NH RSA 160-C:6 Local Option. – Any municipality in the state, by action of its local legislative body or local governing body, may vote to allow or to prohibit, within that municipality, the issuance of permits or licenses to sell permissible fireworks or the display or possession of permissible fireworks. If the municipality has voted to prohibit the issuance of permits or licenses or the display or possession of permissible fireworks prior to the effective date of this section, such decision shall remain in effect unless subsequent action is taken under this section.

Source. 1999, 348:14, eff. Jan. 21, 2000

PERMISSIBLE FIREWORKS ORDINANCE
Town of Swanzey, New Hampshire

Display and Possession of NH Permissible (Class C "Common") Fireworks

Any property owner seeking to display, as defined by RSA 160-B,I(V), or possess NH Permissible (Class C "Common") Fireworks, as defined by RSA 160-C:1,II, within the Town of Swanzey, shall obtain a written Class C fireworks permit from the Fire Chief or his authorized designee. A permit shall be obtained from the Fire Department prior to displaying or possessing Class C permissible fireworks. Only the permit holder, or his/her designee in the presence of the permit holder, may display or possess fireworks under the authority of this permit.

Pursuant to RSA 160-B:10 and RSA 160-C:6, the sale of fireworks within the Town of Swanzey shall be prohibited.

Procedure to obtain a permit:

1. The applicant shall appear in person before the Swanzey Fire Chief, or his authorized designee(s), at the administrative headquarters (West Swanzey Fire Station), between the hours of 8:00 am and 4:00 pm (weekdays/excluding designated holidays).
2. The applicant shall provide proof that he/she is the property owner where the fireworks display site is located, or the applicant has the property owners' written permission.
3. The applicant shall provide a plot plan sketch that demonstrates where the fireworks will be ignited from in relation to structures, overhead utilities, woodlands, and property boundaries.
4. The applicant shall provide valid photo identification at the time of the application.
5. The applicant shall be at least 21 years of age or older. (NH RSA 160-C:11)
6. Fireworks are recommended to be purchased from licensed Permissible Fireworks retailers in New Hampshire only (copy of receipt required for permit).
7. Applicants are encouraged to purchase only the quantity of fireworks required for each display period. The storage of permissible fireworks is prohibited.
8. Class C Fireworks shall not be ignited by any person under the age of twenty-one (21).
9. Class C Fireworks shall be ignited a minimum of 75 feet from any structure, overhead utilities, woodlands, and property boundaries.
10. All refuse from fireworks must be contained on the property from which they are being ignited. Refuse from fireworks landing on other property without consent of the owner shall be subject to civil penalties and may be a violation of the Town's Illegal Dumping Ordinance.

11. Any permit holder found to be impaired by the consumption of alcohol and/or use of drugs while displaying or possessing Permissible Fireworks is subject to revocation of the permit.
12. The permit holder is required to have a means of fire extinguishment readily accessible.
13. The permit shall be valid only for the date it is issued.
14. Permissible Fireworks shall only be discharged between the hours of 5:00 pm and 10:00 pm. Discharge of Fireworks may be a violation of the Town's Noise Ordinance and would be subject to applicable penalties.
15. Permits will only be issued on days when the Fire Danger day is Class One, Class Two, or Class Three (as determined by the New Hampshire Division of Forest and Lands – Bureau of Forest Protection). Use of Fireworks is prohibited on Class Four and Class Five Fire Danger Day or at times when a red flag fire warning has been issued by the National Weather Service.

Enforcement:

1. A site inspection by the Swanzey Fire Chief and/or his authorized designee shall be conducted prior to the issuance of a Class C fireworks permit for all initial applications and may be required for subsequent permit applications. The Fire Chief (or authorized designee) may inspect the permitted site and fireworks prior to display 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.
2. Failure to comply with any provision of this ordinance may result in a written warning, a fine of $100.00 per occurrence, revocation of permit, and denial of future permit applications.
3. All fines shall be paid to the Town of Swanzey and deposited into the general fund account within seven days of the date of the offense.
4. Any complaint received by the Town of Swanzey regarding a permitted Class C Fireworks display shall be investigated by the Swanzey Police and/or Swanzey Fire Department and if found to be in violation of state law, local ordinance or deemed to be unsafe to the public by the enforcement authorities, the permit shall be subject to revocation by the Fire Chief, the Fire Chief authorized designee(s) or any police officer.
5. The permit holder shall have financial responsibility for expenses incurred by the Town of Swanzey for all costs associated with the mitigation of any fire or other emergency which is the result of the applicant's misuse of Fireworks.
6. The Swanzey Fire Chief, his authorized designee(s), or any sworn police officer of the Town of Swanzey shall have the authority to issue citations for violations of this ordinance.
7. Persons found in possession of, or displaying Non-Permissible Fireworks shall be subject to the penalties outlined in NH RSA 160–B:4. This section shall not apply to those individuals that hold valid Certificates of Competency issued by the NH Department of Safety and hold a valid Display Fireworks Permit issued in accordance with this, 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.

Permit to Display and Possess NH Permissible Fireworks
Town of Swanzey, NH

1. The applicant shall appear in person before the Swanzey Fire Chief, or his authorized designee(s).
2. The applicant shall provide proof that he/she is the landowner of where the fireworks display is to occur, or has the landowner's written permission.
3. The applicant shall provide valid photo identification.
4. The applicant shall provide a plot plan sketch that demonstrates where the fireworks will be ignited from in relation to structures, overhead utilities, woodlands, and property boundaries.
5. The applicant shall be at least 21 years of age or older (NH RSA 160-C:11).
6. Fireworks shall be purchased from licensed Permissible Fireworks retailers in New Hampshire only (copy of receipt required for permit).
7. The applicant shall only purchase the quantity of fireworks needed for the permitted display. The storage of permissible fireworks is prohibited.
8. Fireworks shall not be ignited by any person under the age of 21.
9. Class C Fireworks shall be ignited a minimum of 75 feet from any structure, overhead utilities, woodlands, and property boundaries.
10. Any permit holder found to be impaired by the consumption of alcohol and/or use of drugs while displaying or possessing Permissible Fireworks shall immediately have his/her permit voided.
11. All refuse from fireworks must be contained on the property from which they are being ignited. Refuse from fireworks landing on other property without consent of the owner shall be subject to civil penalties and may be a violation of the Town's Illegal Dumping Ordinance.
12. The applicant is required to have a means of fire extinguishment readily accessible.
13. The permit shall be valid only for the date it is issued.
14. Permissible Fireworks shall only be displayed between the hours of 5:00 pm and 10:00 pm. Display of Fireworks may be a violation of the Town's Noise Ordinance and may be subject to applicable penalties.
15. Permits will only be issued on days when the Fire Danger day is Class One, Class Two or Class Three as determined by the New Hampshire Division of Forest and Lands – Bureau of Forest Protection. Fireworks are prohibited on Class Four and Five Fire Danger days or when a red flag warning has been issued by the National Weather Service.
16. Failure to comply with any provision of this ordinance may result in a written warning, a fine of $100.00 per occurrence, revocation of permit, and denial of future permit applications.

Property Owner-Permit Holder:		DOB:	AGE:
Address:			
Location of Fireworks Display:			
Display Date:	Display Time	From:	To:

Fireworks may be displayed between the hours of 5:00 pm and 10:00 p.m.

Permit Approved By:	Date:

FIRE CHIEF/AUTHORIZED DESIGNEE
TOWN OF SWANZEY, NH

Permit Fee: $25.00
The above regulation and permit process pertaining to fireworks was adopted by Board of Selectmen on May 17, 2017 following a public hearing.

Town of Swanzey Board of Selectmen

Kenneth P. Colby, Jr., Chair

Sylvester R. Karasinski

W. William Hutwelker, III

Received and Recorded (Date):

Ronald Fontaine 5/25/2017
Town Clerk