

Bond Case Briefs

Municipal Finance Law Since 1971

PERMITS - VERMONT

Green Mountain Fireworks, LLC v. Town of Colchester

Supreme Court of Vermont - August 7, 2020 - A.3d - 2020 WL 4556800 - 2020 VT 64

Operators of fireworks stores brought actions challenging town's dismissal of their application for permit to sell fireworks and seeking declaration that they were permitted to sell fireworks even without municipal permit.

The Superior Court dismissed the actions, and operators appealed.

The Supreme Court held that:

- Zoning permits were insufficient to satisfy municipal permit requirement of fireworks sale statute, and
- Statute governing sale of fireworks prohibits the sale of fireworks to purchasers who do not have a permit for a "supervised public display."

Zoning permits were insufficient to satisfy municipal permit requirement of statute prohibiting the offer of fireworks for sale absent "permit by both the U.S. Bureau of Alcohol, Tobacco, and Firearms and the municipality in which the person offers for sale and stores the fireworks."

Statute governing sale of fireworks prohibits the sale of fireworks to purchasers who do not have a permit for a "supervised public display," as statute as a whole was directed at regulating the permitting of public fireworks displays, and history of the statute revealed that the Legislature intended to allow only the sale of display fireworks, not fireworks generally.