

# CHAPTER 130

The Town of Merrimack ordains...

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## **Chapter 130, FIREWORKS**

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(HISTORY: Adopted by the Annual Town Meeting of the Town of Merrimack 4-9-2002 by Art. 22; Amended by the Merrimack Town Council 12-3-2009; 12-7-2017)

### **§ 130-1. Purpose; statutory authority.**

This chapter is enacted by the legislative body of the Town of Merrimack for the protection and preservation of the health, safety and welfare of the general public as authorized pursuant to RSA 160-B:10 and RSA 160-C:6.

### **§ 130-2. Definitions.**

As used in this chapter, the following term(s) shall have the meanings indicated:

**DISPLAY** -- The use, explosion, activation, ignition, discharge, firing of a firework as defined by RSA 160-5:1.

**FIRE CHIEF** - The Chief of the Merrimack Fire Department or a named and authorized designee

**FIREWORKS** -- Any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation as defined by RSA 160-B:1 and RSA 160-C:1. Fireworks shall include all fireworks, including but not limited to, "consumer fireworks," "display fireworks," or "permissible fireworks" as defined by RSA 160-B:1 and RSA 160-C:1. Fireworks shall not include auto flares, party poppers, sparklers, paper caps containing an explosive content of 0.25 grain (16.2 mg) or less, and toy pistols, guns, canes or other devices for use of such caps, the sale and use of which shall be permitted at all times.

**PERSON** -- Any natural person, corporation, unincorporated association or other legal entity, including that person's agents, legal representatives, heirs, and/or successors and assigns.

**POLICE CHIEF** -- The Chief of the Merrimack Police Department or a named and authorized designee

**SALE** -- To sell, give, or transfer to another, with or without consideration, as defined by RSA 160-B:1 and RSA 160-C:1.

### **§ 130-3. Sale of fireworks.**

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

### **§ 130-4. Disposal of unfired fireworks.**

The Fire Chief/Police Chief shall be authorized to seize, take, remove or cause to be removed, at the expense of the owner, all fireworks possessed or offered for sale in violation of this chapter.

**§ 130-5. Compliance with other laws; conflicting provisions.**

The regulations set forth in this chapter are to be read in the context of and in concert with all applicable local, state and federal regulations. To the extent that these regulations differ from other applicable local, state and federal regulations, the more stringent regulations apply.

**§ 130-6. Violations and penalties.**

Any person who violates the provisions of this chapter, in addition to the penalties set forth in RSA 160-B:1 et seq. and RSA 160-C:1 et seq., shall be subject to civil fines and penalties not to exceed \$1,000 for each offense.

**§ 130-7. Discharge of Fireworks.**

The discharge of fireworks shall be performed only on property owned by the person or a person who has legal rights to the property or shall have written permission from the legal property owner to discharge fireworks on said property in their possession.

Fireworks shall not be discharged between the hours of 11:00 pm and 10:00 am of each day. The Fire Chief may issue a Fireworks Discharge Permit between the hours of 11:00 pm and 10:00 am if they, at their sole discretion, deems the request reasonable.

**§ 130-8. Severability**

In the event any of the provisions of this policy are held by a court of competent jurisdiction to be unenforceable or contrary to any state or federal law, the remaining provisions of this policy shall remain in full force and effect.

Authenticated:

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Nancy M. Harrington, Town Council Chairman

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Date

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Diane Trippett, Town Clerk / Tax Collector

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Date