

CHAPTER 40. FIREWORKS GENERALLY (Revised August 2017)

Sec. 40-101. Statement of purpose.

(a) It is declared to be the intent of the town to promote an environment free from danger or excessive noise which unnecessarily jeopardizes the health and welfare of the citizens of the town and degrades the quality of life in this community, without unduly prohibiting, limiting or otherwise regulating the function to certain noise-producing equipment which is not amenable to such controls yet is essential to the economy and quality of life of the community. The purpose of this article is to establish standards for the control of fireworks in the town and by prohibiting specific activities during designated times.

(b) In accordance with the statement of intent in subsection (a) of this section, it shall be unlawful for any person to violate any of the provisions or regulations as set forth in this chapter.

Sec. 40-102. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning

Consumer Fireworks” – Any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission, as set forth in Title 16 CFR Parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices, containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive material. Consumer Fireworks are classified as Fireworks UN0336, and UN0337 by the United States Department of Transportation at 49 CFR 172.101. This term does not include fused set pieces containing components, which together exceed 50 mg of salute powder. This ordinance applies to “Consumer Fireworks”

Display” means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it is manufactured to do:

"Explosive compound" means any chemical compound, mixture, or device the primary or common purpose of which is to function by the substantially instantaneous release of gas and heat”

“Fireworks as defined in 27 CFR section 55.11 " means and includes:

(a) Any combustible or explosive composition or substance or combination of substances or, except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.

(b) "Fireworks" does not include sparklers or devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture.

(c) "Fireworks" also does not include novelties and trick noisemakers containing not more than 10 grams of pyrotechnic composition, and not containing mercuric thiocyanate, which novelty or trick noise maker is intended upon burning to produce smoke or a small report intended to surprise the user.

Non-Permissible Fireworks, as defined by the New Hampshire Department of Safety Office of the State Fire Marshal are fireworks not permitted in New Hampshire and are therefore prohibited in the state and may not be used in the Town of Newbury. Non Permissible, Illegal or Prohibited fireworks include but are not limited to; Bottle Rockets/sky Rockets/Missiles. Any device which produces smoke solely as an effect

Sec. 40-103. Permits Required.

(a) It shall be unlawful for any person or firm to discharge or display any fireworks in the town limits, or to allow any such discharge of fireworks to enter the town limits, where such fireworks are designed or used to propel any projectile, flame, or shower of sparks a distance of greater than five feet into the air, or such fireworks are designed or used to produce a report that would be construed to meet definitions outlined in Chapter 60, Section 60-102 of the Town of Newbury Ordinances, unless such person or firm has obtained a permit issued from the Chief of the Newbury Fire Department or designee allowing such discharge or display.

(b) Permits issued for the discharge of fireworks shall specifically identify the type, class, and amount of fireworks authorized for discharge or display.

(c) Permits issued for the discharge of fireworks shall specifically identify and restrict the date / time / duration / location / & direction (if restricted), of the fireworks discharge or display.

(d) A permit application under this article may be denied by the Chief of the Newbury Fire Department or designee where cause exists that environmental or any other condition should preclude such issuance.

(e) Any permit issued under this article may be revoked at any time by the Chief of the Newbury Fire Department or designee where cause exists that environmental or any other condition would otherwise have precluded such issuance.

(f) Fees for the issuance of permits required by this article shall be set by the Board of Selectmen, and collected by the Newbury Town Clerk.

(g) No permit issued under this chapter shall relieve the permit holder of any responsibilities or liabilities associated with any other rule, ordinance, or law governing the conduct of the permit holder, and no permit issued under this chapter shall provide for any exemptions to any other rule, ordinance, or law

(h) A permit may be issued only to a property owner where the display will be held. A permit may be issued to an agent of the owner only with written permission of the owner.

(i) Permits for displays on any lake in Newbury will require application to the New Hampshire Department of Safety, Division of State Police, Marine Patrol for a "Water Event Permit" An application may be downloaded from: <http://www.nh.gov/safety/divisions/nhsp/fob/marine-patrol/documents/water-event.pdf>.

(j) The launching area for the discharge or display of fireworks shall be a minimum of One Hundred (100) feet from the property line and any structures.

k) Permits shall be issued by the fire chief or his/her designee 24-48 hours prior to the display. Permits may be cancelled by the fire chief or designee because of weather or other changes in conditions

Sec. 40-104. General regulations.

(a) It shall be unlawful for any person under the age of 21 years old to discharge or display any fireworks.

(b) It shall be unlawful for any person or firm to discharge or display any fireworks without providing for the cleanup and removal of any and all resulting debris immediately following such discharge or display.

Sec. 40-105. Exemptions.

No permitting as required by this article shall be applicable to commercial firms otherwise required to obtain permits and authorization for fireworks display from agencies of the State of New Hampshire, and who have obtained such permits and / or authorizations as required by law.

These commercial firms fall under 160-B 3, which states:

No person shall display fireworks other than a person who meets all of the following requirements:

(a) Has obtained a certificate of competency issued pursuant to RSA 158:9-f which shall be in such a person's possession at the time of display and which has not been revoked or s

(b) Has obtained a municipal permit to display issued pursuant to RSA 160-B: 7, which shall be in such a person's possession and which has not been revoked or suspended

Sec. 40-106. Penalty.

Any person or firm who violates any of the provisions of this article shall be guilty of a violation for each separate offense and shall be subject to a fine of \$250.00 per violation.

Sec. 40-107. Payment of fines.

Payment of fines imposed by these regulations shall be made to the Newbury Town Clerk in a manner prescribed by that authority within ten (10) business days of the violation.

Sec. 40-108. Enhanced penalty.

(a) Any person who fails to comply with the provisions of Section 40-107 within ten (10) business days of the violation shall have the violation forwarded to a court of competent jurisdiction for prosecution of said offense.

(b) Any person who violates the provisions of this article three or more times within a twelve month period shall have the violation forwarded to a court of competent jurisdiction for prosecution of said offense.

(b) The penalty for offenses forwarded for prosecution in the district court shall be assessed in accordance with the provisions of state law.

Revision enacted this date: August 21, 2017 by the Selectboard

Newbury Selectboard:



Ed Thorson



Russell Smith



Joy Nowell