

# TOWN OF WHITEFIELD, NEW HAMPSHIRE

## PERMISSIBLE FIREWORKS ORDINANCE

Use, discharge and possession of NH Permissible (Consumer) Fireworks

### PURPOSE AND AUTHORITY

- A. It is the intent of the Town to promote an environment free from danger or excessive 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 the function of certain noise-producing equipment which is not amenable to such controls yet is essential to the economy and quality of life in the community. The purpose of this article is to establish standards for the control of fireworks in the Town and promote specific activities during designated times.
- B. In accordance with the statement of intent in the subsection (A) of this section, it shall be unlawful for any person to violate any of the provisions or regulations as set forth in this chapter.
- C. This ordinance is adopted pursuant to RSA 160-C:6 and RSA 160-B:10.

### GENERAL REGULATIONS

- A. Any person wishing to discharge NH permissible (consumer) fireworks as defined in RSA 160-C:1 shall obtain a written fireworks permit from the Fire Chief or their designee. A permit shall be obtained **before** any discharge of permissible fireworks is to occur.

#### a. PROCEDURE TO OBTAIN A PERMIT

- i. The applicant shall submit the permit application and the \$5 permit fee to the Fire Chief or their designee.
- ii. The applicant shall provide proof that they are the landowner of the property where the fireworks discharge is to occur, or have the landowner's written permission.
- iii. The applicant shall provide a valid photo identification, which also identifies the applicants address and date of birth.
- iv. The applicant shall be at least 21-years of age or older (NH RSA 160-C:11).
- v. The applicant shall provide a copy of the receipt demonstrating fireworks were purchased from licensed permissible fireworks retailers in New Hampshire.

b. **CONDITIONS APPLICABLE TO ALL PERMITS**

- i. Fireworks shall not be ignited or possessed by anyone under 21 years of age.
- ii. The applicant is required to have a means of fire extinguishment readily accessible.
- iii. The permit shall be valid for only the date it is issued.
- iv. Anyone discharging or igniting fireworks shall not be under the influence of any drugs or alcohol.
- v. Permissible fireworks shall only be discharged or used within the dates and times indicated on the permit.
- vi. Permits will only be issued on the days when the fire danger day is Class One or Two as determined by the New Hampshire Division of Forest and Lands Bureau of Forest Protection.

**B. ENFORCEMENT**

a. The Fire Chief, their authorized designee or any Police Officer reserve the rights 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:** Written Warning and/or revocation of permit
- ii. **SECOND OFFENSE:** \$250 fine and revocation of permit
- iii. **THIRD OFFENSE:** \$500 fine and revocation of permit; Persons violating this ordinance for a third time will be prohibited from obtaining any further permissible fireworks permits for two years.

c. All fines shall be paid to the Town of Whitefield and deposited into the general fund

d. Any complaint received by the Town of Whitefield as the result of an issued permit shall be grounds for revocation of the issued permit following an investigation conducted by any enforcement authority.

e. The applicant shall be responsible for reimbursing the Town of Whitefield for all costs associated with the mitigation of any fire or other emergency which is the result of the applicant's use of fireworks.

f. Any sworn law enforcement officer of the Town, County, or State, as well as the Fire Chief and their Designee shall be empowered to enforce this ordinance.

g. Persons found in possession of, or discharging Non-Permissible Fireworks shall be subject to the penalties outlined in NH RSA 160-B. This section shall not apply to those individuals that hold a valid Certificates of Competency issued by the NH Department of Safety and hold a valid Display of Fireworks Permit issues in accordance with RSA 160-B, and SAF-C 500, or any other ordinance. Nothing in this ordinance shall preclude any sworn Police Officer from enforcing any section of



NH RSA 160-B or NH RSA 160-C.

- h. Any person who fails to comply with the provisions of this ordinance within ten (10) business days of a violation shall have the violation forwarded to a court of competent jurisdiction for prosecution of said offense.
- i. Debris from discharged fireworks shall not be left in public areas, waterways, or roadways. The provisions of RSA 163-B (NH Litter Control Act) shall apply, and any sworn Police Officer may enforce those provisions regarding fireworks debris.

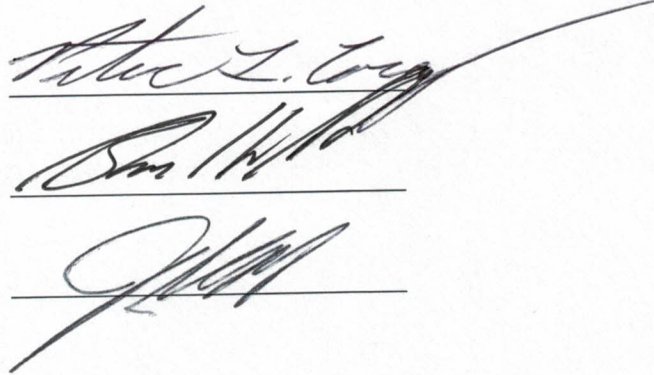
### C. APPEALS

- a. Any party aggrieved by the implementation or administration of the provisions of this ordinance may appeal to the Board of Selectmen within ten (10) business days and not thereafter.
- b. All appeals shall be in written form setting forth the basis of the appeal and submitted to the Select Board.

**BOARD OF SELECTMEN  
WHITEFIELD, NEW HAMPSHIRE**

ORDINANCE REVIEWD AND APPOROVED ON THIS 25<sup>th</sup> DAY OF October, 2021

By the Board of Selectmen of the  
Town of Whitefield, New Hampshire



Three handwritten signatures are written over horizontal lines. The first signature is the most legible and appears to read 'Peter L. Long'. The second and third signatures are more stylized and difficult to decipher.

# **Town of Whitefield**

**56 Littleton Rd  
Whitefield, NH 03598**

## ***PERMIT TO DISCHARGE NH PERMISSIBLE FIREWORKS***

APPLICANT: \_\_\_\_\_ DOB: \_\_\_\_\_ AGE: \_\_\_\_\_

ADDRESS OF DISPLAY: \_\_\_\_\_

LANDOWNER'S NAME: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ TO \_\_\_\_\_

1. The applicant shall submit the permit and the \$5 permit fee to the Fire Chief or their designee.
2. The applicant shall provide proof that they are the landowner of the property where the fireworks discharge is to occur, or has the landowner's written permission.
3. The applicant shall provide a valid photo identification, which also identifies the applicants address and date of birth.
4. The applicant shall be at least 21-years of age or older (NH RSA 160-C:11).\
5. Fireworks shall be purchased from licensed permissible fireworks retailers in New Hampshire only.
6. Fireworks shall not be ignited or possess by anyone under 21 years of age.
7. The applicant is required to have a means of fire extinguishment readily accessible.
8. The permit shall be valid for only the dates and times it is issued.
9. Anyone discharging or igniting fireworks shall not be under the influence of any drugs or alcohol.
10. Permissible fireworks shall only be discharged or used between the hours indicated on the permit.
11. Permits will only be issued on the days when the fire danger day is Class One or Two as determined by the New Hampshire Division of Forest and Lands Bureau of Forest Protection.
12. Failure to comply with ANY provision of this ordinance shall result in:
  - a. FIRST OFFENSE: Written Warning and/or revocation of permit
  - b. SECOND OFFENSE: \$250 fine and revocation of permit
  - c. THIRD OFFENSE: \$500 fine and revocation of permit; Persons violating this ordinance for a third time will be prohibited from obtaining any further permissible fireworks permits for two years.

SIGNATURE: \_\_\_\_\_ PHONE#: \_\_\_\_\_

FIRE CHIEF OF DESIGNEE SIGNATURE: \_\_\_\_\_