

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE BOROUGH OF SOUTH TOMS RIVER,  
COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING  
AND SUPPLEMENTING CHAPTER 3 OF THE BOROUGH CODE  
ENTITLED “POLICE REGULATIONS” AND SPECIFICALLY  
SECTION 3-19 ENTITLED “FIREARMS AND FIREWORKS”.**

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Borough Council  
of the Borough of South Toms River, County of Ocean, State of New Jersey as follows:

**SECTION 1.** Chapter 3 of the Borough Code entitled “Police Regulations”  
and specifically, §3-19 entitled “Firearms and Fireworks” is hereby replaced in its  
entirety with new §3-19 entitled “Fireworks” to read as follows:

**§3-19        Fireworks**

**§3-19.1     Fireworks.**

The possession, sale, distribution or discharging of certain  
fireworks shall be permitted, excepting therefrom those  
fireworks defined in N.J.S.A. 21:2-3 as “dangerous fireworks”  
which shall be strictly prohibited.

**§3-19.2     Manufacturing, Selling, Transporting or Using  
Fireworks.**

Any person who shall manufacture, sell, transport or use  
fireworks, or permit the use of fireworks on the premises under  
one’s ownership or control, shall be adjudged in violation of this  
section as defined in this Chapter and N.J.S.A. 21:2-3. Persons  
having ownership or control of premises at which fireworks have  
been used in violation of this subsection shall give rise to a  
rebuttable presumption to having permitted the use of fireworks  
on such premises. Such presumption may be rebutted by  
submitting evidence that such person took affirmative action to  
stop or prevent such use or was not physically at or in close  
proximity to the premises at any time during such use. It shall  
be a defense to a charge hereunder if the person shall have been  
issued a permit by written resolution of the Borough Council  
pursuant to the provisions of the State Fire Prevention Code.

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road  
P.O. Box 779  
Forked River, N.J. 08753

**§3-19.3 Additional Prohibitions.**

No person shall discharge or ignite a firework as defined in this Chapter and N.J.S.A. 21:2-3 of any kind unless licensed by the Borough Council or otherwise permitted by law.

**§3-19.4 Penalties for Violations.**

Any person who purchases, uses, discharges, causes to be discharged, ignites, fires, or otherwise sets in action, or possesses any fireworks as defined by this Chapter and N.J.S.A. 21:2-3 is guilty of a petty disorderly persons offense.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of South Toms River on the \_\_\_\_\_ day of \_\_\_\_\_, **2020**, and will be considered for second and final passage at a meeting of the Borough Council to be held on the \_\_\_\_\_ day of \_\_\_\_\_, **2020**, at \_\_\_\_\_ AM/PM. at the Municipal Building located at 19 Double Trouble Road, South Toms River, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

DASTI & ASSOCIATES  
ATTORNEYS AT LAW

310 Lacey Road  
P.O. Box 779  
Forked River, N.J. 08753

---

**JOSEPH A. KOSTECKI, RMC**  
Borough Clerk/Administrator