

ORDINANCE

Town of Goffstown

The Town of Goffstown ordains as follows:

I. TITLE:

This ordinance shall be known and may be cited as the “**PERMISSIBLE FIREWORKS**” ordinance of the Town of Goffstown.

II. AUTHORITY:

NH RSA 31:39-c Administrative Enforcement of Ordinances (adopted 2011);
NH RSA 41:14-b Adoption & Amendment of Town Codes & Ordinances (adopted 1995);
NH RSA 160-C Permissible Fireworks.

III. PURPOSE: It is declared to be the intent of the Town to promote an environment free from excessive danger or noise which unnecessarily jeopardizes the health and welfare of the citizens of the Town and degrades the quality of life in this community, without unduly prohibiting, limiting or otherwise regulating certain noise-producing equipment which is not amenable to such controls, yet is essential to the economy and quality of life of the community. The purpose of this ordinance is to establish standards for the control of permissible fireworks in the Town and to prohibit specific activities involving fireworks.

IV. COMPLIANCE WITH OTHER LAWS; CONFLICTING PROVISIONS:

The regulations set forth in this ordinance are to be read in the context of and in concert with all applicable local, state and federal regulations. To the extent that these regulations differ from other applicable local, state and federal regulations, the more stringent regulations shall apply.

V. DEFINITIONS:

- A. **Consumer Fireworks** – Defined in 27 CFR section 55.11 and formally known as *Class C, Common Fireworks* as any small firework device designed or used to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in Title 16 CFR Parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices, containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive material. Consumer Fireworks are classified as Fireworks UN0336 and UN0337 by the US Dept. of Transportation at 49 CFR 172.101. This term does not include fused set pieces containing components, which combined exceed 50 mg of salute powder.
- B. **Fireworks** – Defined in 27 CFR section 55.11.
- C. **Permissible Fireworks** – Items on the Permissible Fireworks List established pursuant to NH RSA 160-C, and provided they meet all applicable federal rules, regulations and standards.
- D. **Special Weekend Event** – An event occurring on Friday, Saturday or Sunday.

VI. DISCHARGE OF FIREWORKS:

- A. **Location/Control/Debris:** The discharge of fireworks shall be performed only on property owned by the person engaged in discharging said fireworks, or a person who has legal rights to the property or who can produce written permission from the legal property owner to discharge fireworks on said property in his/her possession/control at the time. All debris from the discharge of permissible fireworks shall be confined to the property designated for the discharge of fireworks.
- (i) Fireworks debris from discharged fireworks shall not be left in public areas, waterways, and roadways. The Litter Control law of RSA 163-B:3 shall control fireworks debris left in any prohibited areas.
- B. **Holidays:** A person shall not use, display, fire, or cause to be exploded permissible fireworks within the Town of Goffstown except as allowed by permit or on the following days and during the following times where no permit is required:
- (i) **Memorial Day:** Beginning the Saturday preceding Memorial Day, as observed by the State of NH, through the Monday holiday, beginning each day of the holiday weekend at 5:00 p.m. and ending 10:00 p.m. each day;
- (ii) **Independence Day:** July 1st through 7th beginning at 5:00 p.m. and ending at 10:00 p.m. each day;
- (iii) **Labor Day:** Beginning the Saturday preceding Labor Day through the Monday holiday beginning at 5:00 p.m. and ending by 10:00 p.m. each day;
- (iv) **Veterans Day:** The day before Veterans Day and Veterans Day, beginning at 5:00 p.m. and ending at 10:00 p.m. each day;
- (v) **New Years Day:** December 31st, beginning at 5:00 p.m. and ending at 12:30 a.m. the following day; January 1st, beginning at 5:00 p.m. and ending at 10:00 p.m.
- C. **Special Weekend Events:** Up to three (3) Permissible Fire Works Permits may be issued each calendar year (in addition to the dates established in section B above) to a property owner to discharge permissible fireworks for a special weekend event. A Town of Goffstown Permissible Fireworks Permit may be obtained at the Church Street Fire Station between the hours of 10:00 a.m. and 6:00 p.m.

VII. PERMIT REQUIRED FOR PERMISSIBLE FIREWORKS:

- A. The Permissible Fire Works Permit may not be issued or may be rescinded due to Very High or Extreme Fire Danger conditions, as determined by the State of New Hampshire Division of Forest and Lands Forest Protection Bureau, or the Goffstown Forest Fire Warden. Any permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond date set out therein.
- B. It shall be unlawful for any person or entity to violate the conditions set in any permit issued by the Town of Goffstown for the display of fireworks or pyrotechnics. In the event of a violation of said permit, the fire or police department shall have the authority to shut down such display and take other enforcement action as deemed necessary.

VIII. SPECIFIC FIREWORKS RESTRICTED:

RSA 160-C:1 V Permissible Fireworks means consumer fireworks, except for those items that are prohibited pursuant to RSA 160-B:16 (Certain Sparklers), RSA 160-B:16-b (Firecrackers) or RSA 160-B:16-c (Bottle Rockets). In addition, the Town of Goffstown prohibits the use of: reloadable mortar/shells; and any firework designed to be hand held.

IX. EXCEPTIONS:

Nothing in this ordinance shall be construed to prohibit the use of auto flares, paper or plastic ring caps, or other devices containing not in excess of an average of .25 grain (16mg) of explosive content per unit.

X. PENALTIES:

Any person who violates the provisions of this ordinance shall be fined as follows:

- 1st violation \$250
- 2nd violation \$500
- 3rd violation \$1,000 and loss of permit privileges

XI. DISPOSAL OF UNFIRED FIREWORKS:

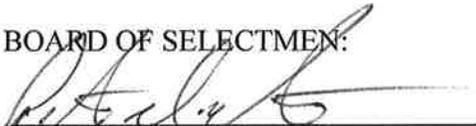
The Fire Chief/Police Chief or their designees shall be authorized to seize, take, remove or cause to be removed, at the expense of the owner, all fireworks possessed in violation of this ordinance.

XII. PROCEDURE:

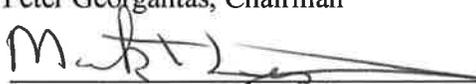
- Public Hearing Dates: June 1, 2015 and June 15, 2015
- Public Hearing Notices: Published in 5/24/15 edition on NH Sunday News, posted on town website, Town Hall, and Library on 5/22/15
- Adoption Date: June 29, 2015
- Effective Date: June 30, 2015

XII. SIGNATURES:

BOARD OF SELECTMEN:



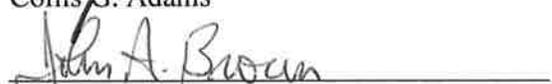
 Peter Georgantas, Chairman



 Mark T. Lemay, Vice Chairman

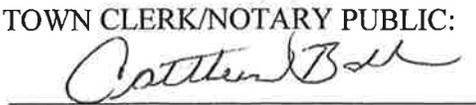


 Collis G. Adams



 John Allen Brown

Scott Gross

TOWN CLERK/NOTARY PUBLIC:


Date: June 29, 2015