

**TOWN OF ALBURGH, VERMONT**  
**ORDINANCE RELATING TO THE USE OF FIREWORKS WITHIN**  
**THE TOWN OF ALBURGH**

Pursuant to Chapters 59 and 61 of Title 24, and Chapter 177 of Title 20, Vermont Statutes Annotated, the following ordinance is adopted by the Selectboard of the Town of Alburgh:

**SECTION 1: FINDINGS**

The Selectboard finds and determines that the unregulated use and discharge of fireworks, as defined in 20 VSA § 3131, within the Town of Alburgh, constitutes a public nuisance, a hazard to public and private property and an endangerment to persons.

**SECTION 2: PROHIBITION**

No persons shall use, discharge, ignite, fire or display fireworks within the Town of Alburgh without first obtaining a permit to do so.

**SECTION 3: PERMIT APPLICATION**

(a) A person seeking to use, discharge, ignite, fire or display fireworks within the Town of Alburgh shall submit a permit application to the Alburgh Selectboard, Constable or other Town Official designated by the Selectboard.

The application shall be made on a form prepared by the Town of Alburgh and shall be submitted at least seven (7) days in advance of the intended fireworks display date.

(b) The application shall identify the person applying for the permit and to whom the permit is issued, the location of the property upon which the display is proposed, along with the consent of the landowner if the landowner is not the same person as the permit holder, the date and time of the proposed display and the nature and duration of the proposed display.

(c) The application shall include a list of abutting landowners to the location of the display that have been notified and made aware of the date, time and location of the display.

(d) Designated official shall, following inspection of the application, either approve or reject such application and issue a written firework display permit or fireworks display denial. An approved permit may be issued if the designated official shall determine that the proposed display will be of a character that said display will not be hazardous to any property, or endanger any person, when enacted as proposed in the permit application.

(e) An approved display shall not begin before the hour of 7:00 am nor extend past the hour of 11:00 pm.

(f) A person seeking to use, discharge, ignite, fire or display fireworks within the Town of Alburgh shall be required to pay a \$20 application fee to the Town of Alburgh, regardless of whether a permit is issued, to be paid at the time the application is submitted.

#### **SECTION 4: PENALTY**

The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau in accordance with the provisions of 24 V.S.A. § 1971(b). For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets as provided in this Section and may be the appearing officer at any hearing:

A. The Enforcement Officer is authorized to recover civil penalties for any violation of this ordinance, the offender shall be guilty of a misdemeanor and shall be fined according to the schedule set in section 4 subsection B.

B. The Enforcement Officer is authorized to recover civil penalties for violations of Section 3 (“Permit Application”) of this Ordinance as set out below:

1st Offense: \$100 fine. Waiver amount: \$25.

2nd Offense: \$200 fine. Waiver amount: \$100.

3rd & Subsequent Offense: \$500 fine. Waiver amount: \$375.

The Enforcement Officer is authorized to recover a waiver fee, in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.

#### **SECTION 5: DESIGNATION**

This ordinance is designated a civil ordinance under 24 VSA § 1971(b).

#### **SECTION 6: INDEMNIFICATION**

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

**SECTION 7: COMPLAINTS**

Complaints and concerns shall be brought to the attention of the Selectboard via written complaint form or appearing at a Selectboard meeting.

**SECTION 8: EFFECTIVE DATE**

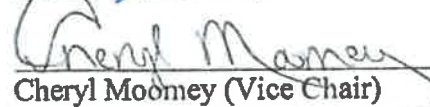
This ordinance shall take effect sixty (60) days from the date of adoption unless disapproved by vote of the Town of Alburgh following submission of a petition as provided in 24 VSA § 1973.


**Date of adoption by the Selectboard:** 25 February 2020

**Signatures of Selectboard members:**

  
\_\_\_\_\_  
Lee Kimball (Chair)

2/27/20  
DATE

  
\_\_\_\_\_  
Cheryl Moomey (Vice Chair)

  
\_\_\_\_\_  
Alton Brusio

\_\_\_\_\_  
Chuck Pease

  
\_\_\_\_\_  
Ken Millman

**Adoption History**

1. Agenda item at regular Selectboard meeting held on 25 February 2020.
2. Read and approved at regular Selectboard meeting on 25 February 2020, and entered in the minutes of that meeting, approved on 10 March 2020.
3. Posted in public places on 26 February 2020.
4. Notice of adoption published in the Islander newspaper on 3 March 2020, and online at [www.alburghvt.org](http://www.alburghvt.org) on 26 February 2020, with a notice of the right to petition.
5. Other actions [petitions, etc.] \_\_\_\_\_

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