



# TOWN OF GILFORD, NEW HAMPSHIRE

## AN ORDINANCE TO PERMIT "PERMISSIBLE" FIREWORKS

(CHAPTER 12-A)

**KNOW ALL PERSONS BY THESE PRESENTS**, the Gilford Board of Selectmen hereby ordains to repeal, replace and supersede the Ordinance Prohibiting "Permissible" Fireworks as previously adopted on February 12, 2014 and amended on September 10, 2014; and in lieu thereof, adopt this Ordinance to Permit Permissible Fireworks, to read as follows:

### **12-A.1 AUTHORITY**

This Ordinance is adopted pursuant to the authority granted under RSA 160-C:6; whereby the Board of Selectmen, acting in its capacity as the municipal governing body, does hereby vote to permit the use and display of Permissible Fireworks, (also known as Consumer Fireworks and Class "C" Fireworks as defined by RSA 160-C:1,II; RSA 160-C:1,V and C.F.R. 555.11), within the corporate limits of the Town of Gilford, under the specific terms and conditions as set forth herein.

### **12-A.2 PURPOSE**

I. The primary intent of this Ordinance is to protect people, animals (domestic and wild), buildings, trees, and undeveloped land, from the inherent dangers associated with the display of incendiary materials by untrained and uncertified persons; along with preventing unwanted disturbances attributable to loud bangs and other noises associated with fireworks.

II. An additional intent of this Ordinance is to rescind a previous vote of the Board of Selectmen dated June 8, 1988, which prohibited the use of fireworks.

III. Lastly, another intent of this Ordinance is to establish a system of fines and penalties for violations to be used for enforcement purposes.

### **12-A.3 PROHIBITIONS**

- I. It shall be a violation of this Ordinance for any person to display or ignite permissible fireworks within the corporate limits of the Town of Gilford during such times when the use is prohibited as set forth herein.
- II. Fireworks shall not be used between the hours of 10:00pm and 12:00noon, except on New Year's Eve and during Independence Day Celebrations (July 3-5 only), in which case fireworks may be used between the hours of 12:00noon and 12:15am.
- III. The Fire Chief is hereby authorized to prohibit the use of permissible fireworks during periods of fire danger due to weather conditions, provided that he/she shall promptly notify the public of such prohibition by postings at the Town Hall, Fire Station, Public Library and on the Town's website ([www.gilfordnh.org](http://www.gilfordnh.org)).

### **12-A.4 EXEMPTIONS**

- I. This Ordinance shall not apply to persons who are otherwise licensed under New Hampshire law to display fireworks.
- II. This Ordinance does not apply to the possession or transportation of fireworks to the extent that such possession or transportation is otherwise allowed by law.

### **12-A.5 PENALTIES**

- I. Any person who has committed a violation of this Ordinance shall be subject to a fine as follows:
  - (a) First Offense: The amount due shall be one hundred dollars (\$100.00);
  - (b) Second Offense: The amount due shall be two hundred fifty dollars (\$250.00);
  - (c) Third (or subsequent) Offense: The amount due shall be five hundred dollars (\$500.00).
- II. All fireworks that are used in violation of this Ordinance are subject to confiscation by law enforcement officials or certified fire citation officers upon application to a court of competent jurisdiction as otherwise set forth in RSA 160-C:5.
- III. Notwithstanding any other penalties that may be imposed under this Ordinance or RSA 160-C, any person who commits a violation may be liable, in a civil action, for damages resulting from the illegal use of permissible fireworks, and neither assumption of risk nor contributory negligence shall be a defense for such violator.

**12-A.6 ENFORCEMENT**

I. Any duly sworn Police Officer is hereby given authority to enforce the provisions of this Ordinance by issuing a verbal warning and/or written citation, along with imposing a fine and taking action in a court of competent jurisdiction within the State of NH in order to collect such fines as may otherwise be due.

II. For enforcement purposes, in the absence of any evidence to the contrary, the use, display or ignition of fireworks in a manner that is contrary to this Ordinance shall be presumed based upon existing laws that are otherwise applicable to the transportation of illegal substances and/or home owners who house illegal substances.

**12-A.7 SEVERANCE**


The provisions of this Ordinance shall be severable, and if any phrase, clause, sentence, or provision of this Ordinance shall, for any reason, be held invalid or unconstitutional, the validity of the remainder of these regulations shall not be affected thereby.

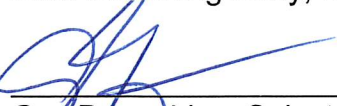
**12-A.8 EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its adoption and approval by a majority of the members of the Gilford Board of Selectmen.

IN WITNESS WHEREOF, this amended Ordinance to Permit Permissible Fireworks is hereby adopted and approved on the 16th day of November, 2022 by the Gilford Board of Selectmen, upon the convening of a public hearing and deliberations during a duly posted, public meeting of the Gilford Board of Selectmen held on that date; to be effective as otherwise noted herein. ATTEST:

  
\_\_\_\_\_  
J. Kevin Hayes, Selectman - Chair

  
\_\_\_\_\_  
Dale Channing Eddy, Selectman - Vice-Chair

  
\_\_\_\_\_  
Gus Benavides, Selectman - Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 28 DAY OF November, 20 22, BY:

  
\_\_\_\_\_  
Danielle LaFond, Town Clerk – Tax Collector

