

STATE OF NEW JERSEY
Department of Labor and Industry

PERCY A. MILLER, JR., *Commissioner*

LAWS

**Relating to the
Manufacture, Storage
Transportation, Sale and Display of
FIREWORKS**

**Revised Statutes
Title 21, Chapters 2 and 3
and
Chapter 69, Laws of 1938**

BUREAU OF EXPLOSIVES
C. GEORGE KRUEGER, *Deputy Director*

Trenton, N. J.
July, 1951
Reprinted

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REVISED STATUTES
Title 21, Chapters 2 and 3

Chapter 2. MANUFACTURE, STORAGE AND TRANSPORTATION

Article 1. Definitions and Construction

21:2-1. **SHORT TITLE OF ACT.** This chapter may be cited as the "fireworks regulation law."

21:2-2. **GENERAL DEFINITIONS.** As used in this chapter:

"**Fireworks**" include any combustible or explosive composition, 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.

"**Fireworks factory building**" means any building or other structure in which the manufacture of fireworks, other than sparklers, or in which any processing involving fireworks other than sparklers, is carried on.

"**Fireworks plant**" means and includes all lands, with buildings thereon, used in connection with the manufacturing or processing of fireworks, as well as storehouses located thereon for the storage of finished fireworks.

"**Highway**" means any public street, public alley, public road, or navigable stream.

"**Navigable streams**" means streams susceptible of being used, in their ordinary condition, as highways of commerce, over which trade and travel are or may be conducted in the customary modes, but shall not include streams which are not capable of navigation by barges, tugboats, and other large vessels.

"**Railroad**" means any steam, electric or other railroad which carries passengers for hire, but shall not include sidings or spur tracks installed primarily for the use of the fireworks plant.

21:2-3. "**DANGEROUS FIREWORKS**" defined. "**Dangerous fireworks**" mean and include the following:

Toy torpedoes containing more than 5 grains of an explosive composition.

Paper caps containing more than .35 grain of explosive composition.

Firecrackers or salutes exceeding 5 inches in length or 3/4 inch in diameter.

Cannons, canes, pistols or other devices designed for use otherwise than with paper caps.

Any fireworks containing a compound or mixture of yellow or white phosphorus or mercury.

Any fireworks that contain a detonator or blasting cap.

Fireworks compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 167 degrees Fahrenheit.

Fireworks that can be exploded en masse by a blasting cap placed in one of the units or by impact of a rifle bullet or otherwise.

Fireworks, such as sparklers or fusees, containing a match tip, or head, or similar igniting point or surface, unless each individual tip, head or igniting point or surface is thoroughly covered and securely protected from accidental contact or friction with any other surface.

Fireworks containing an ammonium salt and a chlorate.

21:2-4. APPLICATION OF CHAPTER. Nothing in this Chapter shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, to the military or naval forces of the United States, to the duly authorized militia of the State, or to the use and manufacture of signals and fusees necessary for the safe operation of railroads, steamboats or aircraft.

NOTE: The words printed in bold face are found in the amendatory law known as Chapter 69, Laws of 1938.

21:2-5. EXPLOSIVES LAWS NOT REPEALED. Nothing in this chapter contained shall be deemed to repeal any of the provisions of chapter one of this title.

Article 2. Prohibited Fireworks

21:2-6. DANGEROUS FIREWORKS PROHIBITED. It shall be unlawful to manufacture, sell, transport or use dangerous fireworks within the state.

21:2-7. FIREWORKS SHOWERS IN THEATERS OR PUBLIC HALLS FORBIDDEN. The use of what are technically known as fireworks showers, or of any composition containing potassium and sulphur, in theaters or public halls, shall be unlawful.

Article 3. Manufacturing

21:2-8. FACTORY BUILDINGS: LOCATION OF. No factory building shall be situated nearer than two hundred feet from any

inhabited building or to any highway or to any railroad, nor nearer than fifty feet from any building used for the storage of explosives or fireworks, nor nearer than twenty-five feet to any other factory building. This section shall not apply to factory buildings existing on March twenty-fifth, one thousand nine hundred and thirty, in fireworks plants then in operation.

21:2-9. STORAGE BUILDINGS: LOCATION OF. No building in a fireworks plant used for the storage of finished fireworks other than those containing only sparklers, shall be situated nearer than three hundred feet from any building not used in connection with the manufacture of fireworks, nor from any highway, railroad or navigable stream, nor within three hundred feet of the property line of the fireworks plant. This section shall not apply to such storehouses existing on March twenty-fifth, one thousand nine hundred and thirty.

21:2-10. FENCES, GATES AND WATCHMEN. All fireworks plants shall be inclosed on all sides by substantial fences and all openings to such inclosures shall be fitted with suitable gates, which, when not locked, shall be in charge of a competent watchman who shall have charge of the fireworks plant when it is not in operation.

21:2-11. FIRE PROTECTION. Fireworks plants and all buildings situated within fireworks plant inclosures, shall be equipped with suitable fire protection, commensurate with the hazard involved, to protect life and property from direct burning and exposure. Such fire protection shall be installed as directed by the commissioner of labor and industry.

21:2-12. PRECAUTIONS AGAINST FIRE. No stoves, exposed flame or electrical heating devices shall be used in any part of any fireworks plant, except in the boiler room or machine shop if no fireworks or chemicals are stored therein. All parts of the buildings in fireworks plants shall be kept clean, orderly and free from accumulations of dust or rubbish.

21:2-13. STORAGE IN FACTORY BUILDINGS PROHIBITED. Fireworks in the finished state shall not be stored in buildings where fireworks are in process of manufacture.

21:2-14. CHARACTER OF FIREWORKS WHICH MAY BE MANUFACTURED. No fireworks may be manufactured except such as shall be approved for transportation by the regulations of the interstate commerce commission.

21:2-15. MARKING PACKAGES. Each outside package of fireworks shall bear upon the outside thereof the words "Fireworks—

Handle Carefully—Keep Fire Away” in letters not less than 7/16 inch in height, and in addition shall show the name of the fireworks manufacturer.

21:2-16. UNIFORMS OF EMPLOYEES. All factory employees in fireworks plants employed in loading, filling or handling of charged fireworks in process of manufacture, or of explosive compositions, shall be clothed in suitable uniforms to be approved by the department of labor and industry.

21:2-17. MATCHES, LIQUOR AND NARCOTICS. No employee or other person shall enter or attempt to enter any fireworks plant with matches or other flame-producing devices, nor with liquor or narcotics in his or her possession or control, nor while under the influence of liquor or narcotics, nor partake of intoxicants or narcotics while in the plant.

21:2-18. SMOKING AND CARRYING MATCHES IN FIREWORKS PLANT. No person shall smoke nor carry matches, a lighted cigar, cigarette or pipe within any room or inclosed place or upon any part of a fireworks plant.

21:2-19. WARNING SIGNS. All fireworks plants shall be properly posted with “Warning” and “No Smoking” signs.

21:2-20. CONTAINERS FOR MATCHES AT ENTRANCES. It shall be the duty of the superintendent, foreman or other person in charge of any fireworks plant to provide safety containers for matches at all main entrances of the plant, where all matches in the possession of all persons shall be deposited before entering the plant inclosure.

21:2-21. INSPECTION. On receipt of an application to operate a fireworks plant, the commissioner of labor shall cause an inspection to be made of the premises described in the application for the purpose of determining whether they conform to the provisions of this chapter.

21:2-22. CERTIFICATE OF REGISTRATION: POSTING. If the conditions in the fireworks plant conform to the provisions of this chapter, the commissioner of labor and industry shall issue a certificate of registration which shall be protected under glass and posted in a conspicuous place near the entrance to the fireworks plant. The certificate shall continue in force until revoked.

21:2-23. DENIAL OF CERTIFICATE; REASONS FILED. If the commissioner denies an application for a certificate of registration, he shall file in his office a statement of the reasons therefor and furnish the applicant with a copy of the same.

21:2-24. REVOCATION OF CERTIFICATE. The commissioner may revoke a certificate of registration if the fireworks plant is not maintained in accordance with the provisions of this chapter applicable thereto.

21:2-25. STATEMENT OF REASONS FOR REVOCATION. If a certificate is revoked the commissioner shall file in his office a statement of the reasons therefor and furnish a copy of same to the owner and persons operating the fireworks plant. No fireworks plant shall be operated after revocation of its certificate of registration until such fireworks plant complies with this chapter, and a new certificate is issued.

21:2-26. RECORDS AND DUPLICATES OF CERTIFICATES. A record of the certificates of registration issued and revoked shall be kept on file in the office of the commissioner, and a duplicate sent to the chief of the fire department of each community, in which a fireworks plant is located.

21:2-27. INDEMNITY BOND. The owner or operator of any fireworks plant, within sixty days after demand therefor in writing by the commissioner of labor and industry, unless exempted therefrom as hereinafter provided, shall file and keep on file with the department of banking and insurance of the state, an indemnity bond payable to the state of New Jersey in such sums as may be determined by the commissioner of labor and industry and set forth in such demand, not in excess of fifty thousand dollars nor less than ten thousand dollars, with surety or sureties satisfactory to such department, conditioned for the payment of all final judgments that may be rendered against such owner or operator for damages caused to persons and property by reason of any explosion at such fireworks plant of the product or component part or parts thereof there manufactured, processed or handled.

21:2-28. EXEMPTION FROM FILING BOND. Any fireworks plant owner or operator desiring to be exempted from filing such bond may make application to the state department of banking and insurance, showing his financial ability to discharge all such judgments to the amount of the bond required by the commissioner of labor and industry that may be entered against him, whereupon such department, if satisfied with the financial ability of the applicant, shall, by written order, exempt the applicant from the filing of such bond, and the department of banking and insurance may from time to time require further statements from the applicant showing his financial ability and, if dissatisfied therewith, may in its discretion revoke such exemption, and require the filing of such bond.

Article 4. Storage and Sale

21:2-29. PROHIBITED PLACES OF STORAGE OR SALE. It shall be unlawful to store or sell fireworks:

- a. In any building where paints, oils or varnishes are manufactured or kept for use or sale, unless paints, oils and varnishes are in original unbroken containers;
- b. In any building where matches (other than approved safety matches), rosin, turpentine, gasoline, or other highly inflammable substances, or substances which may generate inflammable vapors are used, stored or kept for sale.
- c. In any building where stoves or exposed flame are used in the part of the building where fireworks are stored or offered for sale.

21:2-30. SMOKING NOT ALLOWED IN PLACE OF SALE. No smoking shall be allowed in any building where fireworks are offered for sale. Over each entrance to such a store a sign in large letters shall be displayed reading "Fireworks For Sale—No Smoking Allowed."

Article 5. Transportation

21:2-31. SIGNS ON VEHICLES. Every vehicle carrying fireworks upon the public highway shall display signs on both sides and the rear of the vehicle reading "Fireworks—Danger—Keep Fire Away." The lettering on these signs shall not be less than 3 inches in height.

21:2-32. CARE WHILE DRIVING, LOADING AND UNLOADING VEHICLES. It shall be unlawful for any person in charge of a vehicle containing fireworks to smoke in, upon or near such vehicle, to drive the vehicle while intoxicated or under the influence of narcotic drugs, to drive the vehicle in a careless or reckless manner, to load or unload such vehicle in a careless or reckless manner, or to make unnecessary stops.

21:2-33. METALS IN VEHICLES CARRYING FIREWORKS. It shall be unlawful for any person to place or carry or cause to be placed or carried, any metal tool or other similar piece of metal in the bed or body of a vehicle containing fireworks, unless contained in a box or other container approved by the commissioner of labor and industry or his authorized representatives.

21:2-34. BLASTING CAPS, EXPLODERS AND DETONATORS NOT TO BE CARRIED WITH FIREWORKS. It shall be unlawful for any person to place or carry, or cause to be placed or carried,

in the bed or body of any vehicle containing fireworks, any exploders, detonators, blasting caps or other similar explosive material, or to carry in or upon such vehicle any matches or any other flame-producing device, except safety matches carried in a container approved by the commissioner of labor and industry or his authorized representatives.

Article 6. Penalties

21:2-35. MONEY PENALTIES; IMPRISONMENT; ACTIONS.

Whoever fails to comply with or violates any of the provisions of this chapter shall be liable to a penalty of not less than twenty-five dollars nor more than ten thousand dollars or imprisonment not exceeding one year, or both, in the discretion of the court. The money penalties herein provided for shall be sued for and recovered by and in the name of the commissioner of labor and industry in accordance with the practice prevailing in the courts in which action may be instituted.

Chapter 3. SALE AND PUBLIC DISPLAY

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.

21:3-2. SALE, POSSESSION OR USE PROHIBITED: EXCEPTIONS. 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, sparklers 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, except as in this chapter provided.

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 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, and 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. After such permit shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only.

21:3-4. CONTENTS OF APPLICATIONS FOR PERMITS: APPROVAL OF STORAGE PLACE; PERMIT NOT TRANSFERABLE. All such applications for permits shall set forth 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.

21:3-5. BOND BY LICENSEE. The governing body of the municipality shall require a bond deemed adequate by the municipality from the licensee in a sum not less than twenty-five hundred dollars 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 bond 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.

21:3-6. COPY OF APPLICATION AND PERMIT FORWARDED TO DEPARTMENT OF LABOR AND INDUSTRY. A duplicate copy of the application and of the permit granted shall be forwarded to the bureau of explosives of the department of labor and industry

by the governing body granting such permit and such copies shall be kept on file in the department, subject to public inspection.

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 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.

21:3-8. PENALTIES FOR VIOLATIONS. Any person violating any of the provisions of this chapter shall be subject to a penalty: For selling, offering or exposing for sale, or having in possession with intent to sell any fireworks as herein mentioned, the sum of one hundred dollars for each offense, or by imprisonment in the county jail for a period of ninety days, or by both such fine and imprisonment in the discretion of the court having jurisdiction, and for using, discharging or causing to be discharged, ignited, fired, or otherwise set in action, or having in possession any fireworks, a sum not exceeding one hundred dollars for each offense.

21:3-9. ENFORCEMENT BY MUNICIPALITIES. The municipalities of this state are hereby charged with the enforcement of all of the provisions of this chapter.

Price—5 cents each

Obtainable from
BUREAU OF EXPLOSIVES
DEPARTMENT OF LABOR AND INDUSTRY
Trenton, N. J.