



## REQUEST FOR BOARD ACTION

ITEM NO. 22.

**DATE OF MEETING:** July 8, 2013

**REQUESTED BY:** Tommy Batson, Fire Marshal Office

**SHORT TITLE:** Resolution Authorizing Pyrotechnic Display on Saturday, August 31, 2013 in Accordance with North Carolina General Statute 14-413

**BACKGROUND:** The Pender County Fire Marshal Office has received a request from the Town of Topsail Beach to allow a fireworks display on the island behind the Topsail Assembly Building between the sound and ICW on Saturday August 31, 2013. This display is for the 50<sup>th</sup> year celebration of the Town of Topsail Beach. The North Carolina Office of State Fire Marshal now requires the Board of County Commissioners to approve all pyrotechnic displays under N.C.G.S. 14-413. This requirement was implemented as a result of a fireworks truck explosion that occurred while preparing for a show in Ocracoke, NC in 2009 in which four people were killed. The State of North Carolina Legislature passed the 2010 North Carolina Pyrotechnics Act that modified the General Statutes to define the term fireworks "expert" as a state requirement to obtain a display operator's permit (N.C.G.S. 14-410) effective February 1, 2010. The Fire Marshal's Office will be on site for review and approval of the complete setup, display shooting and cleaning up from the pyrotechnic display. The pyrotechnic display will be a public display. It will be conducted by an approved and licensed fireworks company, Zambelli Fireworks of New Castle, PA. The display will meet all rules and regulations set by NC Code Fire Code, NFPA 1123, NFPA 1126, OSFM, and AFT. This company has preformed pyrotechnic shows in Pender County at the J. H. Lea's site on Factory Road in 2009 & 2010 as well as the 2008, 2009, 2010 and 2011 North Carolina Spot Festival in Hampstead NC.

Zambelli Fireworks meets all of the liability insurance requirements set by the State of North Carolina and the Fire Marshal Office recommends approval of their request.

**SPECIFIC ACTION REQUESTED:** To consider a resolution authorizing the pyrotechnic display outlined above.

**COUNTY MANAGER'S RECOMMENDATION**

Respectfully recommend approval.

CBW  
Initial

**RESOLUTION**

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners that:

the Board hereby authorizes a public pyrotechnic display in Topsail Beach on the island behind the Topsail assembly Building between the sound and ICW on August 31, 2013 under N.C.G.S. 14-413. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

YEA VOTES: Brown \_\_\_ McCoy \_\_\_ Tate \_\_\_ Ward \_\_\_ Williams \_\_\_

\_\_\_\_\_  
George R. Brown, Chairman      07/08/13  
Date

\_\_\_\_\_  
ATTEST      07/08/13  
Date