



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

**PART I.** That **Section 26.2.1 Fireworks and pyrotechnic displays unlawful; exceptions.** be amended as follows:

(a) Except as otherwise provided in this section it shall be unlawful for any person to use, ignite, launch, or explode any firecracker, torpedo, sky rocket, sparkler, wish lantern, sky lantern, or other substance or device that contains any explosive or flammable compound or substance, or which is ignited and then released from the manual control of the user, including but not limited to items commonly known or intended as fireworks, and which explodes, rises into the air or travels laterally, fires projectiles or discharges sparks into the air, or floats while or after having been ignited.

It shall be unlawful for any person to ignite, set aloft, launch or use an ignited sky lantern, wish lantern or other similar device that is allowed to float while or after having been ignited (hereinafter "sky lantern") in the town. Notwithstanding any other provisions of this Section nor any other part of the Code of Ordinances that may authorize public or private pyrotechnic displays, there shall be no exception allowing or authorizing the use of sky lanterns in the Town at any time.

(b) The provision of this section shall not be applicable to any organization or group of individuals which has been granted a permit by the Nags Head ~~Director of Public Safety~~ Fire Chief for the public or private display of fireworks or pyrotechnics, provided that such fireworks are stored, handled, transported and used in compliance with the terms and conditions of such permit.

(c) Any person requesting a permit from the Nags Head ~~Director of Public Safety~~ Fire Chief as described in the preceding subsection shall submit a written application ~~to the Nags Head director of public safety~~ at least 30 days prior to the date of the requested activity. Such application shall contain at a minimum the following information:

- (1) A letter or original certificate from the insurance company of the person applying for the fireworks display permit certifying that liability insurance in a minimum of \$1,000,000.00 is in force at the time and date of the fireworks display and will cover damage to persons and/or property at and in the vicinity of the area of the fireworks display.
- (2) A diagram of the area showing where the display discharge area will be and its relationship and distance to the nearest structures, power or telephone lines and highways. Such diagram shall also include the specific location of the fireworks to be discharged.
- (3) The name of the organization sponsoring the display, if any, together with the names of the persons actually in charge of the display.
- (4) The manner and place of storage of such fireworks prior to the fireworks display.
- (5) The specific number and types of fireworks to be discharged.
- (6) The date and time of day at which the display is to be held.
- (7) A statement of the name, ages, experience, addresses and home and business telephone numbers of all persons who are to participate in the actual discharge of the fireworks.

(d) Upon receipt of an application in proper form, the Nags Head ~~Department~~ Fire Marshal shall make an inspection of the proposed site to ensure that all provisions of this section are met.

(e) All persons involved in discharging such fireworks shall be at least 21 years of age and licensed or approved in accordance with applicable statutes, rules and regulations. Any person assisting with the handling or discharge of the fireworks, but not directly involved in the discharge of fireworks, shall be at least 18 years of age.

(f) If the Nags Head Fire Department and Rescue Division is required to provide a stand-by vehicle or other service, the applicant shall pay the cost of such service. Payment for such service shall be made no later than ten days prior to the date of the scheduled display.

(g) The Nags Head Fire Chief and Rescue Division Chief Officer or his/her authorized designee is authorized to cancel the display if the requirements of this section are not met by the applicant, weather conditions are not favorable or in the event of other circumstances which the Nags Head Fire Chief and Rescue Division Chief Officer or his/her designee deems to create a hazard for the town.

(h) Any permit fees paid for a fireworks display are non-refundable.

(i) Any person violating any provision of this section shall be guilty of a class 3 misdemeanor and shall be fined \$250.00.

**PART II.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 21<sup>st</sup> day of May 2014.

  
**Robert C. Edwards, Mayor**  
**Town of Nags Head**

ATTEST:

  
Carolyn E. Morris, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John Leidy, Town Attorney

Date adopted: May 21, 2014

Motion to adopt by Commissioner \_\_\_\_\_

Motion seconded by Commissioner \_\_\_\_\_

Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS

