

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: Dan Jones, Fire Chief
Matt Lawrence, Fire Marshal

SUBJECT: Resolution to Request Authorization for Issuing Pyrotechnics Permits

DATE: March 8, 2010

PURPOSE

Adoption of the attached resolution would authorize the Town Manager to request authorization from Orange and Durham Counties to allow the Town to manage and issue permits for pyrotechnic displays within the corporate limits.

BACKGROUND

NC General Statute 14-413 (a1) identifies the Board of County Commissioners as the entity having the responsibility for issuing permits for the discharge of pyrotechnics within the counties. The displays for which these permits are required are generally professional displays which are monitored by the fire departments and inspected and managed by the local Fire Code Official under provisions of the NC Fire Code.

Upon recent review of new NC legislation regarding licensing of pyrotechnics operators it was noted that special authority was required under NC General Statute 14-413 (a1) through a Resolution by the Board of County Commissioners authorizing the governing body of a city within the county to issue permits for pyrotechnics to be exhibited, used, or discharged within the corporate limits of the city.

There is no history indicating that any resolutions have been adopted by the Orange County Board of County Commissioners authorizing the Town to issue such permits, although the Town has historically handled all permitting, inspection, and management of pyrotechnics displays within the Town limits.

General Statute 14-413(a1) also indicates that when a city lies in more than one county, the Board of County Commissioners of each county in which the city lies must adopt a resolution authorizing the city to issue such permits. Since the Town lies partially in Durham County, both Orange and Durham Counties would need to resolve to extend this authority to the Town.

DISCUSSION

The approval for this resolution would allow the Manager to request authority from Orange and Durham Counties for the Town to be authorized to issue operational permits for the exhibition, use, or discharge of pyrotechnics within the corporate limits. With authorization from the

counties, the formal approval would be granted to the Town Council for the approval of pyrotechnic displays. With the Fire Department being the only agency with regulatory authority to inspect and manage pyrotechnic displays under the NC Fire Code, it is proposed under this resolution that the authority for approval and issuance of pyrotechnic permits be assigned to the Town's Fire Marshal.

RECOMMENDATION

That the Council adopt the attached resolution authorizing the Manager to request from Orange and Durham Counties the authority to issue permits for the display of pyrotechnics within the corporate limits, and that the responsibility to issue those permits and manage those activities on behalf of the Town be assigned to the Town's Fire Marshal.

ATTACHMENTS

1. Copy of NC General Statute 14-413 (a1) (p. 4).