TOWN OF BOLTON, VERMONT
FIREWORKS DISPLAY ORDINANCE

As specified under state law (20 V.S.A. Chapter 177), all fireworks other than small sparklers and novelty devices, as defined therein, are illegal in Vermont except for permitted, supervised public fireworks displays. The Select Board of the Town of Bolton hereby adopts the following ordinance regulating the use and public display of fireworks within the Town, pursuant to 24 V.S.A., Chapters 59 and 61, and 20 V.S.A. Chapter 177. This ordinance is designated as a criminal ordinance for purposes of administration, enforcement and appeals.

Section 1: Findings

The Select Board finds and determines that the unregulated use and discharge of fireworks (as defined in 20 V.S.A. § 3131) within the Town of Bolton constitutes a public nuisance, an endangerment to persons, and a hazard to public and private property.

Section 2: Prohibitions

(a) No person, firm, co-partnership or corporation shall use, discharge, ignite, fire or display fireworks within the Town of Bolton without first obtaining a permit to do so.
(b) No display of fireworks shall extend beyond 10:00 pm, with the exception of New Year's Eve displays that begin after 10:00 pm on December 31st and end on or before 12:30 am on January 1st.
(c) No fireworks shall be used or displayed during periods of high fire risk, including any period in which a Fire Weather Watch or Red Flag Warning issued by the National Weather Service, or Burn Ban issued by the Vermont Department of Forests, Parks and Recreation, remains in effect. The Chief of the Bolton Volunteer Fire Department may deny or rescind a permit at any time prior to a scheduled display if s/he deems that dry conditions present a high fire risk.

Section 3: Permits

(a) A person seeking to use, discharge, ignite, fire or display fireworks within the Town of Bolton shall submit a permit application to the Chief of the Bolton Volunteer Fire Department, or other department official designated by the Chief. The application shall be made on a form prepared by the Department, and shall be submitted to the Bolton Town Office for referral to the Department at least 15 days in advance of the intended date of the fireworks display.
(b) The application fee, as set under a fee schedule adopted by the Select Board, must accompany the permit application. The Select Board may, upon written request, waive all or a portion of the permit fee for public fireworks displays open to all town residents.
(c) The application shall identify the person applying for the permit and to whom the permit shall issue, the location of the property upon which the display will be held, the consent of the landowner if the landowner is not the applicant, the date and time of the proposed display, and the nature and duration of the display.

(d) The Chief of the Bolton Volunteer Fire Department, following site inspection, shall approve the application and issue a written fireworks display permit to the applicant only upon determining that 1) the proposed display shall be of a character, and be so located and discharged or fired that it shall not be hazardous to property nor endanger any person or persons; and 2) that the display operator is a qualified, competent operator.
(e) A permit issued under this ordinance applies only to the fireworks display as permitted. The permit is not transferable.
(f) Copies of all permits issued under this ordinance shall be kept on file at the Bolton Town Office.

Section 4: Permittee Requirements

(a) The permittee or display operator must provide proof of insurance, with the Town of Bolton as the certificate holder. The certificate must show minimum coverages of $1 million per occurrence and $2 million general aggregate. Certificates of insurance coverage shall be kept on file at the Bolton Town Office.
(b) The permitee or display operator shall arrange for a site inspection by a qualified inspector, within 24 hours of the conclusion of the display, during daylight hours, to locate and properly dispose of any undetonated fireworks shells. The inspector must be approved in writing by the Chief of the Bolton Volunteer Fire Department or his or her designee. A copy of this approval, as given to the permittee, shall be kept on file at the Bolton Town Office.

Section 5: Town, Fire Department Requirements

(a) The Bolton Volunteer Fire Department shall provide a copy of the issued fireworks display permit to the Bolton Town Clerk and Select Board no later than five (5) days after the date of issuance.
(b) The Bolton Town Clerk shall notify all town residents of a scheduled, permitted fireworks display at least seven (7) days prior to the date of the display. At minimum, notification shall be posted in the same locations in which Select Board meetings are posted.
(c) The Bolton Volunteer Fire Department shall have a fire truck on site 30 minutes prior to the start of the display until 30 minutes after the display has concluded. Onsite coverage may be waived at the discretion of the Department Chief or his or her designee in the event of an emergency, or based on a determination that, because of site conditions and the type, size and location of the display, onsite coverage is not necessary to ensure public safety.

Section 6: Penalty

(a) Pursuant to 20 V.S.A. § 3135, any person firm, co-partnership or corporation that violates this ordinance by using, discharging, igniting, firing or displaying fireworks within the Town of Bolton without first obtaining a permit shall be guilty of a misdemeanor and subject to fines for each violation or imprisonment.

Section 7: Indemnification

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

Section 8: Effective Date

This ordinance shall take effect 60 days from the date of adoption by the Bolton Select Board unless disapproved by a majority vote of town voters, following submission of a petition, as provided in 24 V.S.A. §§ 1972, 1973.

Adopted by the Bolton Select Board at a meeting held on May 18, 2015.

Ron Lafreniere, Jr., Chair

Josh Arneson

Gene Armstrong

Jen Dudley-Gaillard

Sharon Murray

May 18, 2015

Public Notice Date: May 28, 2015

Effective Date: July 27, 2015

Attest: Amy Grover

Amy Grover, Bolton Town Clerk