

# TOWN OF AUBURN

## PROHIBITION AND REGULATION OF FIREWORKS ORDINANCE

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### Section 1: **PURPOSE**

In accordance with the provisions of NH RSA 160-C:6, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the Town of Auburn, except as specifically provided for in this ordinance.

### Section 2: **AUTHORITY**

The authority for the Auburn Board of Selectmen to regulate the sale, purchasing, handling or exploding of fireworks is contained in RSA 160-C: 6.

### Section 3: **DEFINITIONS**

In This Ordinance:

1. "Display" means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it was manufactured to do.
2. "Display Fireworks" formally known as Class A or B Fireworks are not considered permissible fireworks under NH RSA 160-C:1.
3. "Permissible Fireworks", formally known as Class C Fireworks, means those consumer firework devices defined as "permissible fireworks" in NH RSA 160-C:1 , as the same currently exists or as, from time to time, hereinafter amended.
4. "Fire Chief" means the Fire Chief of the Town of Auburn or his/her designee.
5. "Police Chief" means the Police Chief of the Town of Auburn or his/her designee.

### Section 4: **PERMISSIBLE FIREWORKS**

Subject to, and in accordance with the provisions of RSA 160-C, it shall be lawful to possess and/or display permissible fireworks upon compliance with the following requirements:

1. A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner's presence, subject to the provisions of this ordinance and NH RSA 160-C, and any other applicable ordinance or statute.
2. No display of permissible fireworks shall be allowed within the Town of Auburn except between the hours of 12 PM and 11PM on Fridays and Saturdays and between the hours of 12 PM and 10 PM on Sunday through Thursday.

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3. Permissible fireworks shall be permitted on the following holidays; Labor Day, the Fourth of July (including the evening of July 3<sup>rd</sup>, beginning at 12 PM until 11PM), and New Year's Eve beginning at 12 PM until 1AM on January 1<sup>st</sup>.
4. The display of permissible fireworks shall be of such a character, and so located and conducted, that it shall not be hazardous to property or endanger any person. In accordance with the provisions of NH RSA 160-C, no permissible fireworks shall be permitted on public property and must be 50 feet from nearby buildings and structures, nearby trees, electrical and telephone lines or other overhead obstructions, and any location of any nearby storage of flammable or combustible liquids or gases.
5. No permissible fireworks may be used, discharged, exploded, or displayed during periods of high or extreme fire danger as determined by the Fire Chief or the New Hampshire Division of Forests and Lands.
6. Permissible fireworks may be used, discharged, exploded, or displayed in a manner such that any and all discharge debris shall remain within the property lines of the lot on which the display originates.
7. Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property and any private property within twenty-four hours of discharge. Anyone failing to remove such debris shall be financially responsible for its cleanup.
8. If a fire is caused from the discharge of any fireworks display, the responsible party/parties involved may be subject to reimbursing the Town of Auburn for all suppression costs.

Section 5: **PERMIT REQUIRED**

1. No permit is required for the display of permissible / consumer fireworks.
2. Any person, group or organization wishing to display, discharge, explode any fireworks other than "Consumer Fireworks", shall be required to apply for a permit to display fireworks and shall include a copy of a certificate of competency as provide in **NH RSA 158:9-f**. Any person wishing to display fireworks other than "Consumer Fireworks" shall meet the provisions of **NH RSA 160-B:7** and by the provisions of **NH Code of Administrative Rules, saf-C2600**.

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3. Permits will be issued by the Fire Chief and or his/her designee after an inspection has been conducted and the application has been approved. **NH RSA 160-B:7.**

Section 7: **ENFORCEMENT**

- A. The Fire Chief or the Police Chief may suspend the use of the permissible fireworks for any of the following reasons:
  1. Unfavorable weather conditions, including but limited to, lightning storms or high wind conditions.
  2. If any person under the age of 21 possesses, uses, discharges or explodes, used, discharged or exploded any permissible firework device and is a chargeable offense in accordance with **NH RSA 160-C:11.**
  3. If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs.
  4. If in the opinion of the Fire Chief or Police Chief, the use, discharge, exploding, or display of permissible fireworks would create a threat to public safety.
- B. The Fire Chief and/or Police Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance.

Section 8: **PENALTIES**

Any organization, office or individual(s) who willfully violates this Ordinance shall be guilty of a violation, punishable by a fine not exceeding Five Hundred (\$500.00) dollars per day for the first offense; Seven Hundred and Fifty (\$750.00) dollars per day for the second offense, and One Thousand (\$1,000.00) dollars per day for the third or greater offense. Violators may be assessed additional fines for each day the violation continues.

Section 9: **NON-COMPETE OR RELIQUISHMENT OF OTHER REQUIREMENTS**

Nothing in the Town of Auburn Prohibition and Regulation of Fireworks Ordinance shall be interpreted so as to conflict with the provisions of Chapters 160-B and 160-C of the New Hampshire Revised Statutes Annotated, as currently written, or as from time to time hereafter amended.

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Section 10: **SEVERABILITY**

If any provision of this Ordinance is declared invalid or unconstitutional, it shall not be held to invalidate, or impair the validity, force or effect of any other provision of this Ordinance, and all provisions not declared invalid or unconstitutional will continue in effect.

Section 11: **SUPERCESSION**

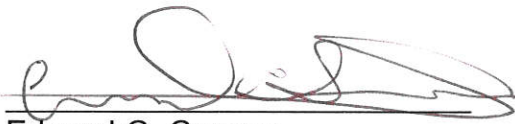
Upon the vote of the Board of Selectmen, this Ordinance shall take effect thirty (30) days after passage which is July 21, 2016, and shall supersede all previous rules, regulations, customs and/or past practices that may have been in use on the effective date.

Section 12: **AMENDMENT PROCEDURE**


This Ordinance may be amended and changed from time to time as conditions require and as deemed appropriate by the Board of Selectmen.

Any proposed amendments shall be presented to the Board of Selectmen for action. However, any amendment(s) must be the subject of at least one public meeting of the Board of Selectmen that shall be noticed at least fourteen (14) days prior to the public meeting.

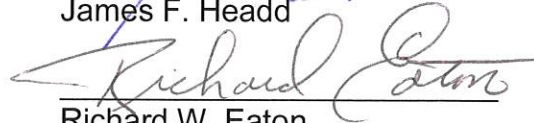
Adopted on the 20th day of June, 2016



Edward G. Gannon  
Chief, Auburn Fire Department



James F. Headd



Richard W. Eaton



Dale W. Phillips

AUBURN BOARD OF SELECTMEN

Received and recorded this 30<sup>th</sup> day of June, 2016



Kathleen A. Sylvia, Town Clerk