

**ORDINANCE:**  
**CLASS "C" FIREWORKS:**

**SECTION I : DEFINITION:**

- A) *"Class "C" Fireworks"* shall mean and include any combustible or explosive composition or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, detonation, or any tablets or other devices containing any explosive substance as defined in RSA 160-A and Federal Regulations 49CFR Section 173.100 (r).

**SECTION II : PROHIBITED:**

- A) It shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, deliver, transfer, give, exchange, purchase, possess, use or explode, any item or group of items defined as Class "C" Fireworks within the Town of Windham.
- B) Further, it shall be illegal for any person, firm, partnership or corporation knowingly to allow its property, buildings, or facilities within the Town of Windham to be utilized by any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, deliver, transfer, give, exchange, purchase, possess, use or explode, any item or group of items defined as Class "C" Fireworks within the Town of Windham.

**SECTION III : EXCEPTIONS:**

- A) Nothing in this ordinance shall be construed to prohibit the sale or use of auto flares, paper caps containing not in excess of an average of .25 grain (16mg) of explosive content per cap, toy pistols, toy canes, toy guns, or other devices for use of such caps; or
- B) The sale of fireworks to or use of fireworks by railroads or other transportation agencies for signal purposes of illumination; the sale of fireworks to or use of fireworks by law enforcement agencies; the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes, or in athletics or sports; or the sale of fireworks to or use of fireworks by military organizations.
- C) Nothing contained herein shall be construed to prohibit the possession and use of Class "C" Fireworks in amounts and for the purpose of the personal use of an individual within the Town of Windham provided a permit for such has been obtained under RSA 160-A-2 (III).

**SECTION IV : PENALTIES:**

Any person who violates the provisions of this ordinance shall be fined not more than \$1000.00 for offering or exposing for sale or possession with intention of sale in violation of this chapter, with the fine being credited to the general fund of the Town.

**SECTION V : EFFECTIVE DATE:**

This ordinance shall take effect upon adoption.

**Adopted at Town Meeting - March 17 & 18, 1989**

**Re-codified and affirmed by the Board of Selectmen - May 11, 1998**

**Charles E. McMahon**  
**Douglass L. Barker**  
**Carolyn B. Webber**  
**Margaret M. Crisler**  
**Galen A. Stearns**  
Board of Selectmen