

## **ORDINANCE NO. 98-1018**

AN ORDINANCE RELATING TO FIREWORKS, LIMITING THE SALE OR USE OF FIREWORKS UNDER CERTAIN CIRCUMSTANCES; ISSUING PERMITS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE GOVERNING BODY OF THE CITY OF GRANTS:

Section 1. **REPEAL.**--Ordinance No. 16 of the Town of Grants, enacted June 22, 1943, and Ordinance No. 106 of the Town of Grants enacted June 26, 1957, are hereby repealed.

Section 2. **SHORT TITLE.**--This Ordinance may be cited as the "City of Grants Fireworks Ordinance."

Section 3. **PURPOSE.**--The purpose of the City of Grants Fireworks Ordinance is to promote the public safety and fire prevention by regulating activities relating to the sale and use of fireworks; to safeguard life and property by reducing the threat of fireworks related fire or injury.

Section 4. **DEFINITIONS.**--As used in the City of Grants Fireworks Ordinance:

- A. **"chaser"** means a paper or cardboard tube venting out the fuse end of the tube that contains no more than twenty grams of chemical composition and travels along the ground, often producing a whistling effect or other noise; an explosive composition not to exceed fifty milligrams may be included to produce a report;
- B. **"display distributor"** means any person, firm or corporation selling display fireworks;
- C. **"display fireworks"** means devices primarily intended for commercial displays that are designed to produce visible or audible effects by combustion, deflagration or detonation, including salutes containing more than one hundred thirty milligrams of explosive composition; aerial shells containing more than forty grams of chemical composition exclusive of lift charge; and other exhibition display items that exceed the limits for permissible fireworks;
- D. **"distributor"** means any person, firm or corporation selling fireworks to wholesalers and retailers for resale;
- E. **"explosive composition"** means any chemical compound or mixture, the primary purpose of which is to function by explosion, producing an audible effect in a fireworks device;
- F. **"firecracker"** means a small, paper-wrapped or cardboard tube containing no more than fifty milligrams of explosive composition that produces noise and a flash of light; provided that firecrackers used in aerial devices may contain up to one hundred thirty milligrams of explosive composition per report;
- G. **"fireworks"** means devices intended to produce a visible or audible effect by combustion, deflagration or detonation and are categorized as "permissible fireworks" or "display fireworks";
- H. **"sparkler"** means a narrow paper tube attached to a stick or wire and filled with no more than five grams of pyrotechnic composition that produces color and sparks upon ignition and the paper at one end of the tube is ignited to make the device function;
- I. **"helicopter" or "aerial spinner"** means a tube containing no more than twenty grams of chemical composition with a propeller or blade attached that spins rapidly as it rises into the air with a visible or audible effect sometimes produced at or near the height of flight;
- J. **"manufacturer"** means any person, firm or corporation engaged in the manufacture of fireworks;

- K. **"mine"** or **"shell"** means a heavy cardboard or paper tube usually attached to a wooden or plastic base and containing no more than forty grams of chemical composition plus not more than twenty grams of lift charge per tube that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect, or other devices propelled into the air, and that contains components producing reports containing a maximum one hundred thirty milligrams of explosive composition per report; a mine may contain more than one tube, but the tubes must fire in sequence upon ignition of one external fuse and the total chemical composition, including lift charges, of a multiple tube device shall not exceed two hundred grams.
- L. **"missile-type rocket"** means a device similar to a stick-type rocket in size, composition and effect that uses fins rather than a stick for guidance and stability and that contains no more than twenty grams of chemical composition;
- M. **"permissible fireworks"** means fireworks legal for sale to and use in the City of Grants by the general public;
- N. **"pyrotechnic composition"** means a chemical mixture that on burning and without explosion produces visible or brilliant displays or bright lights or whistles or motion;
- O. **"retailer"** means any person, firm or corporation purchasing fireworks for resale to consumers;
- P. **"roman candle"** means a heavy paper or cardboard tube containing no more than twenty grams of chemical composition that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect;
- Q. **"specialty retailer"** means any person, firm or corporation purchasing permissible fireworks for year-round resale in permanent retail stores whose primary business is tourism;
- R. **"stick-type rocket"** means a cylindrical tube containing a chemical composition with a wooden stick attached for guidance and stability that rises into the air upon ignition and produces a burst of color or sound at or near the height of the flight;
- S. **"storage"** means the possession of fireworks for safe custody, where the safekeeping is the principal object of deposit, and not the consumption or sale.
- T. **"wholesaler"** means any person, firm or corporation purchasing fireworks for resale to retailers.
- U. **"illegal fireworks"** means a fireworks device manufactured, distributed, or sold in violation of this ordinance.

Section 5. **PERMIT REQUIRED FOR SALE OF FIREWORKS.--**

- A. No person may sell, hold for sale, import, distribute or offer fireworks in the City of Grants unless such person has first obtained the appropriate permit.
- B. All permit applications shall be submitted to the Code Enforcement Office. Prior to issuance of any permit the Code Enforcement Officer will forward a copy to the Department of Public Safety for retail location approval to be completed within five (5) working days from the date of application.
- C. The Department of Public Safety shall conduct site inspections of proposed fireworks retail locations.
  - 1. Location approvals will be returned to the code enforcement office within five (5) working days of the date of application.
  - 2. Any proposed retail location **not approved** by the Department of Public Safety shall include a written explanation specifying the reasons for such denial.
    - (a.) Any locations not approved shall be provided with recommendations for

meeting the standards set fourth in this ordinance.

- D. All permit applications shall contain information describing the specific location of the fireworks retail outlet.
  - 1. The location for retail outlets shall be reviewed to ensure that parking, stopping, and maneuvering of vehicles does not create conflict traffic (vehicular or pedestrian) movements in order for patrons to be properly served.
    - (a) Retail outlets shall not be located on intersection turning lanes or within 50 feet of their transition.
    - (b) Driveways serving retail outlets shall maintain a minimum corner clearance of 50 feet (100 preferred) from any intersection.
    - (c) Permits shall not be issued for any location that does not allow any turning movements where the sight distance is not adequate to allow the safe movement of any motorist or pedestrian using or passing the access.
  - 2. By signing the application, the applicant authorizes the enforcement of all City ordinances upon the subject premises described in the application.
  - 3. In the event the application is leasing the subject premises, the property owner, individually or by and through its agent, authorizes the enforcement of all City ordinances upon the subject premises described above.
- E. All retailers shall be required to purchase a retail fireworks permit for each retail location. The Code Enforcement Officer shall forward copies of all issued retail permits to the Chief of the Fire Division.
- F. No permit granted pursuant to this ordinance shall be transferable.
- G. Permit applicants shall provide copies of any license or permit as required by the New Mexico Fireworks Licensing and Safety Act (Section 60-2C-4 NMSA 1978).

**Section 6. PERMIT FEES.--**

- A. An applicant for a permit under the Fireworks Permit and Safety Act shall pay to the City of Grants, which shall not be refundable:
  - (1) retailer permit \$50.00
  - (2) specialty retailer permit \$50.00
- B. All permits shall be issued for one year beginning on February 1 of each year. All permits shall be issued within thirty days from the date of receipt of application, except that no application shall be processed during each holiday selling period in which permissible fireworks may be sold.
- C. Permits issued under the City of Grants Fireworks Ordinance shall not be restricted in number or limited to any person without cause.
- D. Permit fees paid to the City of Grants shall be credited to the Department of Public Safety, Fire Division fire protection budget line item to be used by the Fire Division to enforce and carry out the provisions of the City of Grants Fireworks Ordinance and to promote fireworks safety within City of Grants.
- E. The Code Enforcement Officer shall collect all fees.

**Section 7. PERMISSIBLE FIREWORKS.--**

- A. Permissible fireworks are:
  - (1) ground and hand-held sparkling and smoke devices:
    - (a) cone fountains;
    - (b) crackling devices;
    - (c) cylindrical fountains;
    - (d) flitter sparklers;
    - (e) ground spinners;
    - (f) illuminating torches;
    - (g) toy smoke devices; and
    - (h) wheels;
  - (2) aerial devices:
    - (a) aerial spinners;
    - (b) helicopters;
    - (c) mines;
    - (d) missile-type rockets; and
    - (e) roman candles;
    - (f) shells; and
    - (g) stick-type rockets, except as provided in Subsection B of this section;
  - (3) ground audible devices:
    - (a) chasers; and
    - (b) firecrackers.
- B. Stick-type rockets having a tube less than a one-quarter-inch inside diameter are not permissible fireworks.

Section 8. **RETAIL SALES OF FIREWORKS--REGULATED ACTIVITIES.--**

- A. No fireworks may be sold at retail without a retail permit. The permit shall be at the location where the retail sale takes place.
- B. It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen years or to any intoxicated person.
- C. At all places where fireworks are stored, sold or displayed, the words "NO SMOKING" shall be posted in letters at least four inches in height and clearly visible to consumers. Smoking, open flames and any ignition source (including motor vehicles) are prohibited within twenty five feet of any fireworks stock.
- D. No fireworks shall be kept, sold or discharged within fifty feet of any gasoline pump or gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.
- E. All fireworks permittees shall keep and maintain upon the premises a fire extinguisher bearing an underwriters laboratories incorporated rated capacity of at least five-pound ABC per five hundred square feet of space used for fireworks sales or storage.
- F. A sales clerk who is at least sixteen years of age shall be on duty to serve consumers at the time of purchase or delivery. Permissible fireworks may be offered for sale only at city-permitted retail locations.
- G. No fireworks shall be discharged within two hundred feet of any fireworks retail sales location.
- H. No person shall ignite any fireworks within a motor vehicle or throw fireworks from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle or at or near any person or group of people.
- I. Any fireworks devices that are readily accessible to handling by consumers or purchasers in a retail sales location shall have their exposed fuses protected in a manner to protect against accidental ignition of an item by a spark, cigarette ash or other ignition source. If the fuse is a thread-wrapped

safety fuse which has been coated with a nonflammable coating, only the outside end of the safety fuse shall be covered. If the fuse is not a safety fuse, then the entire fuse shall be covered.

- J. Permissible fireworks may be sold at retail between June 20 and July 6 of each year and six days preceding and including new year's day and three days preceding and including Chinese new year, the sixteenth of September and Cinco de Mayo of each year, except that permissible fireworks may be sold all year in permanent retail stores whose primary business is tourism.
- K. No person shall explode or ignite fireworks within 300 feet of any hospital.
- L. No person shall explode or ignite fireworks within 300 feet of a licensed child care center during their normal hours of operation.
- M. No person shall explode or ignite fireworks between the hours of 11:00 p.m. and 10:00 a.m., with the exception of New Years when fireworks will be allowed between the hours of 12:00 a.m. and 1:00 a.m. (This section does not prohibit the authorized public display of display fireworks.)

**Section 9. DISPLAY FIREWORKS.--**

- A. Except as provided in Section 11 of this act, nothing in the City of Grants Fireworks Ordinance shall prohibit the display of display fireworks, except that any individual, association, partnership or corporation shall secure a written permit from the Code Enforcement Officer at least ten (10) days in advance of the date of the display.
- B. The display fireworks shall be purchased from a distributor or display distributor licensed by the state fire marshal and the bureau of alcohol, tobacco and firearms at the United States department of treasury.
- C. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the City Manager for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors.
- D. The Chief of the Fire Division of the Department of Public Safety must approve any site intended for detonation of any public display fireworks.

**Section 10. NOVELTIES NOT FIREWORKS.--**Novelties are not fireworks and are not subject to the provisions of the City of Grants Fireworks Ordinance. For the purposes of this section, "novelties" means devices containing small amounts of pyrotechnic or explosive composition that produce limited visible or audible effects, including party poppers, snappers, snakes, glowworms, sparklers or toy caps and devices intended to produce unique visual or audible effects that contain sixteen milligrams or less of explosive composition and limited amounts of other pyrotechnic composition, including cigarette loads, trick matches, explosive auto alarms and other trick noisemakers.

**Section 11. EXTREME DROUGHT CONDITIONS--RESTRICTED SALE AND USE.--**

- A. In the event the state fire board issues a proclamation declaring an extreme drought condition in the drought area affecting the City of Grants:
  - 1. the governing body shall limit the use of any permissible fireworks to areas that are paved or barren or that have readily accessible source of water for use by the homeowner or the general public; and

2. the governing body may ban or restrict the sale or use of display fireworks within the city limits.
- B. The duration of any ban or restriction on the sale and use of fireworks shall be in accordance with the time periods and subsequent actions issued by the state fire board.

Section 12. **POSSESSION OF ILLEGAL FIREWORKS.--**

- A. Possession of illegal fireworks consists of either selling, offering to sell, owning, possessing, manufacturing, transporting, or discharging any fireworks not declared as permissible by Section 7 of this Ordinance.
- B. Nothing herein contained shall be held to prevent such activities as may be authorized by this Ordinance.
- C. The term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive composition 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 which contain less than twenty-hundredths grains of explosive composition, for sale and use of which shall be permitted at all times.

Section 13. **STORAGE AND TRANSPORTATION. --**

- A. Storage Authorization is required. Any licensed fireworks retailer must obtain authorization from the Department of Public Safety Fire Division for the storage of fireworks.
- B. Any licensed retailer may transport or store fireworks in the City of Grants; except that the sale of such fireworks in the retailer's vehicle or from any storage facility is unlawful.
  1. For storage or transportation to be lawful a fireworks retailer must possess a valid fireworks permit issued by a governing body of a state or local authority where the stored/transported fireworks are legal and permissible.
  2. At all places where fireworks are stored, sold or displayed, the words "NO SMOKING" shall be posted in letters at least four inches in height and clearly visible to consumers. Smoking, open flames and any ignition source (including motor vehicles) are prohibited within twenty five feet of any fireworks stock.
  3. No fireworks shall be stored, kept, sold or discharged within fifty feet of any gasoline pump or gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.

Section 14. **AUTHORITIES HAVING JURISDICTION.--**

- A. The City of Grants Fireworks Ordinance shall be enforced by any commissioned police officer of the Department of Public Safety, Police Division, or;
- B. The Department of Public Safety, Fire Division Chief, or his designated representatives shall be appointed, and hereby is authorized by the City of Grants Governing Body, to be appointed and commissioned to carry out the provisions of the Fire Works Licensing and Safety Act and this ordinance to include the seizure of any illegal fireworks. Alternatively, the Department of Public Safety Fire Division Chief or his authorized representatives shall file a complaint and affidavit with Municipal Court for the party charged to appear before

Municipal Court at a fixed time. In the event the party charged fails to appear, a warrant shall be issued pursuant to Section 35-15-1 N.M.S.A. et. seq.

1. Should the alleged violator refuse to give the written promise to appear, the Fire Division Chief or his authorized representative, may:
  - (a) cause to be prepared a written complaint against the alleged violator and present the same to the Municipal Court Judge to cause an arrest warrant to be issued for the alleged violator and executed by a police officer, or;
  - (b) request the on-scene assistance of the Police Division.

Section 15. **INSPECTION.**--The Department of Public Safety, Fire Division shall inspect all permit locations within the City of Grants to insure compliance with this Act.


Section 16. **SEIZURE OF FIREWORKS.**--Authorized representatives from the Department of Public Safety may at reasonable hours enter and inspect the permittee's retail facility which may be a building, mobile or motor vehicle or temporary or permanent structure to determine compliance with the City of Grants Fireworks Ordinance. If any retailer has in his/her possession any fireworks in violation of this ordinance, the permit may be revoked and any fireworks shall be seized, removed or cause to be removed at the expense of the owner.

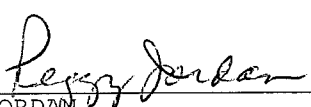
Section 17. **PENALTY.**--Any person convicted of violating any of the provisions of this ordinance or failing or neglecting to comply with any orders issued pursuant to any section thereof shall be deemed guilty of a misdemeanor subject to a fine not exceeding \$300 or by imprisonment not exceeding 90 days or both; and such person shall be guilty of a separate offense for each and every day or portion thereof during which any such violation is continued or permitted.

Section 18. **SEVERABILITY.**--If any section, subsection, sentence, clause, word or phrase of this ordinance is, for any reason, held to be unconstitutional or otherwise invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Grants governing body hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, word and phrase thereof, irrespective of any one or more sections subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

Section 19. **EMERGENCY CLAUSE.**--The City of Grants Governing Body hereby declares that a public health, safety and welfare emergency exists with respect to the sale and distribution of fireworks and further states that on the grounds of urgent public need, this ordinance shall become effective five (5) days after the adoption, and recordation as provided by law. This Ordinance shall become effective on the 12th day of March, 1998.

PASSED, APPROVED AND ADOPTED this 3rd day of March, 1998.

  
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BILL SNODGRASS, MAYOR  
CITY OF GRANTS

ATTEST:   
\_\_\_\_\_  
PEGGY JORDAN  
CITY CLERK

CITY OF GRANTS

**Proclamation Under Ordinance No: 98-1018 Sect. 11**

A PROCLAMATION RESTRICTING AND BANNING THE SALE AND USE OF FIREWORKS AND THE BANNING OF OPEN BURNING THAT WILL CREATE A FIRE SAFETY HAZARD IN THE CITY OF GRANTS.

**WHEREAS:** The Governing Body of the City of Grants realizes the danger of brush fires, grass fires, forest fires and structure fires is extremely high in the State of New Mexico and especially the City of Grants; and

**WHEREAS:** The Governing Body of the City of Grants realizes that current fire conditions such as relative humidity, weather and fuel content and conditions are extremely high in the City of Grants; and

**WHEREAS:** The Governing Body of The City of Grants realizes the probability of ignition of materials and fire spread is extremely high in the City of Grants; and

**WHEREAS:** The Governing Body of the City of Grants realizes that in recent months several forest fires have resulted from human activity; and

**WHEREAS:** The Governing Body of the City of Grants finds, based upon current drought indices published by the Nationals Weather Service and other relevant information supplied by the United States Forest Service, that extreme or severe drought conditions affect the City of Grants; and

**WHEREAS:** The Governing Body of the City of Grants finds that fireworks restrictions should be imposed within the city limits of the City of Grants; and

**WHEREAS:** the possibility of extreme fire situations will severely tax current local, state, and federal resources; and

**WHEREAS:** The Governing Body of the City of Grants finds that there exists and immediate danger to the public health, safety and welfare of the City of Grants.

**NOW THEREFORE, BE IT ORDAINED, RESOLVED AND PROCLAIMED BY THE GOVERNING BODY OF THE CITY OF GRANTS THAT:**

- I. The Governing Body of the City of Grants hereby declares that the City of Grants is suffering from extreme or serious drought conditions and declares that the dry conditions and high fire hazards represent a significant and immediate threat to the peace, safety, health and welfare of the City of Grants; and
- II. The following types of open burning are prohibited:
  - a. Open burning of vegetation or rubbish; and
  - b. Any other smoke producing substance and material that creates a fire safety hazard.
- III. Pursuant to NMSA 1978, §60-2C8.1F(2)(a)(1999), the Governing Body of the City of Grants gives itself the power to and does hereby limit the use of the fireworks listed in *Appendix 1* to areas that are paved or barren or that have a readily accessible source or water for use by the homeowner or the general public



- for the extinguishing of fires;
- IV. Pursuant to NMSA 1978, §60-2C-8.1F(2)(c)(1999), the Governing Body of the City of Grants gives itself the power to and does hereby restrict the sale or use of DISPLAY FIREWORKS. ("Display fireworks" means devices primarily intended for commercial displays that are designed to produce visible or audible effects by combustion, deflagration or detonations, including salutes containing more than one hundred thirty milligrams of explosive composition; aerial shells containing more than forty grams of chemical composition exclusive of lift charge; and other exhibition display items that exceed the limits for permissible fireworks.
- V. Except as permitted by the Proclamation, the use of ALL OTHER FIREWORKS of any kind or description are banned within the city limits of the City of Grants.
- VI. EFFECTIVE DATE AND DURATION  
Pursuant to NMSA 1978, §60-2C-8.1 H(1999), this Proclamation shall be effective for a period of thirty (30) days from June 5, 2000, the date of this proclamation declaring the existence of extreme or severe drought conditions, up to and including July 5, 2000.

This Proclamation may be rescinded or extended by subsequent proclamation of the Governing Body of the City of Grants if a change in the weather conditions permits or requires or for any other good cause.

OR

This Proclamation is hereby declared to be an emergency and shall be in full force and effect, five (5) days after passage, adoption, approval, and publication, as provided by law.


VII. ENFORCEMENT

The City of Grants Police Department shall have the ability to enforce this Proclamation.

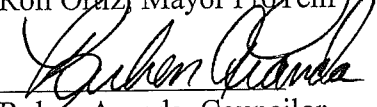
VIII. PENALTIES

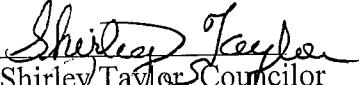
Any violation of this Proclamation shall be deemed a misdemeanor and punishable by a fine of not more than three hundred dollars (\$300) and up to 90 days in jail.

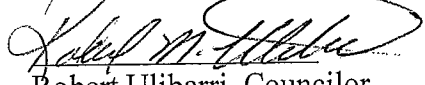
APPROVED AND ADOPTED THIS 5 TH DAY OF June, 2000.

  
Bill Snodgrass, Mayor

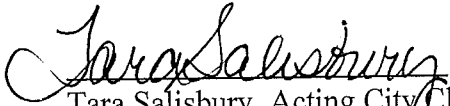
  
Ron Ortiz, Mayor Pro Tem

  
Ruben Aranda, Councilor

  
Shirley Taylor, Councilor

  
Robert Ulibarri, Councilor

ATTEST:

  
Tara Salisbury, Acting City Clerk

## APPENDIX I

- a. CONE FOUNTAINS (“Cone fountain” means a cardboard or heavy paper cone containing no more than fifty grams of pyrotechnic composition that has the same effect as a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams.);
- b. CRACKLING DEVICES (“Crackling devices: means a sphere or paper tube that contains no more than twenty grams of pyrotechnic composition that produces a flash of light and a mild, audible crackling effect upon ignition, which effect is not considered to be an explosion. Crackling devices are not subject to the fifty milligram limit of firecrackers.);
- c. CYLINDRICAL FOUNTAINS (“Cylindrical fountain” means a cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that produces a shower of colored sparks and sometimes a whistling effect or smoke. The device may be provided with a spike for insertion into the ground or a cardboard handle to be hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams.)
- d. FLITTER SPARKLERS (“Flitter Sparklers” means a narrow paper tube attached to a stick or wire and filled with no more than five grams of pyrotechnic composition that produces color and sparks upon ignition and the paper at one end of the tube is ignited to make the device function.)
- e. GROUND SPINNERS (“Ground Spinners” means a small, rapidly spinning device containing no more than twenty grams of pyrotechnic composition venting out on orifice usually on the side of the tube that when ignited produces a shower of sparks and color. “Ground spinner” is similar in operation to a wheel, but is intended to be placed flat on the ground and ignited.);
- f. ILLUMINATING TORCHES (“Illuminating torches” means a cylindrical tube containing no more than one hundred grams of pyrotechnic composition that produces a colored flame upon ignition and may be spiked, based or hand held. When more than one tube is mounted on a common base, total pyrotechnic composition shall not exceed two hundred grams.);
- g. TOY SMOKE DEVICES (“Toy smoke devices” means a small plastic or paper item containing no more than one hundred grams of pyrotechnic composition that produces white or colored smoke as a primary effect.);
- h. WHEELS (“Wheels” means a pyrotechnic device that is made to attach to a post or other surface and that revolves, producing a shower of color and sparks and sometimes a whistling effect, and that may have one or more drivers, each of which contains no more than sixty grams of pyrotechnic composition and the total wheel contains no more than two hundred grams total pyrotechnic composition.);
- i. ROMAN CANDLES (“Roman Candles” means a heavy paper or cardboard tube containing no more than twenty grams of chemical composition that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect.);
- j. MINES AND SHELLS (“Mine or Shell” means a heavy cardboard or paper tube usually attached to a wooden or plastic base and containing no more than forty grams of chemical composition plus not more than twenty grams of lift charge per tube that individually expels pellets of pressed pyrotechnic composition that burn with bright color in a star effect, or other devices propelled into the air, and that contain components production reports containing a maximum of one hundred thirty milligrams of explosive composition per report. A mine may contain more than one tube, but the tubes must fire in sequence upon ignition of one external fuse and the total chemical composition, including lift charges, of a multiple tube

- device shall not exceed two hundred grams.); and
- k. NOVELTIES (“Novelties” means devices containing small amounts of pyrotechnic or explosive composition that produce limited visible or audible effects, including party poppers, snappers, snakes, glow worms, sparklers or toy caps and devices intended to produce unique visual or audible effects that contain sixteen milligrams or less of explosive composition and limited amounts of other pyrotechnic composition, including cigarette loads, trick matches, explosive auto alarms and other trick noisemakers.)