

## **ORDINANCE 20-04**

### **AN ORDINANCE OF THE TOWNSHIP OF SUSQUEHANNA, DAUPHIN COUNTY, PENNSYLVANIA, DESIGNATING A NEW CHAPTER 8 RELATING TO FIREWORKS AND RENUMBERING SUBSEQUENT CHAPTERS OF THE SUSQUEHANNA TOWNSHIP CODE OF ORDINANCES**

**WHEREAS**, the Board of Commissioners of Susquehanna Township has determined that the public health, welfare and safety of Susquehanna Township would be enhanced by designating a new chapter in its Code of Ordinances governing the use of fireworks within Susquehanna Township.

**BE IT ENACTED AND ORDAINED** by the Board of Commissioners of Susquehanna Township, Dauphin County, Pennsylvania, and it is hereby enacted and ordained by authority of the same that the Susquehanna Township Code of Ordinances shall be amended to include Chapter 8, Fireworks and renumber all subsequent chapters.

**SECTION 1. Short title.** This Ordinance shall be known as the Susquehanna Township Fireworks Ordinance.

**SECTION 2. Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

**BOARD OF COMMISSIONERS** – The Township of Susquehanna Board of Commissioners.

#### **CONSUMER FIREWORKS**

- A. Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects of combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for “consumer fireworks” as defined in American Pyrotechnics Association (APA) Standard 87-1 or any successor standard, the sale possession and use of which shall be permitted throughout this Commonwealth.
- B. The term does not include devices such as “ground and hand-held sparkling devices,” “novelties” or “toy caps” in APA Standard 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

**DISPLAY FIREWORKS** – Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects of combustion, deflagration or detonation. The term includes, but is not limited to:

- A. Salutes that contain more than two grains or 130 milligrams of explosive materials;
- B. Aerial shells containing more than 60 grams of pyrotechnic compositions; and
- C. Other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table) by the United States Department of Transportation.

FIREWORKS LAW – Pennsylvania Act 43 of 2017 which also may be cited as 72 Pa. Stat. Ann. §§ 9401-9416.

MUNICIPALITY – A city, borough, incorporated town or township.

NFPA 1124 – The National Fire Protection Association Standard 1124 Code for the Manufacture, Transportation and Storage of Fireworks and Pyrotechnic Articles, 2017 Edition.

OCCUPIED STRUCTURE – A structure, vehicle or place adapted for overnight accommodation of persons for conducting business whether or not a person is actually present.

TOWNSHIP – The Township of Susquehanna.

### **SECTION 3. Permits.**

- A. Permissible purposes. Display Fireworks may be possessed and used by a person holding a permit from the Township at the display covered by the permit or when authorized by a permit for any of the following:
  - 1. For agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage.
  - 2. By railroads or other transportation agencies for signal purposes or illumination.
  - 3. In quarrying or for blasting or other industrial use.
  - 4. In the sale or use of blank cartridges for a show or theater.
  - 5. For signal or ceremonial purposes in athletics or sports.
  - 6. By military organizations or organizations of veterans of the Armed Forces of the United States.
- B. Age limitation. A display fireworks permit may not be issued to a person under 21 years of age.
- C. Application for permit. Discharge of Display Fireworks shall be by permit. Applications for permits shall be made in writing at least 30 days in advance of the date of the display. After such privilege has been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. The Township may from time to time

adopt an official application and fees by resolution. The initial application fee shall be \$75 per permit.

- D. Bond. The Board of Commissioners of the Township hereby requires a bond deemed adequate by the Township by a permittee in a sum not less than \$50,000 conditioned for the payment of all damages which may be caused to a person or property by reason of the display and arising from an act of the permittee or an agent, an employee or a subcontractor of the permittee.

#### **SECTION 4. Request for extension.**

- A. Authorization. If, because of unfavorable weather, the display for which a permit has been granted does not occur at the time authorized by the permit, the person to whom the permit was issued may within 24 hours apply for a request for extension to the Township.
- B. Contents of request. The request for extension shall state under oath that the display was not made, provide the reason that the display was not made and request a continuance of the permit for a date designated within the request, which shall not be later than one week after the date originally designated in the permit.
- C. Determination. Upon receiving the request for extension, the Township, if it believes the facts stated within the request are true, shall extend the provisions of the permit to the date designated within the request, which shall not be later than one week after the date originally designated in the permit.
- D. Conditions. The extension of time shall be granted without the payment of an additional fee and without requiring a bond other than the bond given for the original permit, the provisions of which shall extend to and cover all damages which may be caused by reason of the display occurring at the date originally designated in the permit.

#### **SECTION 5. Use of Consumer Fireworks.**

- A. Conditions. A person who is at least 18 years of age and meets the requirements of this section may purchase, possess and use consumer fireworks.
- B. Prohibitions. A person may not intentionally ignite or discharge:
  - 1. Consumer Fireworks on any property of the Township, including, but not limited to streets, sidewalks, public parks or public buildings.
  - 2. Consumer Fireworks on private property without the express, written permission of the owner.
  - 3. Consumer Fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.
  - 4. Consumer Fireworks or sparkling devices into or at a motor vehicle or building or at another person.
  - 5. Consumer Fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.
  - 6. Consumer Fireworks within 150 feet of an occupied structure.



7. Consumer Fireworks after 10:00 p.m. prevailing time or before 7:00 a.m. prevailing time unless otherwise permitted by the Township, except on New Year's Eve, which shall be until 12:00 midnight, New Year's Day until 12:30 a.m. and July 4 until 11:00 p.m.
8. Consumer Fireworks on a property of less than one acre in area.

**SECTION 6. Removal, storage, and destruction.** The Pennsylvania State Police, Susquehanna Township Police, or the Susquehanna Township Fire Marshal/Chief may seize, remove, or cause to be removed at the expense of the owner all stocks of consumer fireworks or display fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter. The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks.

**SECTION 7. Enforcement.**

- A. The provisions of this chapter shall be enforced by any Township police officer, the Township Fire Marshal/Chief, or code enforcement officer as assigned by the Township.
- B. Any person who violates any of the provisions of this chapter may be issued a citation for each offense with a fine of \$100 for each offense.

**SECTION 8. Repealer.** All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar as they are inconsistent herewith.

**SECTION 9. Renumbering.** All subsequent chapters of the Susquehanna Township Code of Ordinances shall be renumbered accordingly.

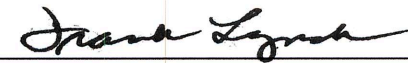
**SECTION 10. Effective Date.** This Ordinance shall take effect in accordance with applicable law.

ENACTED AND ORDAINED as an Ordinance this 27 day of August \_\_\_\_, 2020.

ATTEST:

  
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DAVID W. KRATZER, JR., Secretary

BOARD OF COMMISSIONERS OF  
SUSQUEHANNA TOWNSHIP

  
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FRANK LYNCH, President