CHAPTER 21A

DISPLAY OF PERMISSIBLE FIREWORKS

LAST AMENDED DATE: SEPTEMBER 9, 2020

1. Statutory Authority

   This article is enacted pursuant to the authority granted by Section 17 of Chapter 47 and Section 6 of Chapter 160-C of the New Hampshire Revised Statutes Annotated.

2. Definitions

   "Consumer fireworks" means consumer fireworks as defined in 27 C.F.R. section 555.11 and formerly known as class C common fireworks.

   "Fire Chief" means the Fire Chief of the City of Somersworth or his/her designee.

   "Permissible fireworks" means consumer fireworks, except for those items that are prohibited pursuant to RSA 160-B:16, 160-B:16-b, and 160-B:16-c.

   "Police Chief" means the Police Chief of the City of Somersworth or his/her designee.

3. Permit Required

   No person shall use, discharge or explode any permissible fireworks without a permit issued by the City of Somersworth.

4. Permit Application

   A. Any person wishing to obtain a permissible firework display permit shall apply to the Police Chief and the Fire Chief at least 72 hours prior to the display. The time frame may be waived at the discretion of the Police Chief and Fire Chief.
   B. The applicant shall provide the following information:
      a. Date of application
      b. Name, address and telephone number of the applicant
      c. Address of the location where the display will be held
      d. A diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases

e. Name of the owner of the property where the display will be held
f. Intended date and time of display, including a possible rain date
g. Written authorization of the property owner, if different from the applicant
h. Signature of the applicant

5. Permit Fee

The fee for a permissible firework display permit shall be five dollars ($5.00) per event. The fee shall be paid at the time of the application and is non-refundable. (Section 5 amended 09/09/2020)

6. Site Inspection

A. Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.
B. If, in the opinion of the Police Chief or Fire Chief, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied.

7. Restrictions

A. No person under the age of 21 may possess, use, discharge or explode permissible fireworks.
B. No permissible fireworks may be used, discharged or exploded during periods of very high or extreme fire danger as determined by the Fire Chief or the NH Division of Forests and Lands.
C. Permissible fireworks shall be used, discharged or exploded in a manner such that all discharge debris shall remain within the property lines of the approved site.
D. No permissible fireworks shall be used, discharged or exploded indoors unless a permit for "Pyrotechnic Display before a Proximate Audience" has been obtained from the NH Department of Safety.
E. No permissible fireworks shall be discharged between the hours of 11:00 p.m. and 8:00 a.m. with the following exceptions:
    a. January 1: no discharge between 12:30 a.m. and 8:00 a.m.
    b. July 3, 4 and 5: no discharge between 12:30 a.m. and 8:00 a.m.
    c. December 31: no discharge prior to 8:00 a.m.

    (Section 7.E amended 09/09/2020)

F. The applicant shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public

property, and any private property other than the approved site within twenty-four (24) hours of the display.

8. Permit Revocation

   A. A permit may be revoked or suspended by the Police Chief or Fire Chief for any of the following reasons:
      a. Very high or extreme fire danger
      b. Unfavorable weather conditions, such as drought or high winds
      c. If any person under the age of 21 possesses, uses, discharges or explodes any permissible firework device
      d. If any pyrotechnic device other than a permissible firework is possessed, used, discharged or exploded on the site
      e. If the person who is using, discharging or exploding the permissible fireworks appears to be under the influence of alcohol or drugs
      f. If, in the opinion of the Police Chief or Fire Chief, the use, discharge or exploding of permissible fireworks would create a threat to public safety

9. Penalty

   A. The Police Chief and Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance.
   B. Any person who violates the provisions of this Ordinance shall be guilty of a violation and upon conviction thereon shall be fined in an amount of:

      $250 for first offense;
      $500 for second offense; and
      $1,000 for each and every subsequent offense.

      (Section 9.B amended 9/9/2020)

10. Separability

    If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Passed 05/07/2012.)