

FRANKLIN TOWNSHIP POLICE DEPARTMENT

Hunterdon County

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Pittstown, New Jersey 08867



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Good afternoon, Mayor Koury

As per my email, unfortunately I am unable to attend tomorrow's meeting. I wanted to supply you and the governing body of statute relating to possessing and/or utilizing illegal fireworks as per N.J.S.A 21:3-2, the penalties relating to the statute, concerns voiced about the communications center, and the officers response to firework calls.

Under N.J.S.A 21:3-2; **Sale, Possession, or Use of, Prohibited**

a. 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, 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.

b. Notwithstanding subsection a. of this section, it shall be lawful for a person to offer for sale, expose for sale, sell, store, possess, or use:

(1) a toy pistol, toy cane, toy gun, or other device in which paper or plastic caps containing .25 grain or less of explosive compound per cap are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper or plastic caps which contain less than .20 grains of explosive mixture per cap;

(2) sparkling devices and novelties as defined in R.S.21:2-2 if the person is 16 years of age or older. Sparkling devices and novelties, including their sale or use, shall not be subject to further regulation by a municipality pursuant to R.S.40:48-1, except that the storage and sale of items listed in this paragraph shall be consistent with the standards set forth in NFPA 1124 National Fire Protection Association Code for the Manufacture,

Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition; and

(3) any item or device as otherwise provided in this chapter.

c. Except as otherwise may be provided in this chapter, it shall be lawful to sell fireworks to a person only if that person is named as the authorized purchaser in a valid permit issued pursuant to R.S.21:3-3 or that person is the owner, manager, or designated employee acting as the agent of the owner or manager, of a legally operated commercial enterprise registered pursuant to section 10 of P.L.1991, c. 55 (C.21:2-37), and the permit is presented to the manufacturer, seller or distributor at the time of purchase. If the manufacturer, seller or distributor is located in a state other than this State, a purchase shall be by mail order form and a photocopy of the valid permit or registration shall be submitted with the form to satisfy the requirement in this paragraph.

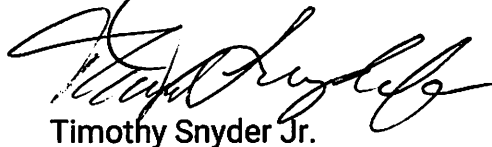
Any person who purchases, use, discharges, causes to b discharged, ignites, fires, or otherwise sets in action, or possesses any fireworks that are prohibited is guilty of a petty disorderly persons offense.

Some complaints from residents have been that the County Communications Center was not dispatching the police officers to their firework complaints. We have not experienced that situation. I spoke to the supervisor at the communications center in reference to that complaint. He was not aware of that occurrence and stated that would go against their protocols. He advised that he would reiterated with his staff.

Relating to police response for firework complaints. The department will continue to respond when dispatched to the area where the complaint was reported and/or if the officer observes the violation. In addition, I have advised the officers that if there is no observation of illegal fireworks being set off, to standby the area for approximately 20 minutes, if allowed, to make sure no further illegal fireworks are set off.

When there are complaints about illegal fireworks, I urge the complainants to call the dispatch number, 908-782-9594, so the officer receives the call promptly. I hope the information supplied will assist the committee in my absence. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read 'Timothy Snyder Jr.', written in a cursive style.

Timothy Snyder Jr.

Chief of Police