

## **227.702 Common fireworks.**

"Common fireworks" are fireworks suitable for use by the public and designed primarily to produce visible effects by combustion and must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Products Safety Commission. The types, sizes, and amount of pyrotechnic contents of these devices are limited as enumerated in this section. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing fifty (50) mg. or less of explosive composition, and aerial devices containing one hundred thirty (130) mg. or less of explosive composition. Common fireworks are classified as class C explosives by the United States Department of Transportation and include the following:

- (1) Ground and hand-held sparkling devices.
  - (a) Dipped stick-sparkler. Stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed one hundred (100) grams per item. Those devices containing any perchlorate or chlorate salts may not exceed five (5) grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than one hundred (100) grams of composition per item are not included in this category, in accordance with DOT regulations;
  - (b) Cylindrical fountain. Cylindrical tube not more than three-fourths (3/4) in. (19 mm) inside diameter, containing up to seventy-five (75) grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain);
  - (c) Cone fountain. Cardboard or heavy paper cone containing up to fifty (50) grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain;
  - (d) Illuminating torch. Cylindrical tube containing up to one hundred (100) grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base or hand-held;
  - (e) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six (6) "driver" units: tubes not exceeding one-half (1/2) in. (12.5 mm) inside diameter and containing up to sixty (60) grams of pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect;
  - (f) Ground spinner. Small device similar to a wheel in design and effect and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device; and
  - (g) Flitter sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for

ignition. The paper at one (1) end of the tube is ignited to make the device function;

- (2) Aerial devices.
  - (a) Sky rocket. Tube not exceeding one-half (1/2) in. (12.5 mm) inside diameter that may contain up to twenty (20) grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight;
  - (b) Missile-type rocket. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability;
  - (c) Helicopter, aerial spinner. A tube not more than one-half (1/2) in. (12.5 mm) inside diameter and containing up to twenty (20) grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight;
  - (d) Roman candles. Heavy paper or cardboard tube not exceeding three-eighths (3/8) in. (9.5 mm) inside diameter and containing up to twenty (20) grams of pyrotechnic composition. Upon ignition, up to ten (10) "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals; and
  - (e) Mine, shell. Heavy cardboard or paper tube up to two and one-half (2-1/2) in. (63.5 mm) inside diameter attached to a wood or plastic base and containing up to forty (40) grams of pyrotechnic composition. Upon ignition, "stars," firecrackers, or other devices are propelled into the air. The tube remains on the ground;
- (3) Audible ground devices.
  - (a) Firecrackers, salutes. Small paper-wrapped or cardboard tube containing not more than fifty (50) mg. of pyrotechnic composition. Upon ignition, noise and a flash of light is produced; and
  - (b) Chaser. Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed fifty (50) mg; and
- (4) Combination items. Firework devices containing combinations of two (2) or more of the effects described in paragraphs (a), (b), and (c) of subsection (2) of this section.

**Effective:** July 15, 1982

**History:** Created 1982 Ky. Acts ch. 436, sec. 2, effective July 15, 1982.