



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Discharge of Fireworks

Be it ordained by the City Council of the City of Keene, as follows:

That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and adding the bolded text throughout Article III “Fireworks and Explosives”; and renumbering the subparagraphs of Section 42-61 as follows:

ARTICLE III. FIREWORKS AND EXPLOSIVES¹

Sec. 42-61. Sale, possession and display of fireworks.

- (1) ***Display fireworks conditions and restrictions.*** No person within the city shall offer for sale, expose for sale, give or transfer to another, with or without consideration, **discharge or display as defined by RSA 160-B:1, V**, or have in his possession or custody, any ~~non-permissible~~ **Display Fireworks, as defined by RSA 160-C:1, III**, packaged or unpackaged, without first obtaining **written permission from the property owner as well as** a permit ~~for sale, possession and display of fireworks~~ from the City Council **pursuant to the following:**
 - a. **All requests for a permit for discharge of Display Fireworks must be submitted for review and comment by the Fire Chief or designee and in accordance with must comply with the guidelines requirements** set forth under state and federal regulations.
 - b. **Display Fireworks will only be permitted to be discharged from the same location, as determined by the City Council, a maximum of three (3) times per calendar year.**
 - c. **The City Council may grant a maximum of five (5) permits for the discharge of Display fireworks within the City per calendar year, of which one (1) permit will be granted for a discharge of Display Fireworks for a Fourth of July celebration, if requested. If the permit reserved for a Fourth of July celebration is not requested, the permit may be granted for another date within the same calendar year.**
- (24) ***Consumer fireworks conditions and restrictions:*** Any person wishing to discharge ~~New Hampshire-Permissible (Consumer) Fireworks~~, **as defined by RSA 160-B:1, IX and RSA 160-C:1, II**, shall comply with the following specific conditions and restrictions regarding their use. This is in addition to any applicable state law requirements.
 - a. The person discharging fireworks must possess proof that he is the landowner of the location where the fireworks discharge will occur or has written permission from the landowner.
 - b. Fireworks shall not be ignited or possessed by minors (anyone under the age of 21).

¹State law reference(s)—Explosives, RSA 158:9 et seq.; fireworks, RSA 160-B; **Permissible Fireworks, RSA 160-C.**

- c. The person discharging fireworks must be at least 21 years of age or older (pursuant to state statute).
- d. The person discharging fireworks must possess and make available upon request a valid photo identification listing their name, address and date of birth.
- e. Fireworks shall be purchased from licensed permissible fireworks retailers in New Hampshire only. A copy of the receipt of purchase must be kept and made available upon request.
- f. The person discharging fireworks shall only purchase the quantity of fireworks needed for the planned display. Storage of permissible fireworks is prohibited.
- g. Fireworks shall be ignited a minimum of 50 feet from any public way, overhead utilities, structures, woodlands, property lines or boundaries.
- h. The person discharging the fireworks is required to have a means of fire extinguishment readily accessible.
- i. Anyone discharging or igniting fireworks shall not be under the influence of any drugs or alcohol.
- j. Notwithstanding any other provision of City Code to the contrary, permissible fireworks shall only be discharged or used between the hours of 10:00 a.m. and 10:00 p.m.
- k. Fireworks can only be discharged on days when the fire danger day is Class One, Two, or Three as determined by the New Hampshire Division of Forest and Lands - Bureau of Forest Protection.
- l. **Discharge of consumer fireworks by anyone other than a consumer, as defined by Saf-C 2602.07, as regulated under Saf-C 2607.06 Permissible Fireworks by Other Than a Consumer, may only be displayed by a person who holds a valid New Hampshire Certificate of Competency for display fireworks in accordance with Saf-C 5003, and all such displays shall be regulated in accordance with section (1) above.**

(32) Enforcement.

- a. Any sworn law enforcement officer of the city, county or state, as well as the fire chief or their designee shall be empowered to enforce this section.
- b. Persons found in possession of, or discharging ~~non-permissible~~ **Display** fireworks shall be subject to the penalties outlined in NH RSA 160-B. 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 RSA 160-B and Saf-C 5000, or any other ordinance. Nothing in this section shall preclude any sworn police officer from enforcing any section of NH RSA 160-B, or NH RSA 160-C.

Sec. 42-62. Storage of explosives.

No person shall possess, store, or transport any explosives or blasting caps without meeting all the ~~guidelines~~ **requirements** regarding the possession, storage and transportation of explosives and blasting caps set forth under state and federal regulations and notifying the police chief and the fire chief, in writing, within 15 days, of the location, amount and description of the explosives, storage capacity, type of facility being used, and the owner's name and address of any explosives or blasting caps that have been stored.

(Code 1970, § 1607.2)

Secs. 42-63—42-90. Reserved.

Jay V. Kahn, Mayor