

PUBLIC NOTICE
PUBLIC HEARING
AUBURN, NEW HAMPSHIRE

The Auburn Board of Selectmen will hold a public hearing on Monday, May 16, 2016 beginning at 7:00 P.M. at the Auburn Town Hall for the purpose of receiving public comment concerning the adoption of a proposed "Prohibition and Regulation of Fireworks Ordinance" for the Town of Auburn pursuant to the provisions in NH RSA 160-C: 6.

Immediately following the hearing on the "Fireworks Ordinance", the Board of Selectmen will hold a public hearing for the purpose of receiving public comment concerning the adoption of a proposed "Special Events and Fire Watch Ordinance" pursuant to NH RSA 153:5, V, 154:2, 154:18 and 155-A:3,V.

Immediately following the hearing on the "Special Events and Fire Watch Ordinance", the Board of Selectmen will hold a public hearing for the purpose of receiving public comment concerning the acceptance of Wellesley Circle and a portion of Steam Mill Road as Class V Town-maintained roads pursuant to the provisions of RSA 670:40-a.

Immediately following the hearing on the acceptance of Wellesley Circle and Steam Mill Road, the Board of Selectmen will hold a public hearing for the purpose of receiving public comment concerning the acceptance of a portion of Tanglewood Drive as a Class V Town-maintained road pursuant to the provisions of RSA 670:40-a.

Copies of the proposed ordinances are available for public review and inspection at the Auburn Town Hall, in addition to the Auburn Post Office and on the Town of Auburn web site (www.townofauburnnh.com).

BOARD OF SELECTMEN
AUBURN, NH
April 28, 2016

TOWN OF AUBURN

PROHIBITION AND REGULATION OF FIREWORKS ORDINANCE

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. "Permissible 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.
3. "Fire Chief" means the Fire Chief of the Town of Auburn or his/her designee.
4. "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 permitted within the Town of Auburn except between the hours of 6 PM and 11PM on Fridays and Saturdays in the months of June and July and between the hours of 6PM and 10PM on Fridays and Saturdays between the months of August through May. Permissible fireworks shall be permitted on the following

TOWN OF AUBURN

PROHIBITION AND REGULATION OF FIREWORKS ORDINANCE

holidays; Labor Day, The Fourth of July (including the evening of July 3rd, beginning at 6PM until 11PM), and New Year's Eve beginning at 6PM until 1AM on January 1st.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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**

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**.

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**.

TOWN OF AUBURN

PROHIBITION AND REGULATION OF FIREWORKS ORDINANCE

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 Special Events and Fire Watch 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.

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.

TOWN OF AUBURN
PROHIBITION AND REGULATION OF FIREWORKS ORDINANCE

Section 11: **SUPERCESSION**

Upon the vote of the Board of Selectmen, this Ordinance shall take effect thirty (30) days after passage which is _____, 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 _____ day of _____, 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 _____ day of _____, 2016

Kathleen A. Sylvia, Town Clerk

TOWN OF AUBURN

SPECIAL EVENTS AND FIRE WATCH ORDINANCE

Section 1: **PURPOSE**

The purpose of this Ordinance is to establish safe and reasonable standards for the protection of life and property in special event situations within the Town of Auburn that compromise the safety of the community.

Section 2: **AUTHORITY**

The authority for the Auburn Board of Selectmen to regulate Special Events and Fire Watch activity is contained in RSA 153:5, V, RSA 154:2, RSA 154:18, and RSA 155-A:3, V.

Section 3: **AUTHORITY HAVING JURISDICTION (AHJ)**

The NFPA 1 National Fire Code, 2009 edition, Chapter 3 – Definitions, Paragraph 3.2.2 defines Authority Having Jurisdiction (AHJ) as “an organization, office or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation or a procedure.”

Section 4: **FIRE WATCH**

Where required by the Auburn Fire Chief or the Authority Having Jurisdiction (AHJ) for building demolition, and/or when there are situations that compromise the safety of the community, the Auburn Fire Chief or AHJ shall require on-site personnel designated solely for fire watch purposes.

Situations that compromise the safety of the community include but are not limited to:

1. The loss of a required fire alarm or fire sprinkler system;
2. Occupant load increase; and/or
3. The nature of the performance, exhibition, display, contest or activity.

The required on-site personnel shall be qualified fire personnel and shall be appointed by the Fire Chief and/or the AHJ. Any costs associated with providing said Fire Watch shall be the responsibility of the owner, agent or lessee of the property where the Fire Watch will take place.

TOWN OF AUBURN SPECIAL EVENTS AND FIRE WATCH ORDINANCE

Section 5: **LEVEL OF COVERAGE**

The level of coverage shall be based on the State of New Hampshire Fire Watch Guidelines, however, circumstances may warrant modifications at the discretion of the Fire Chief or AHJ.

The minimum coverage shall be one qualified fire personnel for a minimum of three (3) hours.

Section 6: **PERMIT REQUIRED**

As indicated in Section 4 of this Ordinance, a Special Events Permit shall be required for situations that compromise the safety of the community including, but not limited, to:

1. The loss of a required fire alarm or fire sprinkler system;
2. Occupant load increase; and/or
3. The nature of the performance, exhibition, display, contest or activity.

An application for a Special Events Permit may be obtained at either the Auburn Fire Department (55 Eaton Hill Road), or at the Auburn Town Hall (47 Chester Road).

There shall be no fee charged for a Special Events Permit. However, if a Fire Watch is required by the Auburn Fire Chief or AHJ, the permit applicant shall be required to pay the Town of Auburn for the Fire Watch coverage required by the Auburn Fire Chief or the AHJ.

Section 7: **NON-COMPETE OR RELIQUISHMENT OF OTHER REQUIREMENTS**

Nothing in the Town of Auburn Special Events and Fire Watch Ordinance is intended to alter and/or replace the conditions or requirements of other regulatory agencies or authorities who may also have jurisdiction over a specific function or event. This would include, but not be limited to, a Special Event Liquor License issued by the NH Liquor Commission, or permits issued by the NH State Fire Marshall.

Section 8: **ENFORCEMENT**

The Auburn Fire Chief or the Authority Having Jurisdiction (AHJ), or his or her duly appointed agents, are hereby authorized to cite, summons and prosecute in the District or Superior Court or any other court having jurisdiction thereof, any person, firm or

TOWN OF AUBURN SPECIAL EVENTS AND FIRE WATCH ORDINANCE

corporation deemed to be in violation of the provisions of the Town of Auburn Special Events and Fire Watch Ordinance.

Section 9: **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 10: **APPEAL PROCESS**

Any organization, office or individual(s) aggrieved by an administrative decision of the Auburn Fire Chief or AHJ to require a level of Fire Watch under this Ordinance may appeal such decision to the Board of Selectmen within 15 days of the decision. The appealing party must demonstrate to the Board of Selectmen why the Auburn Fire Chief's or AHJ's determination should not be followed, and how all safety concerns and requirements would be met without the Fire Watch, or with a lower level Fire Watch, in order to ensure the safety of all those who may be involved with the special event.

Section 11: **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.

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TOWN OF AUBURN
SPECIAL EVENTS AND FIRE WATCH ORDINANCE

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 _____ day of _____, 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 _____ day of _____, 2016

Kathleen A. Sylvia, Town Clerk