

**LOCAL LAW TO BE ENACTED BY
THE TOWN BOARD OF THE TOWN OF BOSTON,
COUNTY OF ERIE, STATE OF NEW YORK**

2025 LOCAL LAW NO. 2 OF THE YEAR 2025

A LOCAL LAW regulating the Possession, Use, and Sale of Fireworks in the Town of Boston to Add a New Chapter 58 to the Code of the Town of Boston, Entitled “Fireworks.”

BE IT ENACTED BY the Town Board of the Town of Boston, County of Erie, State of New York, as follows:

Section 1. Title.

This Local Law shall be known as “A Local Law to Add Chapter 58 to the Code of the Town of Boston, Entitled ‘Fireworks’.”

Section 2. Legislative Intent.

The purpose of this chapter is to regulate the possession, use, and sale of fireworks within the Town of Boston, consistent with the laws and regulations of the State of New York, including the New York State Fire Code, New York Penal Law § 270, and 9 NYCRR Part 225. These regulations are enacted to protect the public health, safety, and welfare of residents, visitors, and property.

Section 3. Addition of New Chapter 58.

The Code of the Town of Boston is hereby amended by adding a new Chapter 58, entitled “Fireworks,” to read as follows:

§58-1. Legislative Intent.

The purpose of this chapter is to regulate the possession, use, and sale of fireworks within the Town of Boston, consistent with applicable state laws and regulations, in order to protect public health, safety, and welfare.

§58-2. Definitions.

As used in this chapter:

A. **"Fireworks"** shall include any device defined as "fireworks" under New York State Penal Law § 270.00 and 9 NYCRR Part 225, including but not limited to aerial fireworks, explosive devices, and certain sparkling devices.

B. **"Display Fireworks"** refers to large-scale pyrotechnic devices used in fireworks shows and permitted under NYS Fire Code Section 5608.

§58-3. Prohibited Acts.

A. It shall be unlawful for any person to manufacture, store, sell, transport, or use fireworks within the Town of Boston, except as otherwise authorized by this Code or by applicable New York State Law.

B. Prohibited fireworks include, but are not limited to, firecrackers, bottle rockets, roman candles, aerial repeaters, M-80s, cherry bombs, or similar explosive devices

C. Possession or use of any fireworks not permitted by New York State law is strictly prohibited.

§58-4. Public Fireworks Displays.

A. **Permit Required.** No person, business or corporation shall engage in a public firework display unless they obtain a permit through the Town's Building Department in accordance with New York State Fire Code Section 5608, New York Penal Law § 405.00 and New York Insurance Law § 6302.

B. **Permit Fee.** The nonrefundable fee for a fireworks display permit shall be in accordance with the Schedule of Fees most recently adopted by the Town Board.

C. Application Process.

1. Application shall be submitted at least thirty (30) days in advance of the proposed event.
2. Applicant must provide:
 - (a) A detailed site plan;
 - (b) Evidence of commercial general liability insurance with an occurrence limit of not less than Two Million Dollars (\$2,000,000.00) and coverage for medical payments in the event of injury of not less than Five Thousand Dollars (\$5,000.00) per person and a general aggregate limit of not less than Four Million Dollars (\$4,000,000.00);
 - (c) A valid New York State certified pyrotechnic operator's license; and
 - (d) Safety and crowd control plans.

D. **Inspections.** The Code Enforcement Officer shall inspect the subject premises prior to the issuance of a permit and it shall be the duty of the Code Enforcement Officer, after such permit has been issued, to inspect the premises wherein said display will take place to see that the execution of the work so authorized by said permit shall be done in conformity with the approved plans and specifications and the existing standards, rules and regulations applicable thereto.

§58-5. Enforcement and Penalties.

A. This chapter shall be enforced by any local law enforcement agency having jurisdiction, including, but not limited to, the Town Code Enforcement Officer.

B. Violations.

1. Any person or persons, associations or corporations committing an offense against this chapter or any section or provision thereof shall be subject to the penalties imposed by §§ 270.00 and 405.05 of the Penal Law, including the provisions relating to the seizure of fireworks contained in § 405.05.

2. Notwithstanding a conviction for an offense against any provisions, a person or entity committing an offense under this chapter shall be subject to revocation of any permit herein granted without reimbursement of fees paid thereof.

3. In addition to any fine or imprisonment imposed for a conviction of an offense to this chapter, each such offense may be subject to a civil penalty not to exceed \$250, to be recovered in an action or proceeding in a court of competent jurisdiction, or by imprisonment not exceeding 15 days, or both.

4. No person who has been convicted of violating this section may apply for a permit for a period of five (5) years from the date of conviction.

§58-6. Severability.

If any part of this chapter is found to be invalid or unconstitutional, such judgment shall not affect the remaining portions.

§58-7. Effective Date.

This chapter shall take effect immediately upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Section 4. Authority.

This Local Law is adopted pursuant to Municipal Home Rule Law §§ 10 and 20 of the State of New York, which authorize the Town Board to adopt local laws for the protection and enhancement of the health, safety, and welfare of its residents.