at any time by the Chief of the Newbury Fire Department or designee where cause exists that environmental or any other condition would otherwise have precluded such issuance.

(f) Fees for the issuance of permits required by this article shall be set by the Board of Selectmen, and collected by the Newbury Town Clerk.

(g) No permit issued under this chapter shall relieve the permit holder of any responsibilities or liabilities associated with any other rule, ordinance, or law governing the conduct of the permit holder, and no permit issued under this chapter shall provide for any exemptions to any other rule, ordinance, or law

Sec. 40-104. General regulations.

(a) It shall be unlawful for any person under the age of 17 years old to discharge or display any fireworks without the direct supervision of an adult.

(b) It shall be unlawful for any person or firm to discharge or display any fireworks without providing for the cleanup and removal of any and all resulting debris immediately following such discharge or display.

Sec. 40-105. Exemptions.

No permitting as required by this article shall be applicable to commercial firms otherwise required to obtain permits and authorization for fireworks display from agencies of the State of New Hampshire, and who have obtained such permits and / or authorizations as required by law.

Sec. 40-106. Penalty.

Any person or firm who violates any of the provisions of this article shall be guilty of a violation for each separate offense and shall be subject to a fine of \$250.00 per violation.

Sec. 40-107. Payment of fines.

Payment of fines imposed by these regulations shall be made to the Newbury Town Clerk in a manner prescribed by that authority within ten (10) business days of the violation.

Sec. 40-108. Enhanced penalty.

(a) Any person who fails to comply with the provisions of Section 40-107 within ten (10) business days of the violation shall have the violation forwarded to a court of competent jurisdiction for prosecution of said offense.

(b) Any person who violates the provisions of this article three or more times within a twelve month period shall have the violation forwarded to a court of competent jurisdiction for prosecution of said offense.

(b) The penalty for offenses forwarded for prosecution in the district court shall be assessed in accordance with the provisions of state law.

□

Ordinance 2010-006

Chapter 5.12 FIREWORKS

Final Vote on the Amendment of

Title – 5 – Health and Safety
Chapter – 12 – Fireworks

In The Town of Milford, New Hampshire

By authority of New Hampshire Revised Statutes Annotated 1955, Chapter 41, Section 14 (b), Chapter 47, Section 17 (IX), and Chapter 160-C

The chapter regarding 5.12 of the Milford Municipal Code, Fireworks, is amended as follows:

5.12 Fireworks

Pursuant to NH RSA 160.C:6 the Milford Board of Selectmen deem that there shall not be any permits granted, except to the town of Milford, or the town's agent, for programs and displays under its control, for the sale, purchase, possession, use or explosion of Permissible Fireworks, (Ord. 2010-006 amended September 2, 2010; Ord. 5-16-88)

Severability:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Effective Date:

This Ordinance shall become effective upon adoption by the Milford Board of Selectmen, publication of a Notice of same in the newspaper of general circulation in the community, and upon the recording of an Attested Copy of the same with the Town Clerk.

Certification:

The foregoing Ordinance (2010-006) amending Title 5 – Health and Safety, Chapter 12 – Fireworks, within the Town of Milford, New Hampshire was delivered to the Town Clerk for recording.

Ordinance In Force:

This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publications as provided by law.

Passed and adopted by the Milford Board of Selectmen on behalf of the Town of Milford, New Hampshire.

First Public Hearing: the 9th day of August 2010

Second Public Hearing: the 23rd day of August 2010

Final Vote: the 2nd day of September 2010

Ayes 4 **Namely (signed):** _____
_____ *Frank [Signature]*
_____ *Gary L. Daniel*
_____ *[Signature]*
_____ *[Signature]*

Nays ~~0~~ **Namely (signed):** _____

Approved: the 2nd day of September 2010

NH RSA 160-C:6 Local Option. – Any municipality in the state, by action of its local legislative body or local governing body, may vote to allow or to prohibit, within that municipality, the issuance of permits or licenses to sell permissible fireworks or the display or possession of permissible fireworks. If the municipality has voted to prohibit the issuance of permits or licenses or the display or possession of permissible fireworks prior to the effective date of this section, such decision shall remain in effect unless subsequent action is taken under this section.

Source. 1999, 348:14, eff. Jan. 21, 2000

PERMISSIBLE FIREWORKS ORDINANCE

Town of Swanzey, New Hampshire

Discharge and Possession of NH Permissible (Class C “Common”) Fireworks

Any property owner, seeking to discharge NH Permissible (Class C “Common”) Fireworks, within the town of Swanzey, shall obtain a written Class C fireworks permit from the Fire Chief or his authorized designee. A permit shall be obtained from the Fire Department prior to discharging Class C permissible fireworks. Only the permit holder, or his/her designee in the presence of the permit holder, may discharge fireworks under the authority of this permit.

Procedure to obtain a permit:

1. The applicant shall appear in person before the Swanzey Fire Chief, or his authorized designee(s), at the administrative headquarters (West Swanzey Fire Station – May 2010), between the hours of 8:00 am and 4:00 pm (weekdays/excluding designated holidays).
2. The applicant shall provide proof that he/she is the property owner where the fireworks discharge site is located, or the applicant has the property owners’ written permission.
3. The applicant shall provide valid photo identification at the time of the application.
4. The applicant shall be at least 21 years of age or older. (NH RSA 160-C:11)
5. Fireworks shall be purchased from licensed Permissible Fireworks retailers in New Hampshire only (copy of Receipt required for permit).
6. Class C Fireworks permits are issued on weekdays only. Applicants are encouraged to purchase only the quantity of fireworks required for each display period. Long term storage of any quantity of fireworks is unsafe and strongly discouraged.
7. Class C Fireworks shall not be ignited by any person under the age of twenty-one (21).
8. Class C Fireworks shall be ignited a minimum of 50 feet from any structure, overhead utilities and woodlands.
9. Any permit holder found to be impaired by the consumption of alcohol and/or use of drugs is subject to revocation of the permit.
10. The permit holder is required to have a means of fire extinguishment readily accessible.
11. The permit shall be valid only for the date it is issued.
12. Permissible Fireworks shall only be discharged between the hours of 5:00 pm and 10:00 pm, except Halloween, New Year’s Eve and July 3rd, July 4th & July 5th when fireworks may be discharged between the hours of 5:00 pm and 11:00 pm.
13. Permits will only be issued on days when the Fire Danger day is Class One, Class Two, or Class Three (as determined by the New Hampshire Division of Forest and Lands – Bureau of Forest Protection). Use of Fireworks is prohibited on Class Four and Class Five Fire Danger Day or at times when a red flag fire warning has been issued by the National Weather Service.

Enforcement:

1. A site inspection by the Swanzey Fire Chief and/or his authorized designee shall be conducted prior to the issuance of a class C fireworks permit. The Fire Chief (or authorized designee) may inspect the permitted site and fireworks prior discharge 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.
2. Failure to comply with any provision of this ordinance shall result in:
 - a) First Offense: written warning and revocation of the Fireworks Permit for a period of twenty-four hours.
 - b) Second Offense: \$300.00 fine and revocation of permit for a period of seven calendar days.
 - c) Third Offense: \$600.00 fine and revocation of permit for a period of three hundred sixty-five calendar days.
3. All fines shall be paid to the Town of Swanzey and deposited into the general fund account.
4. Any complaint received by the Town of Swanzey regarding a permitted class C Fireworks display shall be investigated by the Swanzey Police and/or Swanzey Fire Department and if found to be in violation of state law, local ordinance or deemed to be unsafe to the public by the enforcement authorities, the permit shall be subject to revocation by the Fire Chief, the Fire Chief authorized designee(s) or any police officer.
5. The permit holder shall have financial responsibility for expenses incurred by the Town of Swanzey for all costs associated with the mitigation of any fire or other emergency which is the result of the applicant's misuse of Fireworks.
6. The Swanzey Fire Chief, his authorized designee(s), or any sworn police officer of the Town of Swanzey shall have the authority to issue citations for violations of this ordinance.
7. Persons found in possession of, or discharging Non-Permissible Fireworks shall be subject to the penalties outlined in NH RSA 160-B:4. This section shall not apply to those individuals that hold valid Certificates of Competency issued by the NH State Police and hold a valid Display Fireworks Permit issued in accordance with this, or any other ordinance. Nothing in this ordinance shall preclude any sworn police officer from enforcing any section of NH RSA 160-B or NH RSA 160-C.

**Permit to Discharge NH Permissible Fireworks
Town of Swanzey, NH**

1. The applicant shall appear in person before the Swanzey Fire Chief, or his authorized designee(s).
2. The applicant shall provide proof that he/she is the landowner of where the fireworks discharge is to occur, or has the landowner's written permission.
3. The applicant shall provide valid photo identification.
4. The applicant shall be at least 21 years of age or older (NH RSA 160-C:11).
5. Fireworks shall be purchased from licensed Permissible Fireworks retailers in New Hampshire only (copy of receipt required for permit).
6. The applicant shall only purchase the quantity of fireworks needed for the permitted display. The storage of permissible fireworks is prohibited.
7. Fireworks shall not be ignited any person under the age of 21.
8. Fireworks shall be ignited a minimum of 50' from any structure, overhead utilities or woodlands.
9. Any permit holder found to be impaired by the consumption of alcohol and/or use of drugs shall immediately have his/her permit voided.
10. The applicant is required to have a means of fire extinguishment readily accessible.
11. The permit shall be valid only for the date it is issued.
12. Permissible Fireworks shall only be discharged between the hours of 5:00 pm and 10:00 pm. Except Halloween, New Year's Eve, July 3rd, July 4th and July 5th when fireworks may be discharged between the hours of 5:00 pm and 11:00 pm.
13. Permits will only be issued on days when the Fire Danger day is Class One, Class Two or Class Three as determined by the New Hampshire Division of Forest and Lands – Bureau of Forest Protection. Fireworks are prohibited on Class Four and Five Fire Danger days or when a red flag warning has been issued by the National Weather Service.
14. Failure to comply with any provision of this ordinance shall result in:
 - a) First Offense: Written warning and revocation of permit for 24 hour period.
 - b) Second Offense: \$300.00 fine and revocation of permit for a period of seven calendar days
 - c) Third Offense: \$600.00 fine and revocation of permit for a period of three hundred sixty-five calendar days.

Property Owner-Permit Holder:	DOB:	AGE:
Address:		Phone:
Location of Fireworks Display:		
Display Date:	Display Time	From: To:

Fireworks may be displayed between the hours of 5:00 pm and 10:00 pm except on Halloween, New Year's Eve, July 3rd, July 4th and July 5th when fireworks may be discharged between the hours of 5:00 pm and 11:00 pm.

Permit Approved By:	Date:
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FIRE CHIEF/AUTHORIZED DESIGNEE
TOWN OF SWANZEY, NH

Permit Fee: \$25.00