



TOWN OF DURHAM
8 NEWMARKET ROAD
DURHAM, NH 03824
Tel: 603-868-5571
Fax: 603-868-1858
www.ci.durham.nh.us

ORDINANCE #2021-01 OF DURHAM, NEW HAMPSHIRE

AMENDING SECTIONS 6.5.3 AND 6.5.4 OF CHAPTER 68: FIRE PREVENTION OF THE DURHAM TOWN CODE TO PROHIBIT CONSUMER (PERMISSIBLE) FIREWORKS DISPLAYS WITHIN THE TOWN OF DURHAM UNLESS GRANTED A SPECIAL EXCEPTION BY THE TOWN ADMINISTRATOR

WHEREAS, members of the public have expressed concerns to the Town Council and Town Officials regarding the use of consumer (permissible) fireworks within the Town of Durham as it relates to noise and a disturbance of the peace; and

WHEREAS, the use of consumer (permissible) fireworks creates life safety concerns including the potential loss of life, injury, and property damage; and

WHEREAS, the National Fire Protection Association (NFPA) urges people not to use consumer fireworks because they are far too dangerous; and

WHEREAS, the use of consumer (permissible) fireworks may have a negative impact on our environment as well as a negative impact on military veterans, individuals having certain mental health conditions, the elderly, children, pets, and wildlife; and

WHEREAS, NH RSA 160-C:6 Local Option allows any municipality in the state, by action of its local legislative body or local governing body, to 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.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt Ordinance #2021-01 and does hereby amend Section 6.5.3 and Section 6.5.4 of Chapter 68: Fire Prevention of the Durham Town Code to prohibit consumer (permissible) fireworks within the Town of Durham unless granted a special exception by the Town Administrator. Wording to be deleted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

6.5.3 ~~Consumer~~ Fireworks

6.5.3.1 Novelties. Novelties such as Sparklers, Party Poppers, Snappers, and Snakes are considered “Unregulated Novelty Devices” and are allowed. ~~Permitting and approval from the fire department must be obtained prior to the display and use of consumer fireworks.~~

6.5.3.2 Consumer (Permissible) Fireworks. In accordance with NH RSA 160-C Local Option, the Town of Durham prohibits the issuance of permits, licenses, and the display or possession of consumer (permissible) fireworks unless granted a special exception by the Town Administrator. The Town Administrator, after a review has been conducted by the Fire Chief and Police Chief, may issue a special exception to display consumer fireworks.

6.5.3.3 Display Fireworks, as defined in NH RSA 160-B:1, Definitions. The construction, handling, and use of fireworks intended solely for outdoor display, as well as the general conduct and operation of display, shall comply with the requirements of NFPA 1123, Code of Fireworks Displays and shall be in accordance with SAF-C 5000, Display Fireworks. Display Fireworks shall also comply with NH RSA 160-B:7, Requirements for Display Fireworks. The Town Administrator, after a review has been conducted by the Fire Chief and Police Chief relative to the competence of the operator, protection factors in place, the availability of staffing, the site selected, and proof of liability insurance, may issue a permit to display fireworks between the hours of 6:00 pm and 11:00 pm for special events in which a fireworks display is deemed in the overall best interests of the general public.

6.5.3.4 Pyrotechnics and Flame Effects Before a Proximate Audience. Permitting and approval for pyrotechnics and flame effects must be obtained prior to the display and use of pyrotechnic materials pursuant to SAF-C 6900 Proximate Audience Pyrotechnics and Flame Effect Rules. Those wishing to provide pyrotechnics and similar displays before a proximate audience must submit a set of plans to the Authority Having Jurisdiction (AHJ) for review. All such activities shall meet the state’s requirements including but not limited to, NFPA 1126. A permit will be issued upon satisfactory review of said plans.

6.5.4 ~~Pyrotechnics~~ (Reserved for Future Use)

6.5.4.1 ~~— Permitting and approval from the fire department must be obtained prior to the display and use of pyrotechnic materials before a proximate audience.~~

6.5.4.2 ~~— The construction, handling, and use of fireworks intended solely for outdoor display as well as the general conduct and operation of display shall comply with the requirements of NFPA 1123, Code for Fireworks Display.~~

~~6.5.4.3 — Those wishing to provide pyrotechnics and similar displays before a proximal audience must submit a set of plans to the AHJ for review. All such activities shall meet the state's requirements, including but not limited to NFPA 1126. A permit will be issued upon satisfactory review of said plans.~~

PASSED AND ADOPTED this 3rd day of May, 2021 by an Eight (8) to Nine (9) roll call vote of the Durham Town Council as follows:

Sally Tobias	<u>Yes</u>
Dinny Waters	<u>Yes</u>
Al Howland	<u>Yes</u>
Katherine Marple	<u>Yes</u>
Carden Welsh	<u>Yes</u>

Wayne Burton	<u>Yes</u>
James Lawson	<u>Yes</u>
Sally Needell	<u>Yes</u>
Chuck Hotchkiss	Yes



Katherine Marple, Chair
Durham Town Council

ATTEST:



Lorrie Pitt, Town Clerk