

[Home](#) / [Resources and Support](#) / [Laws and Regulations](#) / Explosives and Fireworks Act - Sale and Public Display

# Explosives and Fireworks Act - Sale and Public Display

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N.J.S.A. 21:3-1 et seq. EXPLOSIVES AND FIREWORKS

<a href="#">N.J.S.A. 21:3-1</a>	Sale, use, etc., declared against public health, safety and welfare
<a href="#">N.J.S.A. 21:3-2</a>	Sale, possession or use prohibited; exceptions
<a href="#">N.J.S.A. 21:3-3</a>	Permits for public displays; application; restrictions
<a href="#">N.J.S.A. 21:3-4</a>	Contents of applications for permits; approval of storage place; permit not transferable
<a href="#">N.J.S.A. 21:3-5</a>	Surety by licensee
<a href="#">N.J.S.A. 21:3-6</a>	Copy of application and permit forwarded to Department of Labor
<a href="#">N.J.S.A. 21:3-7</a>	Effect on existing laws; exceptions
<a href="#">N.J.S.A. 21:3-8</a>	Penalties for violations
<a href="#">N.J.S.A. 21:3-9</a>	Enforcement by municipalities

## N.J.S.A. 21:3-1 et seq. EXPLOSIVES AND FIREWORKS

### 21:3-1. Sale, use, etc., declared against public health, safety and welfare

The sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the state of New Jersey, except as hereinafter provided, is hereby declared by the legislature to be against the public health, safety and welfare of the people of the state of New Jersey.

[Back to top](#)

### 21:3-2. Sale, possession or use prohibited; exceptions

a. It shall be unlawful for any person to offer for sale, expose for sale, sell, possess or use, or explode any blank cartridge, toy pistol, toy cannon, toy cane or toy gun in which explosives are used; the type of balloon which requires fire underneath to propel the same; firecrackers; torpedoes; skyrockets, Roman candles, bombs, or other fireworks of like construction, or any fireworks containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, other than aviation and railroad signal light flares.

b. Notwithstanding subsection a. of this section, it shall be lawful for a person to offer for sale, expose for sale, sell, store, possess, or use:

(1) a toy pistol, toy cane, toy gun, or other device in which paper or plastic caps containing .25 grain or less of explosive compound per cap are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper or plastic caps which contain less than .20 grains of explosive mixture per cap;

(2) sparkling devices and novelties as defined in R.S.21:2-2 if the person is 16 years of age or older. Sparkling devices and novelties, including their sale or use, shall not be subject to further regulation by a municipality pursuant to R.S.40:48-1, except that the storage and sale of items listed in this

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 [Fireworks Safety](#)

 [Forms and Publications](#)

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paragraph shall be consistent with the standards set forth in NFPA 1124 National Fire Protection Association Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition; and

(3) any item or device as otherwise provided in this chapter.

c. Except as otherwise may be provided in this chapter, it shall be lawful to sell fireworks to a person only if that person is named as the authorized purchaser in a valid permit issued pursuant to R.S.21:3-3 or that person is the owner, manager, or designated employee acting as the agent of the owner or manager, of a legally operated commercial enterprise registered pursuant to section 10 of [P.L.1991, c.55](#) (C.21:2-37), and the permit is presented to the manufacturer, seller or distributor at the time of purchase. If the manufacturer, seller or distributor is located in a state other than this State, a purchase shall be by mail order form and a photocopy of the valid permit or registration shall be submitted with the form to satisfy the requirement in this paragraph.

[Back to top](#)

### **21:3-3. Permits for public displays; application; restrictions**

The governing body of any municipality, other than a county, notwithstanding any of the provisions of this chapter to the contrary, may, upon application in writing, upon the posting of a suitable bond, grant a permit for the purchase, possession and public display of fireworks by municipalities, religious, fraternal or civic organizations, fair associations, amusement parks, or other organizations or groups of individuals, approved by the governing body of such municipality to whom the application is made.

The governing body is authorized by resolution, to grant such permission when such display is to be handled by a competent operator, to be approved by the chiefs of the police and fire departments of the municipality. Such display shall be of such a character, and so located, discharged, or fired, as in the opinion of the chiefs of the police and fire departments, after proper inspection, shall not be hazardous to property or endanger any person or persons.

A permit issued pursuant to this section shall contain an identification number and the specific types or kinds of fireworks to be used. The permit shall name one person who shall be authorized to purchase, or otherwise order, and receive delivery of any fireworks. After such permit shall have been granted, sales, possession, and use of fireworks for such display shall be lawful for that purpose only.

[Back to top](#)

### **21:3-4. Contents of applications for permits; approval of storage place; permit not transferable**

All such applications for permits shall set forth the name of the person authorized to purchase, or otherwise order, and receive delivery of any fireworks, the specific types or kinds of fireworks to be obtained and used, the date, the hour, place of making such display, and place of storing fireworks prior to the display and, further, the name or names of the person, persons, firm, partnership, corporation, association or group of individuals making the display; the name of the person, or persons, in charge of the igniting, firing, setting-off, exploding or causing to be exploded such fireworks. The location of the storage place shall be subject to the approval of the chief of the fire department of the municipality. No permit granted hereunder shall be transferable.

[Back to top](#)

### **21:3-5. Surety by licensee**

The governing body of the municipality shall require surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than twenty-five hundred dollars (\$2,500.00), conditioned for the payment of all damages, which may be caused either to a person or persons or to property, by reason of the display so as aforesaid licensed, and arising from any acts of the licensee, his agents, employees or subcontractors. Such surety shall run to the municipality in which the license is granted, and shall be for the use and benefit of any person, persons, or the owner or owners of any property so damaged, who is or are authorized to maintain an action thereon, or his or their heirs, executors, administrators, successors or assigns.

[Back to top](#)

### **21:3-6. Copy of application and permit forwarded to Department of Labor**

A duplicate copy of the application and of the permit granted shall be forwarded to the Office of Safety Compliance in the Department of Labor by the governing body granting such permit and such copies shall be kept on file in the department, subject to public inspection.

[Back to top](#)

### **21:3-7. Effect on existing laws; exceptions**

Nothing in this chapter contained shall be construed to interfere with the provisions of chapter 2 of this title ( 21:2-1 et seq.) where the provisions thereof are not inconsistent with the provisions of this chapter, nor shall anything in this chapter contained be construed to prohibit any manufacturer, wholesaler, dealer or jobber from selling at wholesale such fireworks to municipalities, religious, fraternal or civic organizations, fair associations, amusement parks, or other organizations or groups of individuals authorized to possess and use fireworks under this chapter; or the sale of any kind of fireworks, provided the same are to be shipped directly out of the state; or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports, or by railroads for signal purposes, or for the use by the militia, or construed to prohibit the manufacture and sale of aviation and railroad light flares. Any provision of any law in this state inconsistent with any provision of this chapter is hereby repealed.

[Back to top](#)

### **21:3-8. Penalties for violations**

Any person who sells, offers or exposes for sale, or possesses with intent to sell any fireworks as herein mentioned is guilty of a crime of the fourth degree. Any person who purchases, uses, discharges, causes to be discharged, ignites, fires, or otherwise sets in action, or possesses any fireworks is guilty of a petty disorderly persons offense.

[Back to top](#)

### **21:3-9. Enforcement by municipalities**

The municipalities of this State, and the Department of Labor and Industry, are hereby charged with the enforcement of all of the provisions of this chapter.

[Back to top](#)

## **Public Safety and Occupational Safety and Health**

Home

**File a Workplace Health and Safety Complaint**

For public sector employees

For private sector employees

**Programs and Services**

Asbestos Control and Licensing

Boiler and Pressure Vessel Compliance

Public Employees Occupational

Safety and Health

Public Safety Compliance

## **Consultations and Trainings**

[Private Sector Occupational](#)

[Safety and Health](#)

[On-Site Consultations](#)

[Private Sector Occupational](#)

[Safety Training](#)

[Public Employees Occupational](#)

[Safety and Health On-Site](#)

[Consultation and Training](#)

[Mine Safety Training Program](#)

## **Compliance, Licensing, and Permits**

[Asbestos Control and Licensing](#)

[Boiler and Pressure Vessel Compliance](#)

[Crane Operators License](#)

[Explosives Permits and Reports](#)

[Mine Registration](#)

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[Licensed Occupations](#)

[in New Jersey](#)

[Survey of Occupational](#)

[Injuries and Illnesses](#)

[Forms and Publications](#)

[Laws and Regulations](#)

[New Jersey State](#)

[Industrial Safety Committee](#)

[PEOSH Advisory Board](#)

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