

PERMISSIBLE FIREWORKS ORDINANCE

Town of Chesterfield, New Hampshire

AUTHORITY

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

PURPOSE

The primary intent of this Ordinance is to protect the health of humans (both physiological and psychological), animals (domestic and wild), water bodies, structures, and undeveloped land, from the inherent dangers associated with the display of incendiary materials; the refuse discharge from these displays, along with preventing unwanted disturbances attributable to loud bangs and other noises associated with fireworks.

DEFINITIONS

“Fireworks” includes:

NH Permissible (Class C “Common”) Fireworks, as defined by RSA 160-C:I,II; and

Binary explosive targets which are products consisting of two separate components, usually an oxidizer like ammonium nitrate and a fuel such as aluminum or another metal. When the binary components are combined, the resulting mixture is an explosive material subject to the regulatory requirements found in 27 CFR, Part 555. Binary explosive targets are to be used for gunshot practice only. Binary explosive targets include branded products such as Tannerite and Sure Shot.

DISPLAY OF NH PERMISSABLE (CLASS C “COMMON”) FIREWORKS AND UTILIZATION OF BINARY EXPLOSIVE TARGETS

Any property owner seeking to display, as defined by RSA 160-B,I(V) and 160-B:16, NH Permissible (Class C “Common”) Fireworks or to utilize Binary Explosive Targets within the Town of Chesterfield (comprised of the villages of Chesterfield, West Chesterfield and Spofford), shall obtain a Fireworks permit from the Police Department prior to displaying Class C “Common” Permissible Fireworks or utilizing Binary Explosive Targets. Only the permit holder, or his/her designee in the presence of the permit holder, may display fireworks or utilize binary explosive targets under the authority of such permit.

1. Class C Fireworks and Binary Explosive Targets shall not be ignited by any person under the age of 21. (NH RSA 160- C:11).

2. Class C Fireworks shall be ignited a minimum of 50 feet from any structure, overhead utilities, woodlands, property boundaries; 75 feet for ground displays and 150 feet for aerial displays from any lake, pond, river, or stream.

Binary explosive targets of 1 lb. or less shall be placed at least 100 yards down range before shooting. Binary explosive targets of 1-2 lbs. shall be placed at least 200 yards down range before shooting. Binary explosive targets over 2 lb. are not permitted. Never place binary explosive targets inside, on top of, or under any metal, rock, or other surfaces that could produce flying debris or sparks, or within another object. Legal use of these targets is as a shot indicator only. Targets must be placed at least 300 feet away from any buildings and abutting properties not owned by the permit holder.

All refuse from Class C Fireworks and Binary Explosive Targets must be contained on the property from which they are being ignited and cannot travel over nor discharge over any lake, pond, river, or stream. Refuse landing on other property without the consent of the owner may be subject to fines and will be a violation of RSA 163-B:3.

3. Any permit holder found to be impaired by the consumption of alcohol and/or use of drugs while displaying or possessing permissible fireworks or utilizing binary explosive targets is subject to revocation of the permit.
4. The permit holder is required to have a means of fire extinguishment readily accessible.
5. Permissible Class C Fireworks shall only be discharged on Friday, Saturday or Sunday between the hours of 5:00 p.m. and 10:00 p.m. Exceptions to this are on New Year's Eve and during Independence Day Celebrations (July 3-5 only), in which case Permissible Class C Fireworks may be used between the hours of 12:00 noon and 12:15 a.m.

Permissible binary explosive targets shall only be discharged between 9 a.m. and 7 p.m. on days included in the fireworks permit.

6. Permits will only be valid 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 Days or at times when a red flag warning has been issued by the National Weather Service. Check fire hazard warning at
<https://www.nhdfl.org/fire-control-and-law-enforcement/daily-fire-danger.aspx>
7. A permit may be issued for a specific date up to one month in advance. A permit is valid only for that specific date but may be transferred to an alternate date as specified on the initial application, upon approval with the Police Department during normal business hours.

EXCLUSIONS

1. State (New Hampshire) approved sparklers.
2. Toy pistol paper caps

ENFORCEMENT

1. Failure to comply with any provision of this ordinance may result in a written warning, a fine of \$200.00 per occurrence, revocation of permit, and/or denial of future permit applications.
2. All fines shall be paid to the Town of Chesterfield within seven days of the date of the offense and deposited into the general fund account.
3. Any complaint received by the Town of Chesterfield regarding a Fireworks Display or Binary Explosive Target utilization shall be investigated by the Chesterfield Police and Chesterfield or Spofford Fire Department; 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 and fines may be assessed.
4. The permit holder shall have financial responsibility for expenses incurred by the Town of Chesterfield for all costs associated with the mitigation of any fire or other emergency which is the result of the applicant's misuse of Fireworks.
5. The Chesterfield/Spofford Fire Chief, his/her authorized designee(s), or any sworn police officer of the Town of Chesterfield shall have the authority to issue citations for violations of this ordinance.
6. Persons found displaying non-permissible fireworks shall be subject to the penalties outlined in NH RSA 160-B:4 and Town of Chesterfield ordinance. 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 and Town of Chesterfield ordinance.

Effective date November 1, 2017

Adopted by vote of Selectmen September 20, 2017

Amended by vote of the Selectmen May 29, 2024

Town of Chesterfield Board of Selectmen

Fran Shippee, Chair

Judy Idelkope
Judy Idelkope

Gary Winn
Gary Winn

Mary Ewell
Mary Ewell

Barbara Girs

PROCEDURE TO OBTAIN A FIREWORKS PERMIT

1. The applicant shall appear in person at the Chesterfield Police Department at the Town Office, between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday.
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 owner's written permission.
3. The applicant shall provide a plot plan sketch that demonstrates where the fireworks will be ignited from in relation to structures, lakes, ponds, rivers and streams, overhead utilities, woodlands, property boundaries and identify the area where the debris will fall.
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. The permit shall be valid only for the date issued.
7. The Chesterfield Safety and Health Officer, 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 no permit being issued. Inspection of the permitted site will be conducted within five (5) weekdays following the receipt of the application. No permit will be issued without signature of the Chesterfield Safety and Health Officer or authorized designee and Chesterfield Police Department authorization.

The applicant is responsible for following all provisions within the Town of Chesterfield Permissible Fireworks Ordinance.

FIREWORKS PERMIT APPLICATION

Property Owner/Permit Holder:	D.O.B.	Age:
Address:	Phone:	
Location of Fireworks Display:		
Display Date:	Display Time From:	To:
Alternate Date:		
Permit Fee \$25.00	Received by:	
	Check #	Cash
Permit Approved By:		Date:
Safety & Health Officer/Authorized Designee Town of Chesterfield, NH		
Permit Approved By:		Date:
Police Chief/Authorized Designee Town of Chesterfield, NH		

Check fire hazard warning at <https://www.nhdfl.org/fire-control-and-law-enforcement/daily-fire-danger.aspx>

Revised: August 23, 2017