

## ARTICLE X: FIREWORKS DISPLAYS

### § 7-381 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:

***Pyrotechnics.*** Any and all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes: provided, however, that nothing herein contained shall prevent the manufacture, purchase, sale, transportation, and use of explosives or signaling flares used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms. This Article shall not apply to the sale, use, or possession of the following:

- (1) Explosive caps designed to be fired in toy pistols, provided that the explosive mixture of the explosive caps shall not exceed twenty-five hundredths (.25) of a gram for each cap.
- (2) Snake and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a large, snake-like ash when burning.
- (3) Smoke devices consisting of a tube or sphere containing a pyrotechnic mixture that produces white or colored smoke.
- (4) Trick noisemakers which produce a small report designed to surprise the user and which include:
  - a. A party popper, which is a small plastic or paper item containing not in excess of 16 milligrams of explosive mixture. A string protruding from the device is pulled to ignite the device, expelling paper streamers and producing a small report.
  - b. A string popper, which is a small tube containing not in excess of 16 milligrams of explosive mixture with string protruding from both ends. The strings are pulled to ignite the friction-sensitive mixture, producing a small report.
  - c. A snapper or drop pop, which is a small, paper-wrapped item containing no more than 16 milligrams of explosive mixture coated on small bits of sand. When dropped, the device produces a small report.
- (5) Wire sparklers consisting of wire or stick coated with nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition. These items must not exceed 100 grams of mixture per item.
- (6) Other sparkling devices which emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, do not spin, are hand-held or ground-based, cannot propel themselves through the air, and contain not more than 75 grams of chemical compound per tube, or not more than a total of 200 grams if multiple tubes are used.

**§ 7-382 AUTHORITY.**

Pursuant to N.C.G.S. § 14-413 (a1), the Rockingham County Board of Commissioners has granted the City of Eden the authority to issue permits for pyrotechnics to be exhibited, used or discharged within the corporate limits of the city for use in connection with the conduct of concerts or public exhibitions by a Resolution dated May 10, 2010.

**§ 7-383 COMPLIANCE WITH ARTICLE REQUIRED.**

The use of pyrotechnics within the corporate limits of the city shall be subject to the conditions, regulations and restrictions set forth in this article. It shall be unlawful for any person or organization to exhibit, use, or discharge pyrotechnics within the corporate limits of the city unless a permit has been issued and unless the conditions, regulations and restrictions set forth and prescribed in this article have been complied with.

Penalty, see § 17-390 *et seq.*

**§ 7-384 PERMITTED EVENT.**

No Permit shall be issued for the exhibition, use, or discharge of pyrotechnics unless the use is in connection with the conduct of concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations.

**§ 7-385 APPLICATION FOR PERMIT.**

The applicant for such permit shall make application with the City Clerk which shall be upon a form approved by the City Manager and filed with the Clerk. The application shall be filed with the Clerk no less than ten (10) calendar days before the meeting at which the application for permit will be voted on by the City Council, unless such requirement is waived by the City Manager. Every such application shall be made under oath, shall be accompanied by the required fee as set forth in the schedule of taxes adopted annually by the City Council, and shall contain the following information:

- (A) The applicant's full name and address.
- (B) The organization, if any, that is responsible for the concert or public exhibition where the pyrotechnics will be displayed.
- (C) The date of the event at which the pyrotechnics will be displayed.
- (D) The type of event at which the pyrotechnics will be displayed.
- (E) Whether the event will be held indoors or outdoors.
- (F) Proof of insurance in the amount of at least five hundred thousand dollars (\$500,000) or the minimum amount required under the North Carolina State Building Code pursuant to N.C.G.S. § 143-138(e), whichever is greater.

**§ 7-386 INVESTIGATION BY FIRE MARSHAL.**

(A) The Clerk shall immediately transmit a copy of the application to the Fire Marshal for an investigative report.

(B) Upon receipt of a copy of an application for a permit from the Clerk, the Fire Marshal shall conduct an investigation of the applicant and application to verify the following and shall make a report to Council certifying the following:

- (1) For any indoor use of pyrotechnics at a concert or public exhibition:
  - a. There will be adequate fire suppression used at the site.
  - b. The structure is safe for the use of such pyrotechnics with the type of fire suppression to be used.
  - c. Adequate egress from the building is available based on the size of the expected crowd.
- (2) Satisfactory evidence has been produced to the effect that the pyrotechnics will be used in connection with the conduct of concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations.

**§ 7-387 ISSUANCE.**

If the City Council finds that the applicant has provided the required proof of insurance listed in § 7-385(F) of this Article, that the Fire Marshal has made the required certifications listed in § 7-386 (B) of this Article, and satisfactory evidence has been produced to the effect that the pyrotechnics will be used in connection with the conduct of concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations and for no other purpose, it may issue the applicant the permit provided for in this Article.

**§ 7-388 REVOCATION.**

Any permit issued under the provisions of this Article may be revoked or suspended by the City Council for failure to maintain the required proof of insurance listed in § 7-385(F) of this Article and for any action that allows the Fire Marshal to revoke any certification under § 7-386(B) of this Article.