

# **Town of Newington**

## **Fireworks Ordinance No. 15-01**

### **A. Fireworks Generally – Statement of Purpose**

1. The purpose of this Ordinance is to establish standards for the control of New Hampshire Permissible Fireworks within the Town of Newington. It is the intent of the Town of Newington 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 may be essential to the quality of life in the community.

### **B. Fireworks Regulations**

1. The use of Permissible Fireworks in the Town of Newington is regulated by Town Ordinance. Fireworks permits are required and issued by the Newington Fire Department under the conditions specified in the ordinance. There is no fee for the fireworks permit. Permits will be issued 24-48 hours prior to the fireworks display and shall be valid only for the display date listed on the permit.
2. The sale of fireworks within the Town of Newington is prohibited.
3. Applicants for fireworks permits must be 21 years of age and the owner of the property, or have written permission for the display from the owner of the property where the display is being held. The applicant shall provide a valid photo identification upon request of the issuing authority.
4. Permits will not be issued in conditions of high fire danger when outside burn permits would not be issued or when the Fire Chief or his designee determine that conditions are not appropriate. Fireworks displays shall only be allowed on Saturdays, Sundays or federal holidays between the hours of 10:00 am and 10:00 pm. No fireworks display shall be ignited within 100 feet of any structure, overhead utilities or woodlands. Any fireworks display shall be restricted to the property listed on the permit unless written permission of the adjoining property owner is obtained prior to the display. Persons under the age of 21 are prohibited from igniting fireworks and any person igniting fireworks shall not be under the influence of drugs or alcohol.
5. Fireworks shall not be ignited when aircraft approaching or departing Pease Airport can be seen or heard. (See Pease Airport section below)
6. The permit applicant shall be required to have a means of fire extinguishment readily accessible.
7. Only New Hampshire Permissible Fireworks purchased from a licensed fireworks retailer in New Hampshire shall be permitted to be displayed and a copy of the sales receipt is required for permitting.

### **C. Town Property**

1. Fireworks displays on or over property owned by the Town of Newington is prohibited without the written permission of the Board of Selectman and the issuance of a Fireworks Permit.

**D. Enforcement**

1. The Fire Chief or his designee reserves the right to inspect the permitted location and the fireworks to be discharged at any time during the period for which the permit is issued. Failure to allow such inspection shall result in the immediate revocation of the permit.
2. The applicant shall be responsible for reimbursing the Town of Newington for any costs associated with the mitigation of any fire or other emergency which is the result of the applicants use of fireworks.
3. Failure to comply with any provision of this ordinance is a violation punishable by:
  - First Offense: \$50.00 fine and revocation of permit, if applicable
  - Second Offense: Up to a \$1,000.00 fine and revocation of permit, if applicable
4. Persons found guilty of a second offense will be prohibited from obtaining any further Permissible Fireworks Permits.
5. Any sworn law enforcement officer shall be empowered to enforce this ordinance.

**E. Pease Airport Fireworks Restrictions**

1. The ignition/display of fireworks within the common path of approach and departure to Pease Airport is strictly prohibited. No fireworks permits will be issued for properties within this restricted space. A map of the restricted space will be maintained by the Fire Department and referred to at the time a fireworks permit is requested.
2. No fireworks shall be ignited when aircraft approaching the Pease Airport can be seen or heard.

**F. Other**

1. No permit issued under this ordinance shall relieve the permit holder of any responsibilities or liabilities associated with any other rule, ordinance or law governing the conduct of the permit holder, and no permit issued under this ordinance shall provide for any exemptions to any other rule, ordinance or law.

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**Permit to Discharge NH Permissible Fireworks**

Applicant Name: \_\_\_\_\_

Address of Display: \_\_\_\_\_

Phone: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_

Landowner's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Date of Display: \_\_\_\_\_ Time: 10:00 AM to 10:00 PM

1. The applicant shall appear in person before the Fire Chief, or his Authorized Designee at least two days prior to the requested date of ignition.
2. The ignition is not allowed in the common path of approach by aircraft landing and taking off from Pease Air Base (refer to shaded area on attached map).
3. Fireworks shall not be ignited when aircraft is heard or visible to applicant. (Federal law prohibits the distraction or interference of pilots by the use of lighted projectiles or beam of light)
4. The flight ceiling for aircraft shall be over 1000 ft and 3 miles visibility at the time of ignition.
5. The firework display shall not exceed 100 ft from ground level.
6. The applicant shall provide proof that he, or she is the landowner of where the fireworks discharge is to occur, or has the Landowner's written permission.
7. The applicant shall provide a valid photo identification.
8. The applicant shall be at least 21 years of age or older, (NH RSA 160-C:11)
9. Fireworks shall be purchased from licensed Permissible Fireworks retailers in New Hampshire only. (Copy of Receipt for permit)
10. The applicant shall only purchase the quantity of fireworks needed for the permitted display. The storage of Permissible fireworks is prohibited
11. Fireworks shall only be ignited on Saturday, Sunday or Federal Holidays.
12. Fireworks shall not be ignited by minors (anyone under the age of 21).
13. Fireworks shall be ignited a minimum of 100 feet from any structure or overhead utilities.
14. Fireworks shall only be displayed over the permittee's property.
15. The applicant is required to have a means of fire extinguishment readily accessible.
16. The permit shall only be valid for the date issued.
17. Applicant shall call the Fire Department 30 minutes prior to ignition.
18. Anyone discharging or igniting fireworks shall not be under the influence of any drugs or alcohol.
19. Permissible Fireworks shall only be discharged between the hours of 10:00 AM and 10:00 PM.
20. Permits will only be issued on days when the Fire Danger day is a Class One (low) or Two (moderate) as determined by the New Hampshire Division of Forest and Lands - Bureau of Forest Protection.
  - Failure to comply with any provisions of this ordinance shall result in:
    - a) First Offense: \$50 fine and revocation of permit,
    - b) Second Offense: Up to \$1,000 fine and revocation of permit. Per Town Ordinance 15-01, Persons found guilty of a second offense will be prohibited from obtaining any further Permissible Fireworks Permits.

Applicant signature: \_\_\_\_\_

Fire Chief or designee signature: \_\_\_\_\_



