

**#34**  
**FIREWORKS ORDINANCE**

**1. 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

**2. Definitions:**

Definitions of terms pertaining to fireworks as used in this ordinance are defined by NH RSA 160-B:1 and 160-C:1.

**3. Regulations:**

- a. Any person wishing to discharge fireworks shall obtain a written fireworks permit from the Board of Selectmen or their authorized designee. A permit shall be obtained before any discharge of fireworks is to occur and shall be in such person's possession at all times during the display.
- b. Fireworks are prohibited from being displayed from public or private property or beaches unless expressly authorized by the Board of Selectmen or their authorized designee.
- c. This ordinance shall not apply to duly authorized law enforcement and fire officers who may be in possession of fireworks in the course of their official duties.

**4. Permit Application Process:**

- a. The applicant shall appear in person before the Fire Chief, or his authorized designee, at the Rye Public Safety Building 555 Washington Road Rye, NH, between the hours of 8:00 am and 4:00 pm (weekdays/excluding designated holidays).
- b. The applicant shall provide proof that he/she is licensed through the State of New Hampshire and proof of insurance naming the Town of Rye as additional insurer.
- c. The applicant shall provide valid photo identification at the time of the application.
- d. The applicant shall be at least 21 years of age or older.
- e. Any permit holder found to be impaired by the consumption of alcohol and/or use of drugs is subject to revocation of the permit.
- f. The permit holder must be present at all times during display.
- g. The permit shall be valid only for the date it is issued.
- h. Permits will only be issued for 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 days or at times when a red flag fire warning has been issued by the National Weather Service.

## **5. Enforcement:**

- a. The Fire Chief, 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.
- b. Failure to comply with any provision of this ordinance shall result in:
  - i. First offense \$50.00 fine.
  - ii. Second offense within same calendar year \$100.00 fine.
  - iii. First offenses after Board of Selectmen issue permit: \$500.00 fine and revocation of permit. Also prohibited from obtaining any further fireworks permits.
- c. Any complaint received by the Town of Rye as the result of an issued permit shall be grounds for the revocation of the issued permit following an investigation conducted by the enforcement authority.
- d. The applicant shall be responsible for reimbursing the Town of Rye for all costs associated with the mitigation of any fire, or other emergency which is the result of the applicant's misuse of fireworks.
- e. The Fire Chief, or his authorized designee, or any sworn police officer of the Town of Rye, shall have the authority to issue citations for violations of this ordinance.
- f. Any complaint received by the Town of Rye regarding fireworks shall be investigated by the Rye Police and/or Rye 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.
- g. Nothing in this ordinance shall preclude any sworn law enforcement or fire officer from enforcing any section of NH RSA 160-B, or NH RSA 160-C.

Adopted March 10, 2015 – Art. 17