

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 521
Commerce Committee Substitute Adopted 4/21/03
Third Edition Engrossed 4/22/03
House Committee Substitute Favorable 6/12/03

Short Title: Pyrotechnic Regulation Enhanced.

(Public)

Sponsors:

Referred to:

March 25, 2003

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE REGULATION OF PYROTECHNIC DISPLAYS.

The General Assembly of North Carolina enacts:

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

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

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

(b1) For any indoor use of pyrotechnics at a concert or public exhibition, the board of commissioners may not issue any permit unless the local fire marshal or the State Fire Marshal (or in the case of The University of North Carolina or the University of North Carolina at Chapel Hill it may not authorize such concert or public exhibition unless the State Fire Marshal) has certified that:

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

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

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

1 (b2) The requirements of subsection (b1) of this section also apply to any city
2 authorized to grant pyrotechnic permits by local act and to the officer delegated the
3 power to grant such permits by local act."

4 **SECTION 2.** G.S. 14-410 reads as rewritten:

5 "**§ 14-410. Manufacture, sale and use of pyrotechnics prohibited; exceptions; sale**
6 **to persons under the age of 16 prohibited.**

7 (a) It shall be unlawful for any individual, firm, partnership or corporation to
8 manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use or cause
9 to be discharged any pyrotechnics of any description whatsoever within the State of
10 North Carolina: provided, however, that it shall be permissible for pyrotechnics to be
11 exhibited, used or discharged at concerts or public exhibitions, such as fairs, carnivals,
12 shows of all descriptions and public celebrations: provided, further, that the use of said
13 pyrotechnics in connection with public exhibitions, such as fairs, carnivals, shows of all
14 descriptions and public celebrations, shall be under supervision of experts who have
15 previously secured written authority from the board of county commissioners of the
16 county in which said pyrotechnics are to be exhibited, used or discharged; provided,
17 further, that such discharged. written Written authority from the board of commissioners
18 is not ~~required~~ required, however, for a concert or public exhibition authorized by The
19 University of North Carolina or the University of North Carolina at Chapel Hill and
20 conducted on lands or buildings in Orange County owned by The University of North
21 Carolina or the University of North Carolina at Chapel Hill; provided, further, that it
22 Hill, but such exhibition, use, or discharge of pyrotechnics shall be under supervision of
23 experts who have previously secured written authority from The University of North
24 Carolina or the University of North Carolina at Chapel Hill. Notwithstanding any
25 provision of this section, it shall not be unlawful for a common carrier to receive,
26 transport, and deliver pyrotechnics in the regular course of its business. The
27 requirements of G.S. 14-413(b1) and G.S. 14-413(b2) apply to this section.

28 (b) Notwithstanding the provisions of G.S. 14-414, it shall be unlawful for any
29 individual, firm, partnership, or corporation to sell pyrotechnics as defined in G.S.
30 14-414 (2), (3), (4)c., (5), or (6) to persons under the age of 16."

31 **SECTION 3.** G.S. 14-415 reads as rewritten:

32 "**§ 14-415. Violation made misdemeanor.**

33 Any person violating any of the provisions of this Article, except as otherwise
34 specified in said Article, shall be guilty of a Class 2 ~~misdemeanor.~~ misdemeanor, except
35 that it is a Class 1 misdemeanor if the exhibition is indoors."

36 **SECTION 4.** Section 3 of this act becomes effective December 1, 2003, and
37 applies to offenses committed on or after that date. The remainder of the act is effective
38 when it becomes law and applies to any permits granted on or after the effective date.