

## **DELAWARE**

### 6901. SELLING OR POSSESSING FIREWORKS

No person shall store, sell, offer or expose for sale, or have in possession with intent to sell or to use, discharge or cause to be discharged, ignited, fired or otherwise set in action within this State, any fireworks, firecrackers, rockets, sparklers, torpedoes, Roman candles, fire balloons or other fireworks or substances of any combination whatsoever designed or intended for pyrotechnic display except after having obtained a permit as provided in S. 6903 of the title and also except as provided in S. 6906 of this title. This section shall not apply to any person established and manufacturing fireworks of any or all kinds in this State on September 5, 1939.

The term "fireworks" as used in this chapter, shall mean and include 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 and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any caps or tablets or other device containing any explosive substance, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times.

### 6904. CONFISCATION OF ILLEGALLY STORED FIREWORKS OR EXPLOSIVES

The State Fire Marshal shall confiscate all fireworks or explosives illegally stored within the State.

### 6905. PENALTIES; JURISDICTION

- (a) Whoever violates this chapter shall be fined not less than \$25.00 nor more than \$100.00.
- (b) Justices of the Peace shall have jurisdiction of any violation of this chapter.