

**A LOCAL LAW ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405(b)**

**BE IT ENACTED** by the Washington County Board of Supervisors of the County of Washington as follows:

**SECTION 1. LEGISLATIVE INTENT**

A. On November 21, 2014 Governor Cuomo signed into Law Chapter 477 of the Laws of 2014 (S7888/A10141); and

B. In keeping with this legislation, the Washington County Board of Supervisors desires to allow the sale and use of certain devices as allowed by law

**SECTION 2. DEFINITIONS**

A. "Sparkling Devices," as used in this Section, includes:

(1) Sparkling devices which are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

(2) Cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other 34 shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 43 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.

(3) Cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.

(4) Wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device,

a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.

(5) Novelties which do not require approval from the United States Department of Transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:

(A) Party Popper: small devices with paper or plastic exteriors that are actuated by means of friction (A string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen 7 milligrams (0.25 Grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.

(B) Snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

### **SECTION 3. SALES ALLOWED**

#### **SALES OF SPARKLING DEVICES IN Washington County**

A. Sales of sparkling devices as defined herein shall be lawful only for business registered by the state under section one hundred fifty-six-h of the New York State Executive Law between June first and July fifth or from December twenty-sixth through January second of each year.

### **SECTION 4. SEVERABILITY**

If any section, subdivision, paragraph, subparagraph, clause, or item of this title is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

### **SECTION 5. EFFECTIVE DATE**

This act shall take effect immediately upon filing in the Office of the Secretary of State.