S T A T E O F N E W Y O R K

9455

I N A S S E M B L Y

March 4, 2016

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the sale and possession of fireworks in certain cities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 5 of section 405.00 of the penal law, as amended by chapter 477 of the laws of 2014, is amended to read as follows:

5. Local ordinances superseded. (a) All local ordinances regulating or prohibiting the display of fireworks are hereby superseded by the provisions of this section. Every city, town or village shall have the power to enact ordinances or local laws regulating or prohibiting the use, or the storage, transportation or sale for use of fireworks in the preparation for or in connection with television broadcasts.

(b) Further, no city or county shall be bound to include "sparkling device" in the definitions of "fireworks" and "dangerous fireworks" in section 270.00 of this chapter, if such city or county shall so authorize the exemption of "sparkling device" by law. If any such city or county so elects, it and such other local jurisdictions that lie within its geographical boundaries shall not enact any other local law that is inconsistent with the provisions of subparagraph (iv) of paragraph (c) of subdivision one of section 270.00 of this chapter, nor to regulate sparkling devices in a manner that is in conflict with the provisions of NFPA 1124, 2006 edition.

(C) NOTWITHSTANDING PARAGRAPH (B) OF THIS SUBDIVISION, ANY CITY WHOLLY CONTAINED WITHIN THE COUNTY OF ORANGE MAY ENACT A LOCAL LAW TO INCLUDE "SPARKLING DEVICE" WITHIN THE DEFINITIONS OF "FIREWORKS" AND "DANGEROUS FIREWORKS" AS DEFINED IN SECTION 270.00 OF THIS CHAPTER, NOTWITHSTANDING ANY LOCAL LAW ENACTED BY SUCH COUNTY THAT AUTHORIZES THE EXEMPTION OF "SPARKLING DEVICE" FROM SUCH DEFINITION.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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