

TOWN OF EAST MONTPELIER, VERMONT

ORDINANCE RELATING TO THE USE OF FIREWORKS WITHIN EAST MONTPELIER

Pursuant to Chapters 59 and 61 of Title 24, and Chapter 177 of Title 20, Vermont Statutes Annotated, the following ordinance is adopted by the Selectboard of the Town of East Montpelier:

Section 1: Findings

The Selectboard finds and determines that the unregulated use and discharge of fireworks (as defined in 20 VSA §3131) within the Town of East Montpelier constitutes a public nuisance, a hazard to public and private property, and an endangerment to persons.

Section 2: Prohibition

No persons shall use, discharge, ignite, fire or display fireworks within the Town of East Montpelier without first obtaining a permit to do so.

Section 3: Permit Application

- (a) A person seeking to use, discharge, ignite, fire or display fireworks within the Town of East Montpelier shall submit a permit application to the Chief of the East Montpelier Volunteer Fire Department or a Department officer designated by the Chief. The application shall be made on a form prepared by the Department, and shall be submitted at least fifteen (15) days in advance of the intended fireworks display date.
- (b) The application shall identify the person applying for the permit and to whom the permit shall issue, the location of the property upon which this display is proposed, along with the consent of the landowner if the landowner is not the same person as the applicant, the date and time of the proposed display, and the nature and duration of the proposed display.
- (c) The Chief of the East Montpelier Volunteer Fire Department, following inspection, shall approve such application and issue a written fireworks display permit to the applicant upon determining that the proposed display shall be of a character not so located, discharged or fired as to be hazardous to property or endanger any person.

Section 4: Penalty

A person who shall violate this ordinance by using, discharging, igniting, firing or displaying fireworks within the Town of East Montpelier without first obtaining a permit hereunder shall be guilty of a misdemeanor and shall be fined not more than \$500.00 for each violation, or imprisoned for not more than thirty days, or both.

Section 5: Designation

This ordinance is designated a criminal ordinance under 24 VSA §1971(b).

Section 6: Indemnification

The acceptance of a permit issued under this ordinance shall be deemed to constitute the Permittee's waiver of any claim for damages or injury arising out of or caused by the Permittee's display asserted against the Town of East Montpelier and shall constitute the Permittee's agreement to indemnify and hold the Town of East Montpelier harmless from all claims, demands or suits arising out of or caused by such Permittee's display.

Section 7: Effective Date

This ordinance shall take effect sixty days from the date of the adoption unless disapproved by vote of the Town of East Montpelier following submission of a petition as provided in 24 VSA §1973.

Adopted by the East Montpelier Selectboard at its meeting held on October 1, 2012.