

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 189
Committee Substitute Favorable 3/27/07

Short Title: Pyrotechnics Permits By Cities.

(Public)

Sponsors:

Referred to:

February 15, 2007

A BILL TO BE ENTITLED

1
2 AN ACT PROVIDING THAT A BOARD OF COUNTY COMMISSIONERS MAY
3 AUTHORIZE THE GOVERNING BODY OF A CITY TO AUTHORIZE THE
4 USE OF PYROTECHNICS WITHIN THE CORPORATE LIMITS OF THE CITY
5 AND ISSUE PERMITS FOR THE USE OF PYROTECHNICS.

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 concerts or public exhibitions, such as fairs, carnivals,
15 shows of all descriptions and public celebrations, shall be under supervision of experts
16 who have previously secured written authority from the board of county commissioners
17 of the ~~county~~county, or the city if authorized under G.S. 14-413(a1), in which said
18 pyrotechnics are to be exhibited, used or discharged. Written authority from the board
19 of commissioners or city is not required, however, for a concert or public exhibition
20 authorized by The University of North Carolina or the University of North Carolina at
21 Chapel Hill and conducted on lands or buildings in Orange County owned by The
22 University of North Carolina or the University of North Carolina at Chapel Hill, but
23 such exhibition, use, or discharge of pyrotechnics shall be under supervision of experts
24 who have previously secured written authority from The University of North Carolina
25 or the University of North Carolina at Chapel Hill. Notwithstanding any provision of
26 this section, it shall not be unlawful for a common carrier to receive, transport, and
27 deliver pyrotechnics in the regular course of its business. The requirements of
28 G.S. 14-413(b) and G.S. 14-413(c) apply to this section."

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

1 **"§ 14-413. Permits for use at public exhibitions.**

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

12 (a1) For the purpose of enforcing the provisions of this Article, a board of county
13 commissioners may authorize the governing body of any city in the county to issue
14 permits pursuant to the provisions of this Article for pyrotechnics to be exhibited, used,
15 or discharged within the corporate limits of the city for use in connection with the
16 conduct of concerts or public exhibitions. The board of county commissioners shall
17 adopt a resolution granting the authority to the city, and it shall remain in effect until
18 withdrawn by the board of county commissioners adopting a subsequent resolution
19 withdrawing the authority. If a city lies in more than one county, the board of county
20 commissioners of each county in which the city lies must adopt an authorizing
21 resolution. If any county in which the city lies withdraws the authority of the city to
22 issue permits for the use of pyrotechnics, the authority of the city to issue permits for
23 the use of pyrotechnics will end, and all counties within which the city lies must resume
24 their authority to issue the permits.

25 (b) For any indoor use of pyrotechnics at a concert or public exhibition, the board
26 of commissioners or the governing body of an authorized city may not issue any permit
27 unless the local fire marshal or the State Fire Marshal (or in the case of The University
28 of North Carolina or the University of North Carolina at Chapel Hill it may not
29 authorize such concert or public exhibition unless the State Fire Marshal) has certified
30 that:

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

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

39 **SECTION 3.** This act is effective when it becomes law.