

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 189

Short Title: Roanoke Rapids Pyrotechnics. (Local)

Sponsors: Representatives Allen, Bryant, and Wray (Primary Sponsors).

Referred to: Local Government II, if favorable, Judiciary I.

February 15, 2007

A BILL TO BE ENTITLED

1 AN ACT PROVIDING THAT THE GOVERNING BODY OF THE CITY OF
2 ROANOKE RAPIDS MAY AUTHORIZE THE USE OF PYROTECHNICS
3 WITHIN THE CORPORATE LIMITS OF THE CITY AND MAY ISSUE
4 PERMITS FOR THE USE OF PYROTECHNICS.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 14-410(a) reads as rewritten:

8 "(a) It shall be unlawful for any individual, firm, partnership or corporation to
9 manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use or cause
10 to be discharged any pyrotechnics of any description whatsoever within the State of
11 North Carolina: provided, however, that it shall be permissible for pyrotechnics to be
12 exhibited, used or discharged at concerts or public exhibitions, such as fairs, carnivals,
13 shows of all descriptions and public celebrations: provided, further, that the use of said
14 pyrotechnics in connection with public exhibitions, such as fairs, carnivals, shows of all
15 descriptions and public celebrations, shall be under supervision of experts who have
16 previously secured written authority from the board of county commissioners of the
17 county in which said pyrotechnics are to be exhibited, used or ~~discharged~~discharged,
18 except that if the pyrotechnics are to be exhibited, used, or discharged within the
19 corporate limits of the City of Roanoke Rapids, written authority shall be secured from
20 the governing body of the City of Roanoke Rapids. Written authority from the board of
21 commissioners is not required, however, for a concert or public exhibition authorized by
22 The University of North Carolina or the University of North Carolina at Chapel Hill and
23 conducted on lands or buildings in Orange County owned by The University of North
24 Carolina or the University of North Carolina at Chapel Hill, but such exhibition, use, or
25 discharge of pyrotechnics shall be under supervision of experts who have previously
26 secured written authority from The University of North Carolina or the University of
27 North Carolina at Chapel Hill. Notwithstanding any provision of this section, it shall not
28 be unlawful for a common carrier to receive, transport, and deliver pyrotechnics in the

1 regular course of its business. The requirements of G.S. 14-413(b) and G.S. 14-413(c)
2 apply to this section."

3 **SECTION 2.** G.S. 14-413 reads as rewritten:

4 "**§ 14-413. Permits for use at public exhibitions.**

5 (a) ~~For-Except~~ as provided in subsection (a1) of this section, for the purpose of
6 enforcing the provisions of this Article, the board of county commissioners of any
7 county may issue permits for use in connection with the conduct of concerts or public
8 exhibitions, such as fairs, carnivals, shows of all descriptions and public
9 ~~exhibitions, celebrations,~~ but only after satisfactory evidence is produced to the effect
10 that said pyrotechnics will be used for the aforementioned purposes and none other.
11 Provided that no such permit shall be required for a public exhibition authorized by The
12 University of North Carolina or the University of North Carolina at Chapel Hill and
13 conducted on lands or buildings in Orange County owned by The University of North
14 Carolina or the University of North Carolina at Chapel Hill.

15 (a1) For the purpose of enforcing the provisions of this Article, if pyrotechnics are
16 to be exhibited, used, or discharged within the corporate limits of the City of Roanoke
17 Rapids, the governing body of the City of Roanoke Rapids may issue permits for use in
18 connection with the conduct of concerts or public exhibitions after receiving satisfactory
19 evidence that the pyrotechnics will be used only for the purposes allowed by this
20 Article.

21 (b) For any indoor use of pyrotechnics at a concert or public exhibition, the ~~board~~
22 ~~of commissioners~~ governing body of the City of Roanoke Rapids may not issue any
23 permit unless the local fire marshal or the State Fire Marshal (or in the case of The
24 University of North Carolina or the University of North Carolina at Chapel Hill it may
25 not authorize such concert or public exhibition unless the State Fire Marshal) has
26 certified that:

- 27 (1) Adequate fire suppression will be used at the site.
28 (2) The structure is safe for the use of such pyrotechnics with the type of
29 fire suppression to be used.
30 (3) Adequate egress from the building is available based on the size of the
31 expected crowd.

32 (c) The requirements of subsection (b) of this section also apply to any city
33 authorized to grant pyrotechnic permits by local act and to the officer delegated the
34 power to grant such permits by local act."

35 **SECTION 3.** This act applies to the City of Roanoke Rapids only.

36 **SECTION 4.** This act is effective when it becomes law.