

**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

## **TOWN OF HAMPTON FALLS, NH**

### **PERMISSIBLE FIREWORKS ORDINANCE**

#### **Use, Discharge and Possession of NH Permissible (Consumer) Fireworks**

Any person wishing to discharge NH Permissible (Consumer) Fireworks shall obtain a written fireworks permit from the Hampton Falls Fire Chief or his/her authorized designee. A permit application shall be submitted no less than three (3) days before issuance of permit and any discharge of permissible fireworks is to occur.

#### **PROCEDURE TO OBTAIN A PERMIT:**

1. The applicant shall appear in person before the Fire Chief, or his authorized designee.
2. 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.
3. The applicant shall provide a valid photo identification, which also identifies the applicant's address and date of birth.
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. *Storage of Permissible fireworks is regulated by SAF-C 5000.*
7. Fireworks shall not be ignited or possessed by minors (anyone under the age of 21).
8. Fireworks shall be ignited a minimum of 50 feet from any structure, overhead utilities, woodlands, property lines or boundaries to prevent debris on property other than the applicant property.
9. The applicant is required to have a means of fire extinguishment readily accessible.
10. The permit shall be valid only for the date(s) it is issued.
11. Anyone discharging or igniting fireworks shall not be under the influence of any drugs or alcohol.
12. Permissible Fireworks shall only be discharged or used between the hours of 3:00 p.m. and 11:00 p.m. except New Year's Eve which will be extended until 12:30 a.m.
13. Permits will not be issued (or may be voided) for unfavorable/unsafe weather conditions.
14. The applicant shall be required to provide written notification to abutters and neighboring owners of animals no less than 24 hours prior to discharge (Forms are available from HFFD).
15. Discharge dates are limited to four (4) per year, per residence.

## **ENFORCEMENT:**

1. The Hampton Falls Fire Chief and, or his authorized designee, reserves 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.
2. Failure to comply with any provision of this ordinance shall result in:
  - a) First Offense: Written warning and, or revocation of permit.
  - b) Second Offense: \$250.00 fine and revocation of permit.
  - c) Third Offense: \$500.00 fine and revocation of permit. Persons violating this ordinance for a third time will be prohibited from obtaining any further Permissible Fireworks Permits.
3. All fines shall be paid to the Town of Hampton Falls and deposited into General Fund account.
4. Any complaint received by the Town of Hampton Falls as the result of an issued permit shall be grounds for the revocation of the issued permit following an investigation conducted by any enforcement authority.
5. The applicant shall be responsible for reimbursing the Town of Hampton Falls for all costs associated with the mitigation of any fire, or other emergency which is the result of the applicant's use of fireworks.
6. Any sworn law enforcement officer of the town, county or state, as well as the Fire Chief and his / her designee shall be empowered to enforce this ordinance.

Persons found in possession of, or discharging, Non-Permissible Fireworks shall be subject to the penalties outlined in NH RSA 160 – B. 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 RSA 160-B and SaF-C 5000, 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.

**SEVERABILITY:** The invalidity of any provision of this Ordinance shall not affect the validity of any other provision or the validity of the Ordinance as a whole.

**INCONSISTENCY WITH OTHER ORDINANCES:** Should there be a conflict with ordinances or parts of ordinances, resolutions, regulations or other documents inconsistent with the provisions of this Ordinance, the more stringent controls apply.

**EFFECTIVE DATE:** This Ordinance shall take effect immediately upon passage.

**ADOPTION:** Adopted by the Hampton Falls Board of Selectmen on November 16, 2016.

## Permit to Discharge NH Permissible Fireworks

Applicant: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_

Address and location of discharge: \_\_\_\_\_

Landowner's Name: \_\_\_\_\_ (Phone) \_\_\_\_\_

Date of discharge: \_\_\_\_\_

Time: 3:00 p.m. to 11:00 p.m.  
(New Year's Eve 3 p.m. – 12:30 a.m.)

1. The applicant shall appear in person before the Hampton Falls Fire Chief, or his authorized designee.
2. 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.
3. The applicant shall provide a valid photo identification, which also identifies the applicant's address and date of birth.
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 for permit)
6. The applicant shall only purchase the quantity of fireworks needed for the permitted display. ***The storage of Permissible fireworks is regulated by NH administrative Rule SAF-C 5000.***
7. Fireworks shall not be ignited by minors (anyone under the age of 21).
8. Fireworks shall be ignited a minimum of 50 feet from any structure, overhead utilities, woodlands, property lines or boundaries to prevent debris on property other than the applicant property.
9. The applicant is required to have a means of fire extinguishment readily accessible.
10. The permit shall be valid only for the date(s) it is issued.
11. Anyone discharging or igniting fireworks shall not be under the influence of any drugs or alcohol.
12. Permissible Fireworks shall only be discharged between the hours of 3:00 p.m. and 11:00 p.m. except New Year's Eve which will be extended until 12:30 a.m.
13. Permits will not be issued (or may be voided) for unfavorable/unsafe weather conditions.
14. The applicant shall be required to provide written notification to abutters and neighboring owners of animals no less than 24 hours prior to discharge (Forms are available from HFFD).
15. Discharge dates are limited to four (4) per year, per residence.

Failure to comply with any provision of this ordinance shall result in:

- a) First Offense: Written warning and, or revocation of permit.
- b) Second Offense: \$250.00 fine and revocation of permit.
- c) Third Offense: \$500.00 fine and revocation of permit. Persons violating this ordinance for a third time will be prohibited from obtaining any further Permissible Fireworks Permits.

By affixing my signature to this application, I agree to abide by all State and Local rules/regulations relative to fireworks discharge.

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

When signed below, this application may be used as a PERMIT TO DISCHARGE NH PERMISSABLE FIREWORKS on dates approved unless revoked.

Fire Chief or designee signature: \_\_\_\_\_ (Date) \_\_\_\_\_