

ORDINANCE 2014-05
AN AMENDMENT TO THE MUNICIPAL CODE
TITLE I, CHAPTER XXI RELATING TO THE SALE, POSSESSION AND
DISPLAY OF FIREWORKS

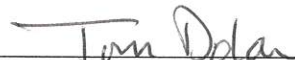
WHEREAS the Town of Londonderry voted at its 1993 Town Meeting to authorize provisions of RSA 160-B and RSA 160-C, the sale, possession and display of fireworks, and;

WHEREAS the Town of Londonderry seeks to further authorize the issuance of permits to manage the sale, possession and display of fireworks within the community in an effort to maintain a high quality of life and preserve the public peace, and;

WHEREAS the Town of Londonderry currently does not address safety regulations of fireworks in its municipal code;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title I, Chapter XXI – sale, possession and display of fireworks, is hereby amended as attached.


Sharon Farrell
Town Clerk


Tom Dolan - Chairman
Town Council

(TOWN SEAL)

A TRUE COPY ATTEST:
10/06/2014



CHAPTER XXI - SALE, POSSESSION AND DISPLAY OF FIREWORKS

SECTION I PURPOSE

- A. To manage the sale, possession and display of fireworks within the community with the aim of maintaining environmental quality while preserving the peace.

SECTION II DEFINITIONS

- A. “Fireworks” means as defined in 27 CFR section 555.11, “display fireworks” as defined in RSA 160-B:1, and “consumer/permissible” fireworks as defined in 160-C:1. “Fireworks” shall not include novelty items as defined in RSA 160-B and RSA 160-C.
- B. “Display” means the use, exploding, 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.
- C. “Sale” or “Sell” means to sell, give or transfer to another, with or without consideration.
- D. “Retail” means the sale to any consumer or person not engaged in the business of making sales of fireworks.
- E. “Wholesale” means engaging in the business of making sales to any other person engaged in the business of making sales of fireworks. Wholesale shall not include any making of sales to consumers or persons not engaged in the business of making sales of fireworks. To constitute a wholesale sale, a sale must be for a minimum amount of \$1,000, or such minimum amount as established by the Commissioner of the Department of Safety pursuant to RSA 160-B:1, VIII.

SECTION III PERMITS, REGULATIONS, AND FEES

- A. Pursuant to 1993 Town Meeting Vote of Article No.7, the sale, possession and display of fireworks is authorized pursuant to the provisions of RSA 160-B and RSA 160-C, subject to all the provisions therein.
- B. Permits shall be issued to the extent authorized under RSA’s 160-B:6, 160-B:7, 160-C:2, and 160-C:6, including but not limited to:
 - 1. Any person seeking to display consumer/permissible fireworks shall obtain a permit from the Londonderry Fire Department.
 - 2. Permits shall be capped at a maximum of 12 per calendar year, per household, or any other entity.

3. A permit to display consumer/permissible fireworks shall not be required on July 4 and the three days preceding and succeeding July 4.
- C. The following safety regulations shall be followed:
1. Fireworks cannot be discharged any closer than 75 feet from any combustible structure, or no closer than the clearances listed by the fireworks manufacturer.
 2. Fireworks cannot be discharged any closer than 50 feet from any overhead wiring.
 3. Spectators must be positioned no closer than 75 feet from the discharged fireworks or no closer than the clearances recommended by the manufacturer.
- D. Display times shall adhere to the following:
1. Fireworks shall not be displayed between the hours of 10:00PM and 7:30AM, seven days a week.
- E. Fees shall be as follows:
1. Fees will be in accordance with the fee schedule adopted by the Town Council.

SECTION IV PENALTIES FOR OFFENSE

- A. In addition to any penalties provided in RSA 160-B and RSA 160-C, any person who or any entity that violates any of the terms of this ordinance shall be guilty of a violation and subject to a fine in the amount of \$1000.