

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 189  
Committee Substitute Favorable 3/27/07  
Third Edition Engrossed 3/29/07

Short Title: Pyrotechnics Permits By Cities.

(Public)

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Sponsors:

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Referred to:

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February 15, 2007

A BILL TO BE ENTITLED

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

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

2   "**§ 14-413. Permits for use at public exhibitions.**

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

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19 withdrawn by the board of county commissioners adopting a subsequent resolution  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

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

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

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

40       **SECTION 3.** Any local act granting authority to a city to grant permission  
41 or a permit for pyrotechnics to be exhibited, used or discharged at concerts or public  
42 exhibitions pursuant to G.S. 14-410 or G.S.14-413 is repealed one year from the  
43 effective date of this act.

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