

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 Belmont, New Hampshire

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

Any property owner seeking to display, as defined by RSA 160-B, I(V), or possess NH Permissible (Class C “Common”) Fireworks, as defined by RSA 160-C:1, II, within the Town of Belmont, shall obtain a written Class C firework permit from the Fire Chief or his authorized designee. A permit shall be obtained from the Fire Department prior to displaying Class C permissible fireworks. Only the permit holder, or his/her designee in the presence of the permit holder, may display or possess fireworks under the authority of this permit.

Procedure to obtain a permit:

1. The applicant shall appear in person before the Belmont Fire Chief, or his authorized designee(s), at the administrative headquarters (Belmont Fire Station), between the hours of 7:00 am and 7:00 pm.
2. The applicant shall provide proof that he/she is the property owner where the fireworks display site is located, or the applicant has the property owners’ written permission.
3. The applicant shall provide a plot plan sketch that demonstrates where the fireworks will be ignited from in relation to structures, overhead utilities, woodlands, and property boundaries.
4. Signature on the Permit Application acknowledges that all abutters have been notified of the time and place of the display.
5. The applicant shall provide valid photo identification at the time of the application.
6. The applicant shall be at least 21 years of age or older. (NH RSA 160-C:11)
7. Fireworks are recommended to be purchased from licensed Permissible Fireworks retailers in New Hampshire only.
8. Applicants are encouraged to purchase only the quantity of fireworks required for each display period. The storage of fireworks will comply with New Hampshire RSA and manufactures recommendation.
9. Class C Fireworks shall not be ignited by any person under the age of twenty-one (21).
10. Class C Fireworks shall be ignited in accordance with manufacturers recommendations and warnings.
11. All refuse from fireworks must be contained on the property from which they are being ignited.

12. Any permit holder found to be impaired by the consumption of alcohol and/or use of drugs while displaying or possessing Permissible Fireworks is subject to revocation of the permit.
13. The permit holder is required to have a means of fire extinguishment readily accessible.
14. The permit shall be valid only for the date it is issued.
15. Permissible Fireworks shall only be discharged between the hours of 5:00 pm and 10:00 pm. Discharge of Fireworks may be a violation of the Town's Noise Ordinance and would be subject to applicable penalties.
16. Permits will only be issued on days when the Fire Danger day is Class One, Class Two, Class Three, and four days (as determined by the New Hampshire Division of Forest and Lands – Bureau of Forest Protection). Use of Fireworks is prohibited on 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 Belmont Fire Chief and/or his authorized designee shall* be conducted prior to the issuance of a Class C fireworks permit for all initial applications and may be required for subsequent permit applications. The Fire Chief (or authorized designee) may inspect the permitted site and fireworks prior to display 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.*In the event of an emergency, the date and time of the inspection may need to be changed.
2. Failure to comply with any provision of this ordinance may result in a written warning, a fine of \$100.00 per occurrence, revocation of permit, and denial of future permit applications.
3. All fines shall be paid to the Town of Belmont and deposited into the general fund account within seven days of the date of the offense.
4. Any complaint received by the Town of Belmont regarding a permitted Class C Fireworks display may be investigated by the Belmont Police and/or Belmont 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 Belmont 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 Belmont Fire Chief, his authorized designee(s), or any sworn police officer of the Town of Belmont shall have the authority to issue citations for violations of this ordinance.
7. Persons found in possession of or displaying 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 Department of Safety 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 Display and Possess NH Permissible Fireworks
Town of Belmont, NH**

1. The applicant shall appear in person before the Belmont Fire Chief, or his authorized designee(s).
2. The applicant shall provide proof that he/she is the landowner of where the fireworks display is to occur or has the landowner's written permission.
3. Signature on the Permit Application acknowledges that the abutters have been notified of the time and place of the display.
4. The applicant shall provide valid photo identification.
5. The applicant shall provide a plot plan sketch that demonstrates where the fireworks will be ignited from in relation to structures, overhead utilities, woodlands, and property boundaries.
6. The applicant shall be at least 21 years of age or older (NH RSA 160-C:11).
7. Fireworks are recommended to be purchased from licensed Permissible Fireworks retailers in New Hampshire only.
8. Applicants are encouraged to purchase only the quantity of fireworks required for each display period. The storage of fireworks will comply with New Hampshire RSA and manufacturers recommendation.
9. Fireworks shall not be ignited by any person under the age of 21.
10. Class C Fireworks shall be ignited in accordance with manufacturers recommendations and warnings.
11. Any permit holder found to be impaired by the consumption of alcohol and/or use of drugs while displaying or possessing Permissible Fireworks shall immediately have his/her permit voided.
12. All refuse from fireworks must be contained on the property from which they are being ignited.
13. The applicant is required to have a means of fire extinguishment readily accessible.
14. The permit shall be valid only for the date it is issued with the exception of the week of July 1 through July 7th, a single permit shall be valid for this period only.
15. Permissible Fireworks shall only be displayed between the hours of 5:00 pm and 10:00 pm. Display of Fireworks may be a violation of the Town's Noise Ordinance and may be subject to applicable penalties.
16. Permits will only be issued on days when the Fire Danger day is Class One, Class Two, Class Three, and four days (as determined by the New Hampshire Division of Forest and Lands – Bureau of Forest Protection). Use of Fireworks is prohibited on Class Five Fire Danger Day or at times when a red flag fire warning has been issued by the National Weather Service.
17. Failure to comply with any provision of this ordinance may result in a written warning, a fine of \$100.00 per occurrence, revocation of permit, and denial of future permit applications.

The above regulation and permit process pertaining to fireworks was adopted by Board of Selectmen on ____
_____, _____, 2018, following a public hearing.

Town of Belmont Board of Selectmen

Ruth P. Mooney., Chair

Jon Pike, Vice Chairman

Claude B. Patten Jr.

Received and Recorded (Date):

Cynthia DeRoy
Town Clerk