

21:2-7

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 115

NJSA: 21:2-7 (Prohibits fireworks or pyrotechnics in certain buildings)

BILL NO: A729

SPONSOR(S): Bodine and Chatzidakis

DATE INTRODUCED: January 13, 2004

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** May 16, 2005

SENATE: May 12, 2005

DATE OF APPROVAL: June 29, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (3rd reprint enacted)

[SPONSOR'S STATEMENT](#): (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L. 2005, CHAPTER 115, *approved June 29, 2005*
Assembly, No. 729 (*Third Reprint*)

1 AN ACT concerning fireworks and amending ²[R.S.21:3-3] R.S.21:2-
2 7².

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ²[1. R.S.21:3-3 is amended to read as follows:
8 21:3-3. The governing body of any municipality, other than a
9 county, notwithstanding any of the provisions of this chapter to the
10 contrary, may, upon application in writing, upon the posting of a
11 suitable bond, grant a permit for the purchase, possession and public
12 display of fireworks by municipalities, religious, fraternal or civic
13 organizations, fair associations, amusement parks, or other
14 organizations or groups of individuals, approved by the governing
15 body of such municipality to whom the application is made.

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

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

29 No permit shall be issued pursuant to this section if the fireworks
30 are to be located, discharged or fired inside an establishment open to
31 the public which has a maximum capacity of 500 persons ¹or less¹.
32 (cf: P.L.1991, c.55, s.5)]²

33
34 ²1. R.S.21:2-7 is amended to read as follows:
35 21:2-7. ³a.³ The use of what are technically known as fireworks
36 showers, or of any composition containing potassium and sulphur, [in
37 theaters or public halls,] inside any building other than as authorized
38 in subsection b. of this section shall be unlawful. A violation of this
39 section shall be subject to the provisions of R.S.21:3-8.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ALP committee amendments adopted May 27, 2004.

² Senate SCU committee amendments adopted October 14, 2004.

³ Senate floor amendments adopted March 21, 2005.

1 b. The use of what are technically known as fireworks showers, or
2 of any composition containing potassium and sulphur, in theaters or
3 public halls, shall be permitted but shall be subject to prior approval by
4 the appropriate fire official according to the provisions of the
5 "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.).

6 ³[For the purposes of this section "theaters and public halls" means
7 those buildings having greater than a 500 person occupancy capacity
8 and having a minimum distance of 50 feet between the stage from
9 which the fireworks will be displayed and the audience.²] No fire
10 official shall approve any such use unless the premises have been
11 designed and constructed to accommodate such activity in accordance
12 with the applicable provisions of the Uniform Fire Safety Code
13 adopted pursuant to the "Uniform Fire Safety Act," P.L.1983, c.383
14 (C.52:27D-192 et seq.), the State Uniform Construction Code adopted
15 pursuant to the "State Uniform Construction Code Act," P.L.1975,
16 c.217 (C.52:27D-119 et seq.), or both.³
17 (cf: R.S.21:2-7)

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19 2. This act shall take effect immediately.

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24 Prohibits fireworks or pyrotechnics in certain buildings.

ASSEMBLY, No. 729

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman FRANCIS L. BODINE

District 8 (Burlington)

Assemblyman LARRY CHATZIDAKIS

District 8 (Burlington)

SYNOPSIS

Prohibits fireworks or pyrotechnics in buildings holding up to 500 persons.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning fireworks and amending R.S.21:3-3.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. R.S. 21:3-3 is amended to read as follows:

7 21:3-3. The governing body of any municipality, other than a
8 county, notwithstanding any of the provisions of this chapter to the
9 contrary, may, upon application in writing, upon the posting of a
10 suitable bond, grant a permit for the purchase, possession and public
11 display of fireworks by municipalities, religious, fraternal or civic
12 organizations, fair associations, amusement parks, or other
13 organizations or groups of individuals, approved by the governing
14 body of such municipality to whom the application is made.

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

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

28 No permit shall be issued pursuant to this section if the fireworks
29 are to be located, discharged or fired inside an establishment open to
30 the public which has a maximum capacity of 500 persons.

31 (cf: P.L.1991, c.55, s.5)

32

33 2. This act shall take effect immediately.

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36 STATEMENT

37

38 This bill would prohibit fireworks or pyrotechnics displays in
39 buildings that accommodate 500 or fewer persons.

40 Current law prohibits the sale, possession or use of fireworks or
41 pyrotechnics unless an authorized purchaser has obtained a valid
42 permit approved by the municipality to purchase fireworks for public
43 display.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

A729 BODINE, CHATZIDAKIS

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1 Specifically, the bill would prohibit municipalities from issuing a
2 fireworks permit if the fireworks or pyrotechnics are to be located,
3 discharged or fired inside an establishment open to the public which
4 has a maximum capacity of 500 persons.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 729

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 27, 2004

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 729.

As amended and reported by the committee, Assembly Bill No. 729 prohibits fireworks or pyrotechnics displays in buildings that accommodate 500 or fewer persons.

Current law prohibits the sale, possession or use of fireworks or pyrotechnics unless an authorized purchaser has obtained a valid permit approved by the municipality to purchase fireworks for public display.

As amended, the bill would prohibit municipalities from issuing a fireworks permit if the fireworks or pyrotechnics are to be located, discharged or fired inside an establishment open to the public which has a maximum capacity of 500 persons or less.

This bill was pre-filed for introduction in the 2004 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that its provisions would apply to buildings accommodating 500 persons or less.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 729

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 14, 2004

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Assembly Bill No. 729 (1R).

This bill, as amended by the committee, would prohibit fireworks showers inside buildings, except for theaters and public halls having greater than a 500 person occupancy capacity and having a minimum distance of 50 feet between the stage from which the fireworks will be displayed and the audience. Fireworks in those theaters and public halls would be permitted if approved by the appropriate fire official according to the provisions of the "Uniform Fire Safety Act," P.L.1983, c.383 (C. 52:27D-192 et seq.).

The committee amended the bill to change the section of law being amended from one governing the outside display of fireworks to one governing the indoor display of fireworks. Although it might appear that current law precludes the indoor display of fireworks, the Department of Community Affairs (DCA), through enforcement of the "Uniform Fire Safety Act," has allowed their use under certain circumstances in accordance with fire safety code provisions. The intent of this amendment is to require DCA to preclude indoor fire displays in smaller venues.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 729

with Senate Floor Amendments
(Proposed By Senator KARCHER)

ADOPTED: MARCH 21, 2005

These amendments would prohibit a fire official from approving the use of indoor pyrotechnics unless the premises have been designed and constructed to accommodate such activity in accordance with the applicable provisions of the Uniform Fire Safety Code, the State Uniform Construction Code, or both.