

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH20014-LH-37 (01/08)

Short Title: Public Exhibit of Fireworks/NCSU. (Public)

Sponsors: Representatives Dollar, Langdon, Ross, and D. Hall (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW REGARDING PYROTECHNIC EXHIBITIONS  
3 AUTHORIZED BY NORTH CAROLINA STATE UNIVERSITY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-410(a1) reads as rewritten:

6 "(a1) It shall be permissible for pyrotechnics to be exhibited, used, handled,  
7 manufactured, or discharged within the State, provided all of the following apply:

8 (1) The exhibition, use, or discharge is at a concert or public exhibition.

9 (2) All individuals who exhibit, use, handle, or discharge pyrotechnics in  
10 connection with a concert or public exhibition have completed the training  
11 and licensing required under Article 82A of Chapter 58 of the General  
12 Statutes. The display operator or proximate audience display operator, as  
13 required under Article 82A of Chapter 58 of the General Statutes, must be  
14 present at the concert or public exhibition and must personally direct all  
15 aspects of exhibiting, using, handling, or discharging the pyrotechnics.  
16 Notwithstanding this subdivision, the display operator for the University of  
17 North Carolina School of the Arts may appoint an on-site representative to  
18 supervise any performances that include a proximate audience display  
19 subsequent to the opening performance, provided that the representative (i)  
20 is a minimum of 21 years of age and (ii) is properly trained in the safe  
21 discharge of proximate audience displays.

22 (3) The display operator has secured written authority under G.S. 14-413 from  
23 the board of county commissioners of the county, or the city if authorized  
24 under G.S. 14-413(a1), in which the pyrotechnics are to be exhibited, used or  
25 discharged. Written authority from the board of commissioners or city is not  
26 required under this subdivision for a concert or public exhibition provided  
27 the display operator has secured written authority from (i) The University of  
28 North Carolina or the University of North Carolina at Chapel Hill under  
29 G.S. 14-413, and pyrotechnics are exhibited on lands or buildings in Orange  
30 County owned by The University of North Carolina or the University of  
31 North Carolina at Chapel ~~Hill~~ Hill, (ii) the University of North Carolina  
32 School of the Arts and pyrotechnics are exhibited on lands or in buildings  
33 owned by the State and used by the University of North Carolina School of  
34 the ~~Arts~~ Arts, or (iii) The University of North Carolina or North Carolina  
35 State University under G.S. 14-413, and pyrotechnics are exhibited on lands



1 or buildings in Wake County owned by The University of North Carolina or  
2 North Carolina State University."

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

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

5 (a) For the purpose of enforcing the provisions of this Article, the board of county  
6 commissioners of any county, or the governing board of a city authorized pursuant to  
7 subsection (a1) of this section, may issue permits for use in connection with the conduct of  
8 concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public  
9 celebrations, but only after satisfactory evidence is produced to the effect that said pyrotechnics  
10 will be used for the aforementioned purposes and none other. Provided that no such permit  
11 shall be required for a public exhibition under any of the following circumstances:

12 (1) The exhibition is authorized by The University of North Carolina or the  
13 University of North Carolina at Chapel Hill and conducted on lands or in  
14 buildings in Orange County owned by The University of North Carolina or  
15 the University of North Carolina at Chapel Hill.

16 (2) The exhibition is authorized by the University of North Carolina School of  
17 the Arts and conducted on lands or in buildings owned by the State and used  
18 by the University of North Carolina School of the Arts.

19 (3) The exhibition is authorized by The University of North Carolina or North  
20 Carolina State University and conducted on lands or in buildings in Wake  
21 County owned by The University of North Carolina or North Carolina State  
22 University.

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

35 (b) For any indoor use of pyrotechnics at a concert or public exhibition, the board of  
36 commissioners or the governing body of an authorized city may not issue any permit unless the  
37 local fire marshal or the State Fire Marshal (or in the case of The University of North Carolina  
38 ~~or Carolina,~~ the University of North Carolina at Chapel Hill ~~Hill~~-Hill, or North Carolina State  
39 University it may not authorize such concert or public exhibition unless the State Fire Marshal)  
40 has certified that:

41 (1) Adequate fire suppression will be used at the site.

42 (2) The structure is safe for the use of such pyrotechnics with the type of fire  
43 suppression to be used.

44 (3) Adequate egress from the building is available based on the size of the  
45 expected crowd.

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

49 (d) A board of county commissioners or the governing board of a city shall not issue a  
50 permit under this section unless the display operator provides proof of insurance in the amount  
51 of at least five hundred thousand dollars (\$500,000) or the minimum amount required under the

1 North Carolina State Building Code pursuant to G.S. 143-138(e), whichever is greater. A board  
2 of county commissioners or the governing board of a city may require proof of insurance that  
3 exceeds these minimum requirements."

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