

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH50223-LB-96B (3/6)

Short Title: Penalty for Illegal Indoor Pyro. (Public)

Sponsors: Representatives Goodwin, Blackwood, and Dickson (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO INCREASE THE PENALTY FOR INDOOR PYROTECHNICS
3 EXHIBITIONS CONDUCTED WITHOUT A PERMIT, AND TO INCREASE
4 THE PENALTIES FOR MULTIPLE RELATED ACTIVITIES IN VIOLATION OF
5 THE NORTH CAROLINA BUILDING CODE.

6 Whereas, the recent tragedy in Rhode Island where indoor pyrotechnics were
7 apparently used in a crowded indoor club without the permit required by state law has
8 prompted many to see if a similar tragedy could occur in this State; and

9 Whereas, that tragedy was compounded by the use of combustible materials
10 for soundproofing; and

11 Whereas, North Carolina like Rhode Island has a law requiring permits for
12 the use of pyrotechnics, which are especially dangerous in crowded indoor situations,
13 but the General Assembly has little knowledge about the extent of compliance with this
14 law; and

15 Whereas, the same band that played at the Rhode Island nightclub date had
16 played at a nightclub in Winston-Salem just a week earlier and, according to press
17 reports, had used some form of pyrotechnics; and

18 Whereas, there are many local acts relating to pyrotechnic displays, some
19 delegating from the county commission to county staff the authority to grant such
20 permits, some delegating to municipalities the power to issue such permits, and one in
21 Charlotte requiring an additional permit from the fire department; and

22 Whereas, current North Carolina law has only minor penalties for violation of
23 the pyrotechnics laws and other related laws; Now, therefore,
24 The General Assembly of North Carolina enacts:

25 **SECTION 1.** G.S. 14-415 reads as rewritten:

26 "**§ 14-415. Violation made misdemeanor.**

1 Any person violating any of the provisions of this Article, except as otherwise
2 specified in said Article, shall be guilty of a Class 2 ~~misdemeanor~~-misdemeanor, except
3 that it is a Class 1 misdemeanor if the exhibition is indoors and is knowingly conducted
4 without a permit."

5 **SECTION 2.** G.S. 143-138(h) reads as rewritten:

6 "(h) Violations. – Any person who shall be adjudged to have violated this Article
7 or the North Carolina State Building Code, except for violations of occupancy limits
8 established by either, shall be guilty of a Class 3 misdemeanor and shall upon
9 conviction only be liable to a fine, not to exceed fifty dollars (\$50.00), for each offense.
10 Each 30 days that such violation continues shall constitute a separate and distinct
11 offense. Violation of occupancy limits established pursuant to the North Carolina State
12 Building Code shall be a Class 3 misdemeanor. Any violation incurred more than one
13 year after another conviction for violation of the occupancy limits shall be treated as a
14 first offense for purposes of establishing and imposing penalties. It is a Class 1
15 misdemeanor knowingly to conduct any indoor pyrotechnic exhibition without a permit
16 under the North Carolina Building Code or under G.S. 14-413.

17 (h1) It is a Class 2 misdemeanor knowingly to do two or more of the following
18 and a Class 1 misdemeanor knowingly to do three of the following:

- 19 (1) Use plastic foam or other combustible materials as interior finish or
20 trim except as permitted by the North Carolina State Building Code.
- 21 (2) Exceed the occupancy limit in a building that is a place of public
22 assembly in violation of the North Carolina Building Code.
- 23 (3) Lock or block access to exit doors in a public building that is a place of
24 public assembly in violation of the North Carolina State Building
25 Code.

26 Any fine imposed pursuant to a Class 1 misdemeanor under this subsection shall not
27 exceed two thousand dollars (\$2,000)."

28 **SECTION 3.** The State Fire Marshal shall report to the Joint Legislative
29 Commission on Governmental Operations no later than January 15, 2005, on the
30 compliance with this act and its effectiveness in reducing the risk of disasters and on the
31 compliance with the law requiring permits for pyrotechnics displays, as well as the
32 current local legislation on the subject. The State Fire Marshal may include in that
33 report any recommendations for additional legislation.

34 **SECTION 4.** This act becomes effective with respect to offenses committed
35 on or after December 1, 2003.