

Fireworks Ordinance

Definitions:

Definitions of terms pertaining to fireworks as used in this chapter are defined by NH RSA 160-B:1 and NH RSA 160-C:1, and all applicable chapters.

Permit Required; prohibited displays; exceptions.

A. Any property owner seeking to display Class C “Common” Fireworks, as defined by RSA 160-c:1,11, within the Town of Farmington, “Compact Part” shall obtain a written Class C fireworks permit from the Fire Chief or his authorized designee. Only the permit holder may display fireworks under the authority of the permit. “Compact part” means the territory within a town or city comprised of the following:

1. Any nonresidential, commercial building, but not limited to, industrial, educational, or medical buildings, plus a perimeter 300 feet wide around all such buildings without permission of the owner.
2. Any park, playground, or other outdoor public gathering place designated by the legislative body of the city or town.
3. Any contiguous area containing 6 or more buildings which are used as either part-time or permanent dwellings and the spaces between them where each such building is within 300 feet of at least one of the others, plus a perimeter 300 feet wide around all the buildings in such area.

B. Consumer fireworks are prohibited from being displayed from public or private property or beaches unless expressly authorized by the Board of Selectmen or its authorized designee. Consumer fireworks are prohibited on public property.

C. Display fireworks are prohibited unless the applicant has demonstrated compliance with all applicable provisions of RSA 160-B.

Permit application process.

A. The applicant shall appear in person before the Fire Chief, or his/her authorized designee, at the Farmington Public Safety Building, 160 Main Street Farmington NH, between the hours of 8:00 am and 4:00 PM (weekdays, excluding designated holidays), at least 7 days prior to the display.

B. The applicant shall provide valid photo identification at the time of the application.

C. The applicant shall be at least 21 years of age or older.

D. Any permit holder found to be impaired by the consumption of alcohol and/or use of any drugs is subject to the revocation of the permit.

E. The permit holder must be present at all times during the display of consumer fireworks.

F. The permit shall be valid only for the date issued.

G. Permits will be only issued for days when the fire danger is class one, two, or class three (as determined by the New Hampshire Division of Forests and Lands, Bureau of Forest Protection). Use of consumer fireworks is prohibited on class four and class five fire danger days or at times when the National Weather Service has issued a red flag warning.

I. Prior to the permit being issued, the Farmington Fire Chief or his/her designee shall conduct a site inspection. If the location is not suitable for the safe display of consumer fireworks, the permit shall be denied. The Fire Department will forward the application and recommendation to the Board of Selectmen for permit approval.

J. A sketch shall be furnished by the applicant showing locations of the display, buildings, property boundaries, and utilities.

K. The applicant and/or permit holder must provide proof of ownership or written consent of the private property owner where the display of consumer fireworks will occur.

L. Consumer fireworks shall only be ignited a minimum distance away of 75 feet from any structure, utility, property boundary, woodland, or public way.

M. Consumer fireworks shall only be used in accordance with the manufacture's recommendations and warnings.

N. All refuse from the display of consumer fireworks shall be contained on the property from which they are ignited, i.e., the location on the consumer fireworks permit request.

O. The permit holder shall have sufficient means of fire extinguishment readily accessible.

Enforcement; violations and penalties.

A. The Fire Chief, or his/her authorized designee, reserves the right to inspect the permitted location and consumer 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 provisions of this chapter shall result in a fine or penalty as follows:

1. First offense: \$50.00.

2. Second offense within 1 year of a prior offense (365 days): \$100.00

3. First offense after Board of Selectmen issues permits: \$500.00 and revocation of the permit, and the violator shall be prohibited from obtaining any further consumer fireworks permits for a period of 3 years.

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

D. The applicant shall be responsible for reimbursing the Town of Farmington for all costs associated with the mitigation of any fire or other emergency resulting from the applicant's misuse of consumer fireworks.

E. The Fire Chief, or his/her authorized designee, or any sworn Police Officer of the Town of Farmington shall have the authority to issue citations for violations of this chapter and ordinance and revoke the permit.

F. Any complaint received by the Town of Farmington regarding consumer fireworks shall be investigated by the Farmington Fire and/or Farmington Police Department. If found to be in violation of the state law or local ordinance or deemed unsafe to the public by the enforcement authorities, the permit shall be subject to revocation and/or fine.

G. No consumer fireworks shall be discharged in a manner that the debris cannot be contained on the owner of the approved site.

H. No consumer fireworks shall be discharged between the hours of 11:00 P.M. and 10:00 A.M. unless the Fire Chief grants written authorization.

I. Nothing in this chapter shall preclude any sworn law enforcement or fire officer from enforcing any section of NH RSA 160-B or NH RSA 160-C or any other applicable laws.