

## PENNSYLVANIA FIREWORKS LAW

Act of 1939, P.L. 134, No. 65

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### FIREWORKS LAW

**Act of 1939, P.L. 134, No. 65** An act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks, except in certain cases authorizing cities, boroughs, towns and townships to issue permits for fireworks displays, and to regulate the same; imposing duties on the Pennsylvania State Police, sheriffs; police officers and constables; and providing penalties. (*Tit. amended mar. 22, 1951, P.L.57, No.14*)

The General assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances or, except as hereinafter provided. Any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges and toy cannons in which explosives are used the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrocketes, roman candles, aerial fireworks; or other fireworks of like construction, and any fireworks containing any explosive or flammable compound or any tablets or other device containing an explosive substance.

The term fireworks shall **not** include sparkler, toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredth grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than twenty hundredth grains of explosive mixture, the sale and use of which shall be permitted at all times, nor shall the term "fireworks" include toy cannons which operate on the principle of mixing calcium carbide weighing less than one tenth of an ounce and water in the reservoir of the cannon and in which ignition results upon the creation of a spark.

The term municipalities shall include cities, boroughs, incorporated towns and townships.

*(1 amended Nov. 9, 1973, P.L.335, No.112)*

Section 2. Except as hereinafter provided, it shall be unlawful for any person, copartnership, association or corporation to offer for sale; expose for sale, sell at retail, or use or explode any fireworks; provided that the governing body of any city, borough, town or township shall have power, under reasonable rules and regulation adopted by it, to grant permits for supervised public displays of fireworks to be held therein by municipalities, fair associations, amusement parks and other organizations or groups of individuals. Every such display shall be handled by a competent operator to be chosen by the governing body in which the display is to be held, and shall be of such a character and so located, discharged or fired as in the opinion of the chief of the fire department or such other officer as may be designated by the governing body of the municipality after proper inspection shall not be hazardous to property or endanger any person or persons.

Application for permits shall be made in writing at least **fifteen (15) days in advance** of the date of the display. After such privileges shall have been granted, sales possession use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

The governing body of the municipality shall require a bond deemed adequate by it from the licensee in a sum not less than **five hundred dollars (\$500)** conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the licensed display and arising from any note of the licensee, his agents, employee or subcontractors.

If by reason of unfavorable weather the display for which a permit has been granted does not take place at the time so authorized, the person to whom such permit was issued may within twenty-four hours apply to the authority having granted the same, setting forth under oath the fact that such display was not made, giving the reason therefor, and requesting a continuance of such permit for a day designated therein, not later than one week after the day fixed originally in said permit. Upon receiving such application for a continuance the said authority, if it believes the facts stated therein are true, shall extend the provisions of said permit to the day fixed in said application, not later than one week after the original day designated in the permit, and such extension of time shall be granted without the payment of any additional fee and without requiring any bond other than the one given for the original permit, the provisions of which shall extend to and cover all damages which may be caused by reason of the said display taking place at such extended date in the same manner and to the same extent as if such display had taken place at the date originally fixed in the permit.

*(3.1 added June 18, 1941, P.L.132, No.70)*

Section 4. Nothing in this act shall be construed to prohibit any resident wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited, or the sale of any kind of fireworks, provided the same are to be shipped directly out of state, or are to be used by a person holding a permit from any municipality at the display covered by such permit, or when used as authorized by a permit for agricultural purpose; in connection with the raising of crops and the protection of crops from bird and animal damage, or the use of fireworks by railroads or other transportation agencies for signal purposes or industrial use or used in quarrying or for blasting or other industrial use, or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations or organizations composed of veterans of the United States Army or Navy.

*(4 amended Feb 10, 1966, (1955) P.L.1033 No.325)*

Section 4.1. The governing body of any city, borough, town or township shall have the power, under reasonable rules

and regulations adapted by it, to grant permits for the use of suitable fireworks for agricultural purposes in connection with the raising of crop: and the protection of crops from bird and animal damage. Such permits shall be good for the calendar year in which issued. After such permit has been granted, sales, possession and use of fireworks of the type and for the purpose mentioned in the permit shall be lawful for that purpose only.

**(4.1 added Feb. 10 1956, (1955) P.L. 1033, NO.325)**

Section 5. The Pennsylvania State Police or any sheriff, police officer or constable shall seize, take, remove or cause to be removed at the expense of the owners all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this act.

**(5 amended Mar. 22, 1951, P.L. 57 No.14)**

Section 5.1. A common carrier or a common carrier by motor vehicle, As defined in 66 Pa.C.S. §102 (relating to definitions), or contract carrier by motor vehicle, as defined in 66 Pa. C. S. & 2501(b) (relating to declaration of policy and definitions), shall not accept fireworks for delivery to a person in Pennsylvania unless the consignor of such fireworks has evidence from the consignee that a permit for their use has Been issued by the governing body of a city, Borough, town or township or evidence that ouch fireworks permit is not required by local authorities. These provisions shall not apply to those businesses registered under section 5.2.

**(5.1 added Feb. 9, 1984, P. L. 9 No.4)**

Section 5.2 (a) Any business entity which performs, provides or supervises fireworks displays or exhibitions for profit shall register annually with the Attorney General.

**(h) the attorney general shall promulgate rules to implement this section. (5.2 added Feb.9, 1984, P.L.9 No.4)**

Section 6. Any person, copartnership, association or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof: shall be punished by a fine not exceeding **one hundred dollars (\$100)** or in the case of individuals, the members of a partnership and the responsible officers and agents of an association or corporation, by imprisonment in the county jail not exceeding **ninety (90) days** or **by both** such fine and imprisonment.

Section 7. All acts and parts of acts inconsistent herewith are hereby repealed.

Section 8. This act shall become effective immediately upon its final enactment.