

Fireworks In New Jersey: What's Legal And What's Not (a Refresher . . .)

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So, I came home the other night from work, and my wife mentioned that a friend of ours had the ingenious idea of a few grown adults going onto a rowboat in the middle of the lake in town, and lighting fireworks off on 4th of July weekend. For so (so) many reasons, this was an immediate “No.” However, that seemingly ridiculous idea got me thinking about a summer 2021 blog I put out about this very topic. And I thought it a good time to put out this refresher. Here we go again . . .

It is that time of year again. Barbecues and parades. Pool and beach parties. Baseball and beer (for adults). But also fireworks, and lots of them. Despite the spectacular displays of the fireworks booming in the air, they are cause for trouble and concern. More than anything else, there is a safety risk. A major one. As I have mentioned before, I know about these serious dangers from my own personal experiences with fireworks. I also know about the harm that can come from an accident when it comes to fireworks. That is another story for another time. But fireworks can be dangerous; they can even be deadly.

Fireworks Cause Injuries

The Consumer Product Safety Commission, which is a federal agency responsible for the protection of the public from defective products published an updated report in 2021. They found some troubling numbers:

- 74% of all fireworks injuries were sustained during the 30-day period surrounding the Fourth of July.
- A 25% increase in firework injuries between 2006 and 2021
- 11,500 people were treated in emergency rooms for firework injuries in 2021.
- From years 2018 through 2021, 61 people died from fireworks; 26 of which in 2020.
- In 2021, there were 1500 injuries caused by firecrackers, and 1100 caused by sparklers.

- 32% of injuries were burns, and of the injuries, a total of 66% were to the eyes, head area, hands and fingers.

The numbers tell the story. These things are dangerous. And I'm not even a doctor. Being a lawyer, however, let's address some of the legal issues. In short, if there are going to be fireworks, they must be used within the parameters of the law.

New Jersey's Laws on the Sale and Possession of Fireworks

In June 2017, a law was signed that lifted New Jersey's complete ban on the sale and possession of fireworks. The law created an exemption for certain devices while keeping all other fireworks illegal in the state. More specifically, our current laws permit devices such as hand-held sparklers and ground-based sparklers, and novelty items, including party poppers and snappers. All other fireworks remain illegal, including all explosive and aerial fireworks such as firecrackers, sky-rockets, bottle rockets, Roman candles and similar devices. The law also restricts the sale of sparklers to only those who are 16 and over.

Interestingly, there were some efforts just this past year to scale back the loopholes created by the 2017 law. However, that appears to be a work in progress.

How the NJ Fireworks Laws Affect You

So what does all of this mean? Well, for one, it is unlawful to sell, offer for sale, possess, or use fireworks anywhere in the state without a valid permit. The only exception may be the recent change to the law that allows those 16 and older to lawfully buy, possess and use certain sparkling devices and novelties. These fireworks, which are permissible, are limited to hand-held or ground-based sparklers, snakes, and glow worms; smoke devices; and trick noisemakers, including party poppers, snappers, and drop pops. Everything else requires a valid permit. And good luck getting that. A valid permit must be issued by any municipality after submitting a written application and satisfying various other requirements. The permit must also be approved by the chiefs of police and fire. In short, almost certainly not going to happen for your backyard display. Here is the bad part. What happens if the law is not followed? And before answering that, I suggest you read the law yourself because this 1000

words certainly doesn't touch on everything.

Violating NJ's Fireworks Laws is a Crime

A person can be charged with a fourth-degree crime if he or she sells, offers or exposes for sale, or possesses with intent to sell, any fireworks, other than sparkling devices and novelties to persons 16 years of age or older. A person can also be charged with a petty disorderly persons offense if he or she purchases, uses, discharges, causes to be discharged, ignites, fires or otherwise sets in action, or possesses fireworks without having the required permit. These charges range from a petty disorderly persons offense, which carries the potential for a 30- day jail sentence and \$500 fine, to a fourth-degree crime, which could result in 18 months in prison and a \$10,000 fine. Serious stuff, and certainly not worth messing up your life over. A criminal charge, whether a 4th degree or a petty disorderly persons offense, could have serious and long-standing repercussions. In short, they should be avoided at all costs. The simplest way to avoid criminal charges is to follow the law and stay away from illegal fireworks. It will keep you safer too. The age of the person charged will make a difference as well. If the person is younger than 18, he or she will be subject to prosecution as a juvenile in family court. Those who are 18 or older will be treated as adults and subject to adult prosecution in either Superior Court or Municipal Court.

Businesses Need to Know NJ's Fireworks Laws Too

Don't forget the business owners out there either. Any business that advertises, offers to sell or sells fireworks to residents of New Jersey is required to clearly and conspicuously disclose that fireworks, other than sparkling devices and novelties, are illegal to possess or use in New Jersey without a valid permit. Failure to do so could constitute a violation of the New Jersey Consumer Fraud Act and its regulations.

If You are Charged with a NJ Fireworks Law Violation, or Injured by a Firework, Seek Counsel

A full analysis of any legal issue cannot be made without first hearing all of the facts and circumstances of the case. If you are faced with a charge related to what you thought would be a happy weekend setting off fireworks at your backyard barbecue, please consider hiring a qualified criminal defense attorney to assist you. On the other hand, if you happen to be one of the unfortunate victims of a firework accident, contact us as well, and we will have a personal injury attorney consult with you and explain any legal rights you may have.