

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 686

Short Title: Dallas Pyrotechnics.

(Local)

Sponsors: Representative Clary.

Referred to: Local Government II, if favorable, Judiciary I.

March 15, 2007

A BILL TO BE ENTITLED

1 AN ACT PROVIDING THAT THE GOVERNING BODY OF THE TOWN OF
2 DALLAS MAY AUTHORIZE THE USE OF PYROTECHNICS WITHIN THE
3 CORPORATE LIMITS OF THE TOWN AND MAY ISSUE PERMITS FOR THE
4 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 public exhibitions, such as fairs, carnivals, shows of all
15 descriptions and public celebrations, shall be under supervision of experts who have
16 previously secured written authority from the board of county commissioners of the
17 county in which said pyrotechnics are to be exhibited, used or ~~discharged~~
18 except that if the pyrotechnics are to be exhibited, used, or discharged within the
19 corporate limits of a municipality, written authority shall be secured from the governing
20 body of that municipality. Written authority from the board of commissioners is not
21 required, however, for a concert or public exhibition authorized by The University of
22 North Carolina or the University of North Carolina at Chapel Hill and conducted on
23 lands or buildings in Orange County owned by The University of North Carolina or the
24 University of North Carolina at Chapel Hill, but such exhibition, use, or discharge of
25 pyrotechnics shall be under supervision of experts who have previously secured written
26 authority from The University of North Carolina or the University of North Carolina at
27 Chapel Hill. Notwithstanding any provision of this section, it shall not be unlawful for a
28 common carrier to receive, transport, and deliver pyrotechnics in the regular course of

1 its business. The requirements of G.S. 14-413(b) and G.S. 14-413(c) apply to this
2 section."

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

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

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

15 (a1) For the purpose of enforcing the provisions of this Article, if pyrotechnics are
16 to be exhibited, used, or discharged within the corporate limits of a municipality, the
17 governing body of the municipality may issue permits for use in connection with the
18 conduct of concerts or public exhibitions after receiving satisfactory evidence that the
19 pyrotechnics will be used only for the purposes allowed by this Article.

20 (b) For any indoor use of pyrotechnics at a concert or public exhibition, the ~~board~~
21 ~~of commissioners~~ governing body of a municipality may not issue any permit unless the
22 local fire marshal or the State Fire Marshal (or in the case of The University of North
23 Carolina or the University of North Carolina at Chapel Hill it may not authorize such
24 concert or public exhibition unless the State Fire Marshal) has certified that:

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

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

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

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

33 **SECTION 3.** This act applies to the Town of Dallas.

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