

VERMONT

Title 20: Internal Security and Public Safety Chapter 177: EXPLOSIVES AND FIREWORKS

3131. Definitions

The term "fireworks" means any combustible or explosive composition, 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, including blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons that are propelled by explosives, firecrackers, torpedoes, sky rockets, Roman candles, cherry bombs, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except sparklers. The term "fireworks" does not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing 0.25 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 use, and toy pistol paper caps that contain less than 0.2 grains of explosive mixture. The term "fireworks" does not include fixed ammunition for firearms, or primers for firearms. The term "sparkler" means a sparkling item that is in compliance with the United States Consumer Product Safety Commission regulations and is one of the following:

(1) A hand-held wire or wood sparkler that is less than 14 inches and has no more than 20 grams of pyrotechnic mixture.

(2) A snake, party popper, glow worm, smoke device, string popper, snapper, or drop pop with no more than 0.25 grains of explosive mixture.

3132. Prohibitions; permits

(a) Except as provided in this section, it shall be unlawful for any person, firm, co-partnership, or corporation to do any of the following:

(1) Offer for sale, expose for sale, sell at retail or wholesale, or possess fireworks unless the person has been issued a permit by both the U.S. Bureau of Alcohol, Tobacco, and Firearms and the municipality in which the person offers for sale and stores the fireworks.

(2) Use, possess, or explode any fireworks unless the person has been issued a permit to display fireworks pursuant to subsection (c) of this section.

(3) Transport fireworks except in interstate commerce.

(4) Offer for sale or sell hand-held sparklers as described in subdivision 3131(1) of this title to a minor.

(5) Offer for sale or sell sparklers that are not in compliance with the United States Consumer Product Safety Commission regulations.

(b) The state fire marshal shall have power to adopt reasonable rules and regulations for granting permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals.

(c) Any display for which a permit is issued shall be handled by a competent operator to be approved by the chiefs of police and fire departments of the municipality in which the display is to be held and shall be of a character, and so located, discharged or fired as, in the opinion of the chief of the fire department, or in a municipality with no fire department, the selectboard, after proper inspection, shall not be hazardous to property or endanger any person or persons.

(d) Application for permits shall be made to the chief of the fire department, or in municipalities with no fire department, the selectboard, in writing, at least 15 days in advance of the date of the display. After the permit has been granted, sales, possessions, use and distribution of fireworks for the display shall be lawful for that purpose only. No permit granted under this section shall be transferable.

3133. Permitted uses

(a) Nothing in this subchapter shall be construed to prohibit: the use of fireworks by railroads, other transportation agencies, or law enforcement officers for signal purposes or illumination; the sale or use of blank cartridges for a show or theatre, for signal or ceremonial purposes in athletics or sports, or for use by military organizations; the use of explosives for blasting or similar purposes; the use of fireworks by farmers to control birds in crops.

(b) The state fire marshal shall have the power to adopt reasonable rules for the importation, sale, purchase and use of fireworks to be used solely for the purpose of frightening birds from crops. Application for permits for importation, purchase and use by farmers shall be made to the board of selectmen or town fire wardens of the town in which the farmer intends to use such fireworks for the sole purpose of frightening birds from crops. Permits shall be issued for such use only, at such times and such locations, as to present no fire or safety hazard within the area.

3134. Seizure

The state fire marshal, his deputy, a state police, a sheriff, a deputy sheriff, police officer or constable may seize such articles held by a person in violation of this subchapter and hold the same subject to the order of the court taking jurisdiction of the offense.

3135. Penalties

Any person, firm, co-partnership, or corporation that:

(1) Violates this subchapter shall be guilty of a misdemeanor and subject to a fine of not more than \$100.00 for each violation or imprisoned for not more than 30 days or both.

(2) Presents an indoor firework display without first receiving a permit as required in this subchapter shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$5,000.00 or imprisonment of not more than one year, or both.