

A Few Words on the Public Use of Fireworks in Millcreek Township

There have been many inquiries made to the Fire Marshal's Office regarding the use and sale of fireworks within Upper Moreland Township. Many have started seeing large retail displays of 'Fireworks' at many locations. Last year there was even a tent set-up in a local shopping center that was selling 'Fireworks'.

There are two types of fireworks, Display and Consumer. **Display fireworks** are those that you see during large shows. They are not available to the general public. **Consumer fireworks** are available to the public in many states. However they are illegal to use or possess in Pennsylvania unless you are a dealer. Associated with consumer fireworks are other items that are considered sparking devices, novelties and caps. **These are not Consumer Fireworks. They may say fireworks on the package to entice you to buy them but they are not considered Consumer Fireworks by Pennsylvania law.**

While these items used to be regulated and banned in many Pennsylvania municipalities, a 2004 change in the law prohibited local municipalities from regulating these novelty items. **The law still makes it illegal to use or possess Consumer Fireworks in Pennsylvania.**

Consumer fireworks include firecrackers, bottle rockets, skyrockets, and Roman candles among others and use or possession is a misdemeanor summary offense.

The two following pages go into a bit more detail on what is considered Consumer Fireworks and what is not.

The last page depicts drawings of novelty items. At the bottom of the page is depicted various illegal Consumer Fireworks. The bottom line is that if it leaves the ground or is a firecracker it is still illegal to possess or use in Pennsylvania and can be confiscated and a citation issued.

Finally, keep in mind use of these sparklers, fountains and novelty devices can cause severe burns and eye injuries. **They burn hot!** They have caused and will cause damage to buildings and cars. If you use these items use common sense. (The lack of some individuals using common sense is why most municipalities regulate these items) You could be libel for any injuries or damage resulting from their use.



Consumer Fireworks

The term "consumer fireworks" shall mean and include:

(1) Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and which complies with the provisions for "consumer fireworks" as defined in the American Pyrotechnics Association (APA) Standard 87-1, or any successor standard.

(2) The term does not include devices as "ground and hand-held sparkling devices," "novelties," and "toy caps" in APA Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

Legal for sale and use in Pennsylvania without a license or permit.

Exempts from the definition of "consumer fireworks"

1) **ground and hand-held sparkling devices**, 2) **novelties**, and 3) **toy caps**. These items are **not** considered a "fireworks" under state statute and are **not** regulated.

Ground and hand-held sparkling devices produce a shower of sparks or a cloud of smoke, do not rise into the air or shoot projectiles into the air, and do not explode or produce a report. They include: cylindrical fountain, cone fountain, illuminating torch, wheel, ground spinner, flitter sparkler, toy smoke device and wire sparkler / dipped stick (the larger type wire sparkler, up to 100 grams of pyrotechnic composition per item).

Novelties include small items such as party popper, snapper, toy smoke devices (not more than 5 grams of pyrotechnic composition), snakes / glow worms (less than 2 grams of composition), and wire sparklers / dipped sticks (up to 100 grams of composition).

Toy caps are plastic or paper caps for toy pistols in sheets, strips, rolls or individual caps containing not more that 16 milligrams of composition per cap.

The above mentioned classes of "non-fireworks" are the only types allowed to be sold from tents, stands, convenience stores, retail establishments and other various outlets.

Penalties

The following shall apply:

(1) Any person, copartnership, association or corporation using consumer fireworks in violation of the provisions of the fireworks act commits a summary offense.

(2) Any person, copartnership, association or corporation selling consumer fireworks commits a misdemeanor of the second degree. (Unless properly licensed to do so)

(3) Any person, copartnership, association or corporation selling federally illegal explosives such as devices as described in 49 CFR 173.54 (relating to forbidden explosives) or those devices that have not been tested, approved and labeled by the Federal Department of Transportation, including, but not limited to, those devices commonly referred to as "M-80," "M-100," "blockbuster," "cherry bomb" or "quarter or half stick" explosive devices, in violation of the provisions of this act commits a felony of the third degree.