

THE STATE FIRE MARSHAL SHALL ISSUE A PERMIT TO DISCHARGE FIREWORKS ONLY IF THE STATE FIRE MARSHAL DETERMINES THAT THE PROPOSED DISCHARGE OF FIREWORKS WILL:

(1) NOT ENDANGER HEALTH OR SAFETY OR DAMAGE PROPERTY; AND

(2) BE SUPERVISED BY AN EXPERIENCED AND QUALIFIED PERSON WHO HAS PREVIOUSLY SECURED WRITTEN AUTHORITY FROM THE STATE FIRE MARSHAL TO DISCHARGE FIREWORKS.

(C) SCOPE OF PERMIT.

A PERMIT TO DISCHARGE FIREWORKS:

(1) DOES NOT AUTHORIZE THE HOLDER OF THE PERMIT TO POSSESS OR DISCHARGE FIREWORKS IN VIOLATION OF AN ORDINANCE OR REGULATION OF THE POLITICAL SUBDIVISION WHERE THE FIREWORKS ARE TO BE DISCHARGED; AND

(2) DOES NOT RELIEVE AN APPLICANT FOR A PERMIT FROM ANY REQUIREMENT TO OBTAIN ANY ADDITIONAL LICENSE OR AUTHORITY FROM THE GOVERNING BODY OF THE POLITICAL SUBDIVISION WHERE THE FIREWORKS ARE TO BE DISCHARGED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and second sentences and the fifth sentence, as it related to findings required by the State Fire Marshal, of former Art. 38A, § 18(a)(1).

In subsections (a) and (b) of this section, the reference to the "discharge" of fireworks is substituted for the former reference to the "display" of fireworks for consistency within this subtitle to avoid the implication that a "display" means an exhibit without any discharge.

In subsection (a) of this section, the introductory clause "[s]ubject to subsections (b) and (c) of this section" is added for clarity.

In subsection (b)(1) of this section, the former reference to endangering the health or safety "of persons in the locality" is deleted as implicit for brevity. Similarly, the former reference to damaging property "belonging to others" is deleted.

In subsection (c)(1) and (2) of this section, the references to a "political subdivision" are substituted for the former reference to a "locality" for clarity and consistency.

In subsection (c)(1) of this section, the reference to "where the fireworks are to be discharged" is substituted for the former reference to "where the display is to be made" for clarity and consistency. Correspondingly, in subsection (c)(2) of this section, the reference to "where the fireworks are to be discharged" is added.

Also in subsection (c)(1) of this section, the former reference to an ordinance or regulation that is "in effect" is deleted as surplusage.