

## **PERMISSIBLE FIREWORKS ORDINANCE**

### **Town of Chesterfield, New Hampshire**

#### **AUTHORITY**

**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

#### **PURPOSE**

The primary intent of this Ordinance is to protect the health of human (both physiological and psychological), animals (domestic and wild), water bodies, structures, and undeveloped land, from the inherent dangers associated with the display of incendiary materials; the refuse discharge from these displays, along with preventing unwanted disturbances attributable to loud bangs and other noises associated with fireworks.

#### **Display of NH Permissible (Class C “Common”) Fireworks**

Any property owner seeking to display, as defined by RSA 160-B:I(V) and 160-B:16, NH Permissible (Class C “Common”) Fireworks, as defined by RSA 160-C:1,II, within the Town of Chesterfield and Village of Spofford, shall obtain a written Class C fireworks permit from the Police 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 fireworks under the authority of this permit.

1. Class C Fireworks shall not be ignited by any person under the age of 21. (NH RSA 160-C:11).
2. Class C Fireworks shall be ignited a minimum of 50 feet from any structure, overhead utilities, woodlands, property boundaries; 75 feet for ground displays and 150 feet for aerial displays from any lake, pond, river or stream. All refuse from fireworks must be contained on the property from which they are being ignited and cannot travel over nor discharge over any lake, pond, river or stream. Refuse from fireworks landing on other property without consent of the owner shall be subject to fines and will be a violation of the Town’s Illegal Dumping Ordinance Solid Waste Ordinance.
3. 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.
4. The permit holder is required to have a means of fire extinguishment readily accessible.

Adopted September 20, 2017  
Effective November 1, 2017

5. Permissible fireworks shall only be discharged on Friday, Saturday or Sunday between the hours of 5:00 p.m. and 10:00 p.m. Exceptions to this are on New Year's Eve and during Independence Day Celebrations (July 3-5 only), in which case fireworks may be used between the hours of 12:00 noon and 12:15 a.m.
6. Permits will only be valid 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 warning has been issued by the National Weather Service. Check fire hazard warning at <https://www.nhdfi.org/fire-control-and-law-enforcement/daily-fire-danger.aspx>
7. A permit may be issued for a specific date up to one month in advance. A permit is valid only for that specific date, but may be transferred to an alternate date as specified on the initial application, upon approval with the Police Department during normal business hours.

## EXCLUSIONS

1. State (New Hampshire) approved sparklers
2. Toy pistol paper caps

## ENFORCEMENT

1. Failure to comply with any provision of this ordinance may result in a written warning, a fine of \$200.00 per occurrence, revocation of permit, and denial of future permit applications.
2. All fines shall be paid to the Town of Chesterfield within seven days of the date of the offense and deposited into the general fund account.
3. Any complaint received by the Town of Chesterfield regarding a permitted Class C Fireworks display shall be investigated by the Chesterfield Police and/or Chesterfield and/or Spofford 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 and fines may be assessed.
4. The permit holder shall have financial responsibility for expenses incurred by the Town of Chesterfield for all costs associated with the mitigation of any fire or other emergency which is the result of the applicant's misuse of Fireworks.
5. The Chesterfield/Spofford Fire Chief, his/her authorized designee(s), or any sworn police officer of the Town of Chesterfield shall have the authority to issue citations for violations of this ordinance.
6. Persons found displaying Non-Permissible Fireworks shall be subject to the penalties outlined in NH RSA 160-B:4 and Town of Chesterfield ordinance. 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 and Town of Chesterfield ordinance.

**Effective date November 1, 2017**

**Town of Chesterfield Board of Selectmen**

**Adopted by vote of Selectmen September 20, 2017**

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Jon McKeon, Chair

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Brad Roscoe

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Norman W. VanCor

## **PROCEDURE TO OBTAIN A FIREWORKS PERMIT**

1. The applicant shall appear in person, at the board of Selectmen's office in the Town office building, between the hours of 8:00 AM and 4:00 PM, Monday through Thursday or 9:00 AM and Noon on Friday.
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 in relation to structures, lakes, ponds, rivers and streams, overhead utilities, woodlands, property boundaries and identify the area the debris will fall.
4. The applicant shall provide valid photo identification at the time of the application.
5. The applicant shall be at least 21 years of age or older. (NH RSA 160-C:11)
6. The permit shall be valid only for the date issued.
7. Inspection of the permitted site by the Chesterfield Safety and Health officer and/or the Police Department may be conducted within (5) weekdays following the receipt of the application. No permit will be issued without the signature of the Chesterfield Safety and Health Officer or authorized designee and Chesterfield Police Department authorization.
8. The Chesterfield Safety and Health officer 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 revocation of permit.

The applicant is responsible for following all provisions within the Town of Chesterfield Permissible Fireworks Ordinance.

# FIREWORKS PERMIT APPLICATION

Please review ordinance and procedures before submitting

Property Owner/Permit Holder:	D.O.B.	Age:
Address:		
Location of Fireworks Display: Include sketch separately		
Display Date:	Display Time From:	To:
Alternate Date:		

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Permit Fee \$25.00 Received by:

Check #

Cash

Permit Approved By:	Date:
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Safety & Health Officer/Authorized Designee  
Town of Chesterfield, NH

Permit Approved By:	Date:
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Police Chief/Authorized Designee  
Town of Chesterfield, NH

Effective: November 1, 2017  
Revised: August 23, 2017  
Revised: June 29, 2022

Check fire hazard warning at <https://www.nhdf.org/fire-control-and-law-enforcement/daily-fire-danger.aspx> BEFORE discharging