

**ORDINANCE NO. 2021 - 15**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF MANALAPAN PROHIBITING THE SALE,  
POSSESSION AND USE OF FIREWORKS IN THE TOWNSHIP OF  
MANALAPAN AND AMENDING PART II, "GENERAL  
LEGISLATION" OF THE CODE OF THE TOWNSHIP OF  
MANALAPAN**

**BE IT ORDAINED**, by the Township Committee of the Township of Manalapan,  
County of Monmouth, in the State of New Jersey, as follows:

**SECTION ONE.** The Code of the Township of Manalapan, Part II, "General  
Legislation", be and the same is hereby amended to add thereto the following  
Chapter:

**"Chapter 111. SALE, POSSESSION AND USE OF FIREWORKS.**

**§ 111-1. Fireworks sale, possession or use 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, anywhere in the Township.

- B. This section shall not apply to the Township of Manalapan or any other governmental unit provided, however, that the Township or any other governmental unit shall first comply with the provisions of the New Jersey Fireworks Regulation Law, N.J.S.A. § 21:2-1 et. seq.

#### **§ 111-2. Exceptions.**

Notwithstanding the provisions of section 111-1, it shall be lawful for a person to sell, expose for sale, sell, store, possess or use:

- A. 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;

B. Sparkling devices and novelties as defined in N.J.S.A. § 21:2-2 to mean:

- (1) wood sticks or wire sparklers of not more than 100 grams of pyrotechnic mixture per item;
- (2) hand held or ground based sparking devices which are non-explosive and non-aerial, which may produce a crackling or whistling effect, and contain 75 grams or less of pyrotechnic composition per tube or total of 500 grams or less for multiple tubes;
- (3) snakes and glow worms, smoke devices, and trick noisemakers, which include party poppers, snappers, and drop pops, each consisting of 25/100 grains or less of explosive mixture; and
- (4) aviation and railroad signal light flares.

**§ 111-3. Fireworks debris in public places.**

Any person in violation of this section who causes debris associated with such violation by way of cartridge, cannister or paper debris associated with explosive or sparkler cannister shall also be subject to penalty pursuant to Chapter 139 hereof.

**§ 111-4. Liability of person in possession of property.**

No owner, lessor, sublessor or any other person or entity with a possessory or custodial interest of a property shall permit, suffer or allow the use, possession or discharge of a firework or explosive device in violation of this section and may be charged with a separate violation hereof.

**§ 111-5. Violations and penalties.**

Any person, firm or corporation found guilty in Municipal Court for violation of any provision of this Chapter shall be subject:

- A. For a first offense to a fine of not less than five hundred (\$500). dollars, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days.
- B. For a second offense to a fine of not less than one thousand (\$1000.) dollars, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days.
- C. For a third or subsequent offense to a fine of two thousand (\$2,000.), a mandatory term of imprisonment in the county jail for a minimum of ten (10) days up to a maximum term not exceeding 90 days and a period of community service not exceeding 90 days.”

**SECTION TWO.** All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION THREE.** Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

**SECTION FOUR.** This Ordinance shall take effect upon its passage and publication according to law.

### NOTICE OF PUBLIC HEARING

The Ordinance published herewith was introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [September 1, 2021](#) and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [September 22, 2021](#) at the Municipal Complex, 120 Route 522 and Taylors Mill Road, Manalapan, New Jersey at [7:30 p.m.](#) or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site [www.mtnj.org](http://www.mtnj.org) by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [September 22, 2021](#).

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SHARI ROSE, RMC  
Municipal Clerk