

Readopt with amendment Saf-C 5002.05, effective 8-2-10 (Doc. #9765-A), to read as follows:

Saf-C 5002.05 “Authority having jurisdiction” means the ~~director of the state police~~ commissioner.

Adopt Saf-C 5002.07 and renumber the remaining sections so that, for example, existing Saf-C 5002.07 becomes Saf-C 5002.08, and Saf-C 5002.07 reads as follows:

Saf-C 5002.07 “Commissioner” means the commissioner of the department of safety or his/her designee.

Adopt Saf-C 5002.09 and renumber the remaining sections so that, for example, existing Saf-C 5002.08 becomes Saf-C 5002.10, and Saf-C 5002.09 reads as follows:

Saf-C 5002.09 “Dense pack system” is defined as a group of New Hampshire approved dense pack racks securely attached on a non-motorized platform or placed directly on firm level ground surface, as approved pursuant to Saf-C 5027.

Repeal Saf-C 5002.10, effective 8-2-10 (Doc. #9765-A), and renumber the remaining sections so that, for example, existing Saf-C 5002.11 becomes Saf-C 5002.12, as follows:

~~Saf-C 5002.10 “Director” means the director of the New Hampshire state police or his designee.~~

Readopt with amendment and renumber Saf-C 5002.19, effective 8-2-10 (Doc. #9765-A), as Saf-C 5002.20, to read as follows:

Saf-C 5002.1920 “Operator” means the individual person who fires off, discharges, deflagrates or detonates fireworks or special effects and who has been issued a certificate of competency from the ~~director of state police~~ commissioner.

Readopt with amendment Saf-C 5003 through Saf-C 5008, effective 8-2-10 (Doc. #9765-A), to read as follows:

PART Saf-C 5003 CERTIFICATES OF COMPETENCY FOR THE DISPLAY OF DISPLAY FIREWORKS

Saf-C 5003.01 Certificate Required. No display of display fireworks shall be conducted unless at least one person with a current certificate of competency for the display of display fireworks is physically present at all times during the delivery, setting up, loading and firing of the display. The person with a current certificate of competency shall oversee and assure that the display is being conducted in a safe and secure manner.

Saf-C 5003.02 Certificates of Competency.

(a) For the purposes of this section, “proximate audience” means an audience closer to pyrotechnic devices than permitted by ~~NFPA 1123, Code for Fireworks Displays, 2006 edition~~ these rules.

(b) The ~~director~~ commissioner, upon application of any natural person, shall issue a certificate of competency to such person to conduct display fireworks displays if the ~~director~~ commissioner determines that the applicant is qualified in the safe use of display fireworks, as provided in Saf-C 5003.03.

(c) Certificates of competency for display of display fireworks shall be valid for 4 years from the date of issue unless suspended or revoked by the ~~director~~commissioner.

(d) Certificates of competency for conducting blasting operations issued under RSA 158:9-f and Saf-C 1604 shall not be valid for the display of display fireworks.

(e) Certificates of competency issued under this part shall not be valid for the display of pyrotechnics, flame effects or special effects before a proximate audience, as regulated by Saf-C ~~6018 and 6019~~6900.

(f) No certificate of competency shall be assigned or transferred;

Saf-C 5003.03 Minimum Requirements.

(a) An applicant for a certificate of competency shall meet the following minimum requirements:

(1) Compliance with the application procedures set forth in Saf-C 5003.04; and

(2) Pass a written competency test administered by the ~~director~~commissioner.

(b) If an applicant cannot read or write, the written competency test shall be administered orally by the ~~director or his/her designee~~commissioner.

(c) The competency test cited in (a)(2) above, shall test the person's knowledge of the rules and the general procedures for display of display fireworks.

(d) For the purposes of (a)(2) above, an applicant shall receive 8 or less wrong answers in order to pass the test.

Saf-C 5003.04 Application Procedures.

(a) Any person who wishes to apply for a certificate of competency for the display of display fireworks shall:

(1) Be 21 years of age or older, pursuant to RSA 160-B:6, IX;

(2) Appear in person at the New Hampshire department of safety ~~division of state police, room 106~~ during normal business hours to:

a. Obtain a photo identification; and

b. Submit to a written examination;

(3) Supply proof of identification such as a valid driver's license or birth certificate;

(4) Submit a completed application, form DSSP FM 165, to the ~~director~~commissioner;

(5) Have been present and assisted an operator with the display of display fireworks for a combined amount of at least 10 separate displays comprising of a minimum of 100 shells per display and each shell shall be at least of 3 inches in diameter or larger;

(6) Make payment of the fee as specified in RSA 158:9-c; and

(7) Supply the endorsement of at least 2 persons who shall:

- a. Hold a valid certificate of competency issued by the ~~director~~commissioner for the display of display fireworks;
- b. Attest that the applicant was present and assisted the operator with the display of display fireworks, pursuant to (5) above; and
- c. Make an endorsement on a form supplied by the department which shall include:
 1. Date of each of the display;
 2. Time of each of the display;
 3. Location of each of the display;
 4. Number and size of shells; and
 5. Specific duties of the applicant.

Saf-C 5003.05 Renewal of Certificate of Competency.

(a) All applicants for renewal of certificates of competency shall complete form ~~DSSPFM~~ 165.

(b) If the renewal application is filed with the director prior to the expiration of the certificate of competency, the renewal shall become effective when the old certificate of competency expires.

(c) No renewal certificate of competency shall be issued more than 30 days before the expiration date of the current certificate of competency. If an application for renewal is filed more than 30 days after the expiration of the old certificate of competency, it shall be considered as an application for an original certificate of competency and the applicant for renewal shall resubmit to all of the requirements in Saf-C 5003.04.

PART Saf-C 5004 LICENSES TO STORE DISPLAY FIREWORKS

Saf-C 5004.01 Storage Licenses. Storage licenses shall be issued to persons qualified to engage in the storage of display fireworks.

Saf-C 5004.02 Minimum Requirements.

(a) An applicant for a storage license shall meet the following minimum requirements:

- (1) Comply with the application procedures set forth in Saf-C 5004.03; and
- (2) Provides magazine(s) which comply with the magazine provisions of these rules.

Saf-C 5004.03 Application Procedures.

(a) Any person who wishes to apply for an original license to store display fireworks shall:

- (1) Be 21 years of age or older, in accordance with RSA 160-B;
- (2) Appear in person at the New Hampshire department of safety, ~~room 106~~, during normal business hours;
- (3) Supply proof of identification such as a valid driver's license or birth certificate;
- (4) Complete the application, form DSSP 110;
- (5) Make payment of the fee as specified in RSA 158:9-c; and
- (6) Provide written approval to store fireworks from the local fire chief that has jurisdiction for the storage site.

Saf-C 5004.04 Renewal of License.

(a) All applicants for renewal of license shall complete form DSSP 110.

(b) If the renewal application is filed with the ~~director~~ commissioner prior to the expiration of the license, the renewal shall become effective when the old license expires.

(c) No renewal license shall be issued more than 30 days before the expiration date of the current license. If an application for renewal is filed more than 30 days after the expiration of the old license, it shall be considered as an application for an original license and the applicant shall resubmit all the requirements of Saf-C 5004.03.

(d) The acknowledgment letter from the federal Alcohol Tobacco Firearms and Explosives for permit renewal submittal is considered an extension of the federal permit for the purpose of the state renewal pursuant to this section.

Saf-C 5004.05 License Provisions.

(a) No person shall deliver any explosive materials to any magazine which is not licensed in accordance with RSA 158:9-c, or is not in compliance with the rules adopted by the commissioner.

(b) One copy of the explosive magazine license shall be prominently displayed at the magazine and shall be available for inspection upon requests of the ~~director~~ commissioner.

Saf-C 5004.06 Background Investigation. Pursuant to RSA 160-B:6, III-b, the department shall conduct a background investigation to verify the information provided on DSSP 110 and to ensure compliance with the requirements of these rules and RSA 160-B.

Saf-C 5004.07 Sole Use of Building. Pursuant to RSA 160-B:6, III-a, any building used for the storage and/or sale of fireworks, shall be dedicated solely to the storage and/or sale of fireworks and items relating to the sale and promotion of fireworks as permitted by these rules.

Saf-C 5004.08 Inspection. Pursuant to RSA 160-B:6, III-b, following receipt of an application as specified in Saf-C 5004.03, the ~~department commissioner~~ shall conduct an inspection of the site, including all buildings where fireworks will be sold and/or stored to determine compliance with all applicable statutes and rules, including Saf-C 6000.

PART Saf-C 5005 LICENSE OR CERTIFICATE OF COMPETENCY, DENIAL, SUSPENSION AND REVOCATION

Saf-C 5005.01 Denial.

(a) The issuance or renewal of any license or certificate of competency, as set forth in Saf-C 5003.04 and Saf-C 5004.04, shall be denied by the ~~director~~commissioner for the following:

- (1) Failure to comply with the licensing requirements as set forth in Saf-C 5003 or Saf-C 5004;
- (2) Noncompliance with any lawful order of the ~~director~~commissioner relative to explosives, pursuant to RSA 158:9-e, IV and RSA 158:9-f, II;
- (3) The applicant is under indictment for, or has been convicted of, a crime punishable by imprisonment for a term exceeding one year, which involved acts of violence, fraud, or dishonesty such as, but not limited to, murder, assault, subversive activities, terrorism, extortion and embezzlement;
- (4) The applicant is a fugitive from justice;
- (5) The applicant is an unlawful user of narcotics or controlled drugs, or is addicted to alcohol, narcotics or controlled drugs;
- (6) The applicant advocates, or knowingly belongs to any organization or group that advocates violent overthrow of or violent action against any federal, state, or local government;
- (7) The applicant is under the age specified in RSA 160-B;
- (8) The applicant suffers from a mental or physical defect that would interfere with the applicant's safe use of explosives;
- (9) Violation by the applicant of any provision of RSA 158, RSA 160-B, or of any rule adopted thereunder; and
- (10) The licensee or holder of a certificate of competency gave false information or made any misrepresentation in order to obtain such a license or certificate.

(b) Any person who has been denied a license or certificate of competency may request, in writing, a hearing before the within 10 days of the date of such denial. The ~~director~~commissioner shall extend the 10 day time limit for good cause.

(c) Good cause shall include, but not be limited to:

- (1) Serious illness;
- (2) Hospitalization;
- (3) Incarceration;
- (4) Death of a family member; or
- (5) Any other exigent circumstance beyond the control of the person.

Saf-C 5005.02 Suspension or Revocation.

(a) A license or certificate of competency shall be suspended, for the reasons set forth in Saf-C 5005.01(a)(1), (2) or (9), or revoked after a hearing for any of the reasons set forth in Saf-C 5005.01(a)(3)-(8) or (10) above.

(b) In addition to (a) above, a license or certificate of competency shall be revoked when the director determines that an individual is a threat to the public or the state, or any subdivision thereof such as, but not limited to, when an individual has made threats against a person or public building.

(c) The ~~director~~ commissioner shall notify the licensee or holder of a certificate of competency in writing of the date, time and place of the hearing which shall be scheduled at least 10 days from the date of notice. The notice shall specify the reason why suspension or revocation is under consideration.

Saf-C 5005.03 Hearing Procedures. Hearings shall be conducted by the bureau of hearings. The hearing procedures that are followed shall be those outlined in Saf-C 203.

PART Saf-C 5006 RECORD KEEPING AND NOTIFICATION

Saf-C 5006.01 Record Required.

(a) No person shall sell or transfer ownership of any display fireworks without making a record. The record shall be kept by the transferor for at least 5 years from the date of the sale.

(b) The record in (a) above shall contain the following:

- (1) The name and address of the receiver;
- (2) The date of transfer;
- (3) The type and quantity of display fireworks sold;
- (4) The serial number and lot number of the display fireworks, if any; and
- (5) If the explosive material is to be used within the State of New Hampshire, the name and competency certificate number of the conductor of the display.

Saf-C 5006.02 Notifications.

- (a) Any licensee or person who holds a certificate of competency shall promptly notify the ~~director~~commissioner of a change of address.
- (b) The loss, theft, or unlawful removal of any display fireworks shall be reported by the licensee to the ~~director~~commissioner immediately following the discovery of the loss, theft or unlawful removal.
- (c) The licensee shall notify the ~~director~~commissioner prior to placement of the location of any unattended magazine, used overnight. The licensee shall state the estimated length of time the magazine shall be at the location. The ~~director~~commissioner shall be notified within 48 hours upon removal of the magazine.

PART Saf-C 5007 APPLICATIONS AND PERMITS FOR DISPLAY

Saf-C 5007.01 Applications.

- (a) An application for a permit for a supervised display of display fireworks by a municipality, an association, amusement park, other organizations or person, shall be in writing on form ~~DSSPFM~~DSSPFM 166.
- (b) Applications for display shall be submitted to the head of the fire department and to the licensing board, or in the absence of a licensing board, to the chief of the police department or governing board in the municipality where the display shall be given, not less than 15 days in advance of the display.
- (c) The operator of the display shall provide the ~~director~~commissioner with an approved form ~~DSSPFM~~DSSPFM 166 at least 3 business days prior to the intended date of the display.

Saf-C 5007.02 Buried Utilities. When trenches or holes are to be dug in the ground in order to place mortars, the operator shall consult with the sponsor, fire chief and Dig Safe in order to locate any buried utilities in the discharges site. The buried utilities shall be indicated on the site plan submitted pursuant to Saf-C 5029.03.

Saf-C 5007.03 Duties of Officials.

- (a) Upon receipt of the application in accordance with RSA 160-B:7, the fire chief shall investigate the facts set forth in the application and inspect the display grounds to determine if the grounds comply with these rules.
- (b) Upon completion of the investigation and inspection, the fire chief shall transmit the application with an endorsement thereon, or reasons for withholding such endorsement to the licensing board or, in the absence of a licensing board, to the chief of police or the governing board of the town, city or village district.
- (c) After review of the recommendations of the fire chief, the licensing board, or, in the absence of a licensing board, the chief of police or the governing board of the town, city or village district, shall endorse the application and grant a permit for the display or deny the application, in accordance with RSA 160-B:7, IV.

Saf-C 5007.04 Application to be Transmitted. A copy of the approved application and permit for display or the denied application and reasons for denial, shall be transmitted to the ~~director~~commissioner by the operator of the fire display at least 3 business days prior to the date of the display.

Saf-C 5007.05 Permits not Transferable. No permit granted for a supervised display of display fireworks shall be transferable.

Saf-C 5007.06 Permits Valid for Display Date Only. Permits issued for the display of display fireworks shall be valid only for the display date indicated on the permit. If unforeseen conditions such as weather or high winds require a change in the display date, the fire chief and the licensing board of the municipality, or in the absence of a licensing board, the chief of police or governing body of the municipality, shall determine whether the permit shall be extended.

Saf-C 5007.07 Insurance or Bonding Requirements. Each applicant for a permit to display display fireworks shall present at the time of application, such proof of insurance or bonding coverage as required by Saf-C 2603.

PART Saf-C 5008 STORAGE OF DISPLAY FIREWORKS

Saf-C 5008.01 Storage Requirements.

(a) Display fireworks shall be kept in magazines which meet the requirements of these rules.

(b) An outdoor magazine used for unattended overnight storage of display fireworks shall not be less than one cubic yard in size.

(c) Display fireworks shall be stored in a type 4 magazine in compliance with the rules set forth in Saf-C 5009, or in types 1, 2 or 3 as set forth in Saf-C 1610, Saf-C 1611 and Saf-C 1612.

Saf-C 5008.02 Inspection. All storage, processing or manufacturing facilities shall be subject to periodic and unannounced inspections by the ~~director~~commissioner for the purpose of determining compliance by the licensee with these rules.

Saf-C 5008.03 Exceptions.

(a) All display fireworks shall be kept in storage magazines unless they are:

- (1) In process of manufacture;
- (2) Being used; or
- (3) Being transported.

Readopt with amendment Saf-C 5010, effective 8-2-10 (Doc. #9765-A), to read as follows:

PART Saf-C 5010 LOCATION OF MAGAZINES

Saf-C 5010.01 Location. Magazines for display fireworks shall be located no closer than the minimum distances from inhabited buildings, passenger railways, public highways, and from other

magazines in which explosive materials are stored, as specified in table 16-40.1, table of distances for storage of low explosives, in Saf-C 1640.01.

Saf-C 5010.02 Grouped Magazines. If 2 or more magazines are separated from each other by less than the distance specified in, table 1640.1, the table of distances in Saf-C 1640.01, then those magazines, as a group, shall be considered as one magazine. The total quantity of explosive materials stored in the group shall be treated as if stored in a single facility and shall comply with the minimum of distances specified in tables 1640.1, 1640.2 or 1640.3, the table of distances as cited in Saf-C 1640 from inhabited buildings, passenger railways, and public highways.

Readopt with amendment Saf-C 5011.02, effective 8-2-10 (Doc.#9765-A), to read as follows:

Saf-C 5011.02 Lighting. No lighting shall be placed or used in a magazine containing display fireworks except battery-activated safety lights or safety lanterns or other lighting approved by the ~~director~~commissioner and installed in accordance with NFPA 70, National Electrical Code, as adopted by the State Building Code Review Board.

Readopt with amendment Saf-C 5014.04, effective 8-2-10 (Doc. #9765-A), to read as follows:

Saf-C 5014.04 Transferral from Vehicle. Display fireworks shall not be transferred from one vehicle to another on any highway within the state of New Hampshire without informing the local fire and police departments. In the event of a breakdown or collision, the operator shall promptly notify the local fire and police departments that have a duty to safeguard the public in such emergencies. Display fireworks shall be transferred from the disabled vehicle to another only when proper and qualified supervision, and the local fire and police departments are present. Motor vehicles transporting display fireworks shall not be towed while containing display fireworks unless directed by the ~~director~~commissioner or the local fire chief. Road flares shall not be used for traffic warning devices.

Readopt with amendment Saf-C 5016.03, effective 8-2-10 (Doc. #9765-A), to read as follows:

Saf-C 5016.03 Attendant and His Duties.

(a) Every motor vehicle transporting any quantity of display fireworks shall, at all times, be attended by a driver or a designee of the motor carrier operating the vehicle. The attendant shall be informed by the carrier that there are explosive materials in the vehicle and shall be made aware of their inherent dangers. The driver or attendant shall be made aware of the procedures to be followed, pursuant to Saf-C 600, in order to protect the public from the dangers. The attendant shall be familiar with the vehicle and shall be trained, in accordance with the training requirements set forth in 49 CFR 172, 177, and 390-397.

(b) For the purpose of this section, a motor vehicle shall be deemed to be attended only when:

- (1) The driver or other attendant is physically on or in the vehicle or has the vehicle within his field of vision and can reach it quickly without any kind of interference; and
- (2) The driver or attendant is awake, alert and not engaged in other duties or activities which may divert his attention from the vehicle, except for necessary communication

with public officers, representative of the carrier, shipper, consignee, or except for necessary absence from the vehicles to obtain food or use a restroom.

(c) A vehicle carrying display fireworks may be left unattended in accordance with Saf-C 603.01 or if parked in an area that complies with the requirements of the National Fire Protection Association 498, Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives, 2006~~13~~ edition.

Readopt with amendment Saf-C 5017 through Saf-C 5019, effective 8-2-10 (Doc. #9765-A), to read as follows:

PART Saf-C 5017 LOCATION OF DISPLAY

Saf-C 5017.01 Minimum Distances.

(a) A display of display fireworks shall not be held unless the actual point at which they are to be discharged meets the following minimum separation distance requirements:

(1) The trajectory is At least 5025 feet from the nearest above ground electrical, telephone or telegraph line, tree or overhead obstruction, as measured from the perimeter of the mortar rack system to the outermost edge of any protrusion or drip line of any object;

(2) At least 200 feet from the nearest public highway, railroad or other means of travel unless closed to travel during the display;

(3) At least 200 feet from the nearest building; except that this distance requirement shall not apply if:

a. The building or structure is not an inhabited building per Saf-C 5002.15;

b. Access to the building is prohibited once the shells arrive on the display site;

c. Flammable or combustible liquids or gases are not stored in the building;

d. The building is single story and no greater than 400 square feet;

e. The requirements of Saf-C 5017.01(a)(1) are met;

f. The application for display includes written acknowledgement of the building owner, the sponsor of the display and the fireworks company conducting the display that the building may be exposed to damage from the fireworks display; and

g. The site plan identifies the distance of the building to discharge site.

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(4) At least 250 feet from the nearest tent or canvas shelter; except that this distance requirement shall not apply to open lightweight aluminum framed tent structures used during active loading of shells into mortars if:

- a. The tent does not cover any loaded mortar, mortar rack or dense pack; and
- b. The tent is disassembled and removed from the display site prior to firing.

(5) At least 500 feet from the nearest ~~hospital, penal facility or other occupied health care or detention establishment~~ facility; and

(6) At least twice the distance of the largest shell in the display from areas containing bulk storage of a material which contains a ~~flammability~~ flammable, explosive or toxic hazard.

(b) Where unusual or safety threatening conditions exist, the ~~director~~ commissioner shall be permitted to increase the required separation distances as deemed necessary to protect life and property.

(c) Notwithstanding the distance requirements of this section, operators may elect to use plastic sheeting or aluminum foil with a thickness no greater than 2 MIL to cover loaded mortars and shall have a clear view of all such material when discharging through such material to ensure that it is not ignited by the discharge. Operators using such material shall have a water type portable fire extinguisher readily available.

Saf-C 5017.02 Distance from Audience.

(a) The audience at a display of display fireworks shall be restrained behind lines that are at least 200 feet from the point where the display fireworks are discharged. ~~For any display containing one or more shells of 4 inches or larger in diameter, the audience shall be restrained behind lines that are equal to 70 feet per inch of shell diameter from the point of discharge in accordance with Table 5017.1:~~

(b) As shown in Table 5017.1, for any display, the National Fire Protection Association NFPA 1123 Code for Display Fireworks, 2014 edition table 5.1.3.1 titled "Distances for Outdoor Aerial Shell Display Sites" shall be used as a minimum distance with the exception of shells that are smaller than three inches in diameter. Shells smaller than three inches in diameter shall be at least 200 feet from the audience. At no time shall a mortar be angled towards the audience.

Table 5017.1 Distance from Audience

<u>Mortar Size</u>	<u>Vertical Mortars</u>	<u>Secured Diameter of Site</u>	<u>Special Hazards</u>
<u>Inches</u>	<u>Feet</u>	<u>Feet</u>	<u>Feet</u>
<u>1</u>	<u>200</u>	<u>400</u>	<u>400</u>
<u>1.5</u>	<u>200</u>	<u>400</u>	<u>400</u>
<u>2</u>	<u>200</u>	<u>400</u>	<u>400</u>
<u>2.5</u>	<u>200</u>	<u>400</u>	<u>400</u>
<u>3</u>	<u>200</u>	<u>400</u>	<u>400</u>

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4	280	560	560
5	350	700	700
6	420	840	840
7	490	980	980
8	560	1120	1120
10	700	1400	1400
12	840	1680	1680

(c) Only the operator, authorized assistants, fire chief or the ~~director~~ commissioner shall be allowed inside the display site. The restraining lines shall be erected with fencing or rope which shall clearly define the restricted discharge area.

Saf-C 5017.03 Responsibility of Operator.

(a) It shall be the responsibility of the operator to determine that the area in which the display is to be discharged is safe and that these rules are complied with.

(b) The operator shall be responsible for ensuring that all assistants have received the proper training relative to:

- (1) The performances of their duties;
- (2) Relevant laws and administrative rules; and
- (3) Safety hazards.

(c) During the firing of the display, all personnel in the discharge site shall wear the following:

- (1) Hard hat or helmet that is OSHA compliant;
- (2) Eye protection that is OSHA compliant;
- (3) Hearing protection;
- (4) Foot protection;
- (5) Gloves;
- (6) Cotton, wool or clothing with a similar fire resistant quality; and
- (7) Clothing with long sleeves worn at full length and full length pants.

(d) The operator shall insure that the discharge site is restricted throughout the display and until the discharge site has been inspected immediately following the display.

(e) In the event a condition arises that requires the entry of fire protection or other public safety personnel into the fallout area or security perimeter, the operator shall immediately stop the display until the situation is resolved and the area is once again clear.

(f) The operator and assistants shall use only flash lights, electric lighting, or other intrinsically safe portable lighting equipment for illuminating the firing and ready box area.

Saf-C 5017.04 Postponement of Display. The fire chief, police chief, or the ~~director~~ commissioner shall order postponement of the display for any violation of these rules until such time as the violation shall have been corrected.

PART Saf-C 5018 FIREWORKS AT THE DISPLAY SITE

Saf-C 5018.01 Precautions.

(a) Upon delivery to the display site, members of the public, the audience, spectators, and any other person not authorized by the ~~director~~ commissioner or fire chief shall be kept at a distance not less than those specified in Saf-C 5017.01 (b) and Saf-C 5017.02 (a).

(b) All display fireworks or shells shall be kept in their shipping containers or packaging until they are prepared, loaded, or set-up in the display. All display fireworks shall be handled carefully while being unloaded from the delivery vehicle, prepared, loaded or set-up.

(c) Upon delivery to the display site, the display fireworks shall not be left unattended nor shall they be allowed to become wet.

(d) Upon delivery to the display site, all shells shall be inspected by the display operator. Any shells having tears, leaks, broken fuses or showing signs of having been wet, shall be set aside and shall not be fired. After the display, any defective shells shall be returned to the supplier.

(e) All shells shall be separated according to diameter and stored in tightly covered containers of metal, fire retardant wood, fire retardant plastic, or in fiber drums. All cardboard containers or other combustible materials shall be removed from the shell storage reload area. A flame-resistant tarpaulin meeting the requirements of Standard Methods of Fire Tests for Flame-Propagation of Textiles and Films, NFPA 701, 2004~~15~~ edition, shall be used as a covering over the containers.

(f) The shell storage area shall be located at a distance of not less than 25 feet from the discharge site.

(g) During the display, except where conditions do not permit, such as on a barge or point of land, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site.

PART Saf-C 5019 DISPLAY MORTARS

Saf-C 5019.01 Requirements for Single Fire Trenched and Reloadable Mortars.

(a) Single fire and reloadable mortars shall be constructed of non-fragmentary steel, aluminum, or other material, approved by the director, of not less than ¼ inch in thickness, and shall be capped at the

base by a threaded or welded cap. Wood plug base ends shall not be permitted. Cast iron, stove pipe, corrugated culvert, clay, PVC, bamboo and wood shall not be used to make mortars.

(b) Single fire mortars up to 10 inches in diameter shall be buried in a trench at least 18 inches apart to a depth of not less than $\frac{3}{4}$ of their length. In no case shall the protrusion above ground exceed 8 inches. The trench shall be provided with a wooden base planking that shall be equivalent in width to the largest diameter mortar used. The portion of the mortar tube extending above ground shall be braced with 6" x 6" wooden timbers or their equivalent placed on both sides of the tubes and firmly secured together by wood or metal connecting straps. All remaining space between mortars shall be filled with firmly tamped rock free sand or earth.

(c) For the purposes of paragraph (a) above, a material shall be approved by the ~~director~~commissioner if the licensee can demonstrate, through documentation provided by the manufacturer, that the material can withstand equal or greater strength without displaying any fragmentation.

Saf-C 5019.02 Exceptions.

(a) In display locations where ground excavation or trenching is not feasible, due to unremovable ground conditions such as tar, the ~~director~~commissioner or the fire chief shall allow single fire and reloadable mortars of up to 6 inches in diameter to be buried to $\frac{3}{4}$ its length in sturdy wooden boxes with partitions, at least 2 feet wide by 3 feet in height filled with clean sand, and provided with 18 inch spacing between mortars or direct that the display location be moved to a site where trenching is feasible.

(b) In lieu of using sturdy wooden boxes with partitions, as set forth in (a) above, sturdy 55 gallon steel drums filled with rock free sand or earth may be used so long as no more than 2 mortars are placed in each drum.

(c) The ~~director~~commissioner or fire chief in determining whether the display location shall be moved to a site where trenching is feasible shall consider:

- (1) Whether there is an area around the proposed display location where trenching is available;
- (2) Whether the nearest available trenchable site is adequate to hold the audience for the fireworks display; and
- (3) Whether the nearest available trenchable site meets the requirement set forth in Saf-C 5017.

Readopt with amendment Saf-C 5020.05, effective 8-2-10 (Doc. #9765-A), to read as follows:

Saf-C 5020.05 Mortar Rack Mounting.

(a) Single shot or "finale" mortars may be rack-mounted to adequately constructed wooden racks. Each mortar shall be securely fastened to its rack and each rack securely supported individually and at both ends.

(b) Single shot mortars shall comply with the following:

- (1) Spacing between mortars in a rack shall be at least $\frac{1}{2}$ the diameter of the adjacent mortar;
- (2) Parallel racks or rows of racks shall be no less than 12 inches apart at both the top and bottom of each mortar. The distance shall be measured from outside shell to outside shell of each mortar;
- (3) Rack mounted single shot mortars may be used in accordance with the provisions of Saf-C 5020.02;
- (4) Strapping or plywood of an equivalent thickness used to secure mortar racks shall be double nailed or screwed at all connecting points;
- (5) Mortars of various sizes shall not be intermixed within the same rack; and
- (6) Mortars of the same size shall be placed in groups, and the groups shall be separated from one another.

(c) Prevention of repositioning shall be accomplished by using mortar racks that are designed to withstand a shell exploding in a mortar, causing it to burst.

(d) Whenever more than 3 shells are to be chain fused, ~~additional~~ measures shall be taken to prevent adjacent mortars from being repositioned in the event that a shell explodes in a mortar, causing it to burst.

(e) Chain fused mortar racks shall be limited to a maximum of 10 mortars per rack.

(f) Racks shall not contain any mortar larger than 6 inches in diameter.

(g) Staple guns shall not be permitted to be used to secure quick match that is connected to aerial shells, mines or comets.

Readopt with amendment Saf-C 5023.01, effective 8-2-10 (Doc. #9765-A), to read as follows:

Saf-C 5023.01 Electrical System Requirements. All electrical firing systems shall be in accordance with NFPA 1123, Code for Display Fireworks, 2006~~14~~ edition.

Readopt with amendment Saf-C 5024.07, effective 8-2-10 (Doc. #9765-A), to read as follows:

Saf-C 5024.07 Cancellation of Display. The local fire chief, police chief, or the ~~director~~ commissioner shall cancel any display when the behavior or condition of the operator or assistant is such as to imperil the public safety.

Readopt with amendment Saf-C 5025.01, effective 8-2-10 (Doc. #9765-A), to read as follows:

Saf-C 5025.01 Marine Display Requirements. All marine displays of fireworks shall be in accordance with NFPA 1123, Code for Display Fireworks, 2006~~14~~ edition, and this section.

Readopt with amendment Saf-C 5025.02, effective 8-2-10 (Doc. #9765-A), to read as follows:

Saf-C 5025.02 Inspection. All barges and vessels used as launch platforms for the supervised display of display fireworks shall be open to inspection by the ~~director~~commissioner, the head of the local police and fire department, harbor master having jurisdiction or to any person delegated by the aforementioned.

Readopt with amendment Saf-C 5026 through Saf-C 5028, effective 8-2-10 (Doc. #9765-A), to read as follows:

PART Saf-C 5026 NOTIFICATION

Saf-C 5026.01 Notification to the ~~Director~~Commissioner. Any explosion, fire, or other accident, occurring in connection with the keeping, storage, manufacture, handling, transportation, display or other disposition of display fireworks causing loss of life or injury to any person or damage to property shall be reported by the operator immediately to the ~~director~~commissioner, giving a detailed account of the event and confirmed in writing, pursuant to Saf-C 5026.02. Notification shall be made to the New Hampshire State Police communications center.

Saf-C 5026.02 Accident Report.

A written accident report shall be sent by the operator who conducted the firework display to the ~~director~~commissioner within 48 hours of any accident resulting in injury, death or damage to property on a form furnished by the division.

PART Saf-C 5027 DENSE PACK FIRING RACKS

Saf-C 5027.01 Scope.

(a) This part shall apply to non-motorized vehicle mounted, ~~or~~ marine vessel mounted or ground based dense packs only, ~~used on or after January 1, 2011.~~

(b) ~~Ground based dense packs shall be prohibited.~~ Approved dense pack mortar systems may be placed upon the ground. All dense pack firing racks or systems shall have a metal base. The base shall be placed upon the ground to provide a stable base.

Saf-C 5027.02 Approval.

(a) All dense pack firing racks shall be approved by the ~~director~~commissioner before being utilized for a display of display fireworks.

(b) Design specifications and engineered drawings, which have been reviewed and stamped by a New Hampshire licensed professional engineer shall be submitted to the ~~director~~commissioner before an approval shall be granted.

(c) If the dense pack firing rack to be utilized is constructed of mortar material other than SDR21 high density polyethylene pipe (HDPE), pursuant to Saf-C 5027.03(b) below, the applicant shall also submit to the ~~director~~commissioner the specification sheet indicating that the material being utilized has the equivalent characteristics as SDR21 HDPE.

(d) Approval shall be granted ~~only~~ for a period of ~~one-three years~~, and shall become void upon signs of possible fatigue from repeated use, damage from impact, or has been involved in a fire, explosion or other type of accident, at which time the dense pack firing rack system shall be placed out of service until inspected by a New Hampshire licensed professional engineer to ensure that the structural integrity of the rack system has not been compromised ~~during from damage or~~ the repeated use.

(e) Documentation of the inspection and a report of all findings, to include corrective actions, shall be forwarded to the ~~director~~commissioner before the dense pack firing rack system is approved by the ~~director~~commissioner to be placed back in service.

(f) Any dense pack firing rack which has been involved in any type of fire, explosion, or other type of accident shall be immediately placed out of service and the ~~director~~commissioner shall be immediately notified in accordance with Saf-C 5026. ~~The rack system shall remain out of service until such time as a New Hampshire licensed professional engineer has inspected the rack system and all necessary repairs have been made. Documentation of the inspection, required repairs and inspection of the repair work shall be forwarded to the director before the dense pack firing rack system is approved by the director to be placed back in service.~~

(g) ~~Approval shall be granted if the dense pack firing rack complies with this part.~~ On or before January 1st of each year, anyone utilizing an approved dense pack firing rack shall provide the commissioner with a written list of all dense pack firing racks or systems that will be utilized for displays throughout the upcoming year. This list shall include all approved dense pack firing racks or systems that have been placed out of service for any reason. All dense pack firing racks or systems shall be identified by the serial number assigned to the rack.

Saf-C 5027.03 Construction.

(a) Dense pack firing racks shall be constructed of metal construction and shall be engineered to withstand a ground detonation of the largest shell being fired from the rack system and shall be designed to minimize damage to adjacent mortar tubes.

(b) Mortar tubes shall be constructed of SDR21 high density polyethylene pipe (HDPE) or greater, or other similar material.

(c) Mortar tubes shall be securely anchored in place, or securely locked into the rack system in 2 separate locations. Locks shall be designed with a positive locking arrangement to prevent the mortar tube from becoming accidentally dislodged during the firing operations.

(d) All mortar tubes contained in the rack system shall be grouped into like sizes.

(e) Size groups within the rack system shall be clearly identified and separated from other size groups.

(f) All mortar tubes within the rack system shall be of an equal length.

(g) Each dense pack firing rack or system shall be permanently marked with a unique serial number located on two exterior sides of the firing rack or system that are clearly visible. The serial number shall identify the company name, year of manufacture, and the shell size with sequential identification number.

~~(g)~~(h) Dense pack firing racks used in conjunction with a trailer, marine vessel, or floating platform shall be securely affixed to the frame work of the trailer, marine vessel, or floating platform.

~~(h)~~(i) The deck of the trailer, marine vessel or floating platform shall be constructed with a non-combustible material which is strong enough to withstand the repeated discharge of display fireworks on its surface.

~~(i)~~(j) All trailers used in conjunction with dense pack firing racks shall be consistently maintained in a roadworthy condition.

~~(j)~~(k) All marine vessels or floating platforms used in conjunction with dense pack firing racks shall be consistently maintained in seaworthy condition.

(l) Dense pack firing racks utilized for ground based firing shall be placed on level firm ground.

(m) All dense pack firing racks system construction shall be approved pursuant to Saf-C 5027.02.

Saf-C 5027.04 Restrictions.

(a) Dense pack firing racks shall only be fired electronically from a remote location. Firing locations shall be located a minimum of ~~50~~75 feet from the dense pack portable firing system.

(b) Multiple dense pack firing rack systems shall be separated 2 feet or greater from one another at the discharge site ~~by a minimum distance of 25 feet.~~

(c) Dense pack firing racks shall not be reloaded during a display.

(d) Mortar size shall not exceed 6 inches.

(e) Salute shells shall be prohibited from being fired from any dense pack firing rack.

(f) Dense pack firing racks used in conjunction with a vehicle trailer shall be secured and leveled at the discharge site and disconnected from the tow vehicle before any mortar is loaded.

(g) Dense pack firing racks utilized in conjunction with a marine vessel or floating platforms shall be anchored or properly moored in accordance with Saf-C 5025.04 before any mortar is loaded.

(h) Dense pack racks shall have no greater than 10 chain fused shells per ignition.

(i) Dense pack firing racks that are placed on the ground shall be on a firm level surface at the discharge site before any mortar is loaded.

(j) Dense pack firing racks that are placed on the ground shall be separated by a minimum of 2 feet between racks.

PART Saf-C 5028 SPECIAL STRUCTURES

Saf-C 5028.01 Special Structures. All displays of display fireworks from rooftops, bridges, towers, stadiums, parking decks, other structures or limited egress locations shall be conducted in accordance with NFPA 1123, Code for Display Fireworks, 200614 edition.

Readopt with amendment Saf-C 5029, effective 8-2-10 (Doc. #9765-B), to read as follows:

PART Saf-C 5029 FORMS

Saf-C 5029.01 ~~DSSPFM~~ 165.

(a) Applicants shall supply on form ~~DSSPFM~~ 165 the following:

- (1) Name, address and date of birth of applicant;
- (2) Applicant's present employer, and position;
- (3) Employer's address;
- (4) Whether applicant holds a license or certificate of competency to conduct fireworks displays from another state, and if so, the state and the license number;
- (5) Whether a license or certificate of competency has ever been denied, and if so, an explanation;
- (6) Whether any previous license or certificate of competency has ever been revoked or suspended, and if so, an explanation;
- (7) Any criminal record that has not been annulled;
- (8) Citizenship status;
- (9) Number of years engaged in actual fireworks display;
- (10) Companies, municipalities or other organizations that applicant has worked for in this capacity;
- (11) Whether applicant is under indictment for a crime punishable by imprisonment for more than one year, and if so, an explanation stating the specific charge, the date of the charge, and the court of jurisdiction;
- (12) Whether applicant is a fugitive from justice;
- (13) Whether applicant is 21 years of age or older;
- (14) Whether applicant uses or is addicted to marijuana, depressants, stimulants or narcotics;
- (15) Whether applicant has ever been adjudicated as mentally ill, or been committed to any mental institution;
- (16) Physical characteristics:
 - a. Height;

- b. Weight;
- c. Color hair; and
- d. Color eyes;

(17) ~~The following certification; that the information provided on or with the form is true~~ "I certify that I have read the foregoing application and affirm that every statement contained herein is true and correctly set forth, and I also certify that I am familiar with all state laws, regulations, and local ordinances relating to display fireworks, for the location in which I intend to conduct operations. (False statements made herein are punishable under N.H. RSA 641:3.)"; and

(18) Signature under penalty of unsworn falsification.

(b) The applicant shall sign the application under penalty of unsworn falsification and the provisions RSA 160-B:6, X.

Saf-C 5029.02 DSSP 110.

(a) Applicants shall submit on form DSSP 110 the following:

- (1) Whether applicant is an individual, partnership, corporation or other;
- (2) Applicant's name, address, date of birth, present employer;
- (3) Employer's address;
- (4) Applicant's position;
- (5) If the applicant is not an individual, the name and address of the person in charge, the address of the person signing the application, and the date of birth of the person signing the application;
- (6) Applicant's telephone number;
- (7) Whether the applicant holds a license or certificate of competency from another state and if so, the state and license number;
- (8) Whether the applicant has ever been refused a license or certificate of competency, and if so, an explanation;
- (9) Whether the applicant has ever had a license or certificate of competency revoked or suspended, and if so, an explanation;
- (10) Whether the applicant has a criminal record, and if so, an explanation;
- (11) Whether applicant is an American citizen;
- (12) Number of years applicant has been engaged in the display, storage, or handling of display fireworks;

- (13) All the companies, municipalities or other organizations applicant has worked for;
- (14) Whether the applicant is under indictment for a crime punishable by imprisonment for more than one year;
- (15) Whether the applicant is a fugitive from justice;
- (16) Whether the applicant is 21 years old or older;
- (17) Whether the applicant is a user of marijuana, depressants, stimulants or narcotics;
- (18) Whether the applicant has been adjudicated mentally ill, or has been committed to a mental institution;
- (19) Physical characteristics:
 - a. Height;
 - b. Weight;
 - c. Color hair; and
 - d. Color eyes; and
- (20) Certification that the information is true and that applicant is familiar with the state laws, rules and local ordinances relating to display fireworks and explosives.

Saf-C 5029.03 Application for Display Permit.

- (a) Each applicant for a display permit shall make application on form DSSPFM 166.
- (b) An applicant shall submit the following on DSSPFM 166:
 - (1) Date of application;
 - (2) Name of sponsoring organization or individual;
 - (3) Date of birth, if applicable;
 - (4) Complete address of sponsor;
 - (5) Name and address of sponsor owner or person in charge, if other than an individual;
 - (6) Intended date and time of display;
 - (7) Name, and address or company furnishing the display material;
 - (8) Name of company issuing surety bond and amount of coverage, if required;

(9) Name, address of operator(s) who will fire display, and certificate of competency number and date of expiration;

(10) Location of proposed display, including the physical address of the site, the location at which fireworks are to be discharged, the location of all area buildings, highways and the lines behind which the audience will be retained, and the location of all nearby trees, telephone, or electrical power lines or other overhead obstructions, as shown on a site plan submitted with the application;

(11) Amount, by actual shell count, and description of fireworks to be discharged and whether manually or electrically fired; ~~and~~

(12) The following certification: "I certify that I have read the foregoing application and affirm that every statement contained therein is true and correctly set forth, and I also certify that I am familiar with all state laws, regulations, and local ordinances relating to the use, purchase and transport of explosives. (False statements made herein are punishable under N.H. RSA 641:3.)"; and

~~(12)~~(13) Signature of applicant under penalty of unsworn falsification.

~~(a)~~(c) A site plan containing the following information shall accompany the DSSPFM 166 application:

(1) The dimensions of the following:

- (a) The discharge site;
- (b) The spectator viewing areas;
- (c) The parking areas;
- (d) The fallout areas; and
- (e) All the separation distances; and

(2) Location of buried utilities, if trenches or holes are to be dug in the ground to place mortars.

Saf-C 5029.04 Accident Report Form.

(a) The operator shall submit the following on the accident report:

- (1) Date of the report;
- (2) Certificate of competency number;
- (3) Time and exact location of accident;
- (4) Name and address of person(s) injured or killed;
- (5) Weather conditions at time of accident;

- (6) Name and address of person who conducted the display;
- (7) Type of display firework that malfunctioned;
- (8) Description of the accident and total cost of repair;
- (9) Cause of the accident;
- (10) Names and addresses of any known witnesses;
- (11) Name of hospital or doctor where injured person(s) was taken to;
- (12) What type of first aid equipment was available at scene of the accident;
- (13) Detailed description of failure, if the launching mechanism was involved; and
- (14) Signature of individual who conducted the display.

APPENDIX A

Provision of the Proposed Rule	Specific State Statute which the Rule Implements
Saf-C 5002.05	RSA 541-A:7
Saf-C 5002.07	RSA 541-A:7
Saf-C 5002.09	RSA 541-A:7
Saf-C 5002.10 (repealed)	RSA 541-A:1, XV
Saf-C 5002.20 (formerly Saf-C 5002.19)	RSA 541-A:7
Saf-C 5003.01	RSA 160-B:3 & RSA 160-B:7
Saf-C 5003.02(a)	RSA 541-A:7
Saf-C 5003.02(b)-(f) & Saf-C 5003.03	RSA 158-9-f, I(b) & RSA 160-B:7, I
Saf-C 5003.04	RSA 158-9-f, I(b) & RSA 160-B:7, I
Saf-C 5003.05	RSA 160-B:3 & RSA 160-B:7
Saf-C 5004.01 – Saf-C 5004.04	RSA 158-9-c, III-a ; RSA 160-B:8, VIII
Saf-C 5004.05	RSA 160-B:4, I(e); RSA 160-B:6, III
Saf-C 5004.06	RSA 160-B:6, III-b
Saf-C 5004.07	RSA 160-B:6, III-a
Saf-C 5004.08	RSA 160-B:6, III-b
Saf-C 5005.01	RSA 160-B:7, I; RSA 160-B:8, I
Saf-C 5005.02	RSA 160-B:8, I; RSA 541-A:30
Saf-C 5005.03	RSA 541-A:31
Saf-C 5006.01 – Saf-C 5006.02	RSA 160-B:6, VI
Saf-C 5007.01	RSA 160-B:7
Saf-C 5007.02	RSA 160-B:7
Saf-C 5007.03 – Saf-C 5007.04	RSA 160-B:7
Saf-C 5007.05 – 5007.07	RSA 160-B:7, V
Saf-C 5008	RSA 160-B:6, III-a, III-b & RSA 160-B:8, VIII
Saf-C 5010	RSA 160-B:6, III-a, III-b & RSA 160-B:8, VIII
Saf-C 5011.02	RSA 160-B:6, III-a, III-b & RSA 160-B:8, VIII
Saf-C 5014.04	RSA 265:115, RSA 158-9-f, I; 160-B:8, VIII
Saf-C 5016.03	RSA 265:115, RSA 158-9-f, I; 160-B:8, VIII
Saf-C 5017- Saf-C 5019	RSA 158-9-f, I; RSA 160-B:7, IV
Saf-C 5020.05	RSA 158-9-f, I; RSA 160-B:7, IV
Saf-C 5023.01	RSA 158-9-f, I; RSA 160-B:7, IV
Saf-C 5024.07	RSA 158-9-f, I; RSA 160-B:7, IV
Saf-C 5025.01	RSA 158-9-f, I; RSA 160-B:7, IV
Saf-C 5025.02	RSA 158-9-f, I; RSA 160-B:7, IV
Saf-C 5026—Saf-C 5028	RSA 158-9-f, I; RSA 160-B:7, IV
Saf-C 5029.01(a)	RSA 160-B:8, V
Saf-C 5029.01(b)	RSA 160-B:6, X

Provision of the Proposed Rule	Specific State Statute which the Rule Implements
Saf-C 5029.02	RSA 158:9-c, III-a ; RSA 160-B:8, VIII
Saf-C 5029.03	RSA 160-B:7, V; RSA 160-B:8, V
Saf-C 5029.04	RSA 160-B:8, VII

**APPENDIX B
MATERIALS INCORPORATED BY REFERENCE**

Rule	Title	Obtain at:
Saf-C 5017.02, Saf-C 5023.01, Saf-C 5025.01, Saf-C 5028.01	National Fire Protection Association (NFPA) 1123 “Code for Fireworks Display”, 2014 Edition.	National Fire Protection Association One Batterymarch Park Quincy, MA 02269 Phone: 1-800-344-3555 Web site: www.nfpa.org Ordering and pricing options: Softcover - \$46.00 for non-NFPA members and \$41.40 for members Online subscriptions are available at www.nfpacodesonline.org
Saf-C 5018.01(e)	National Fire Protection Association (NFPA) 701 “Standard Methods of Fire Tests for Flame-Propagation of Textiles and Films”, 2015 Edition	National Fire Protection Association One Batterymarch Park Quincy, MA 02269 Phone: 1-800-344-3555 Web site: www.nfpa.org Ordering and pricing options: Softcover - \$46.00 for non-NFPA members and \$41.40 for members Online subscriptions are available at www.nfpacodesonline.org