

ORDINANCE NO. 18 - 5

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HANOVER, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA TO AMEND THE CODE OF ORDINANCES BY AMENDING THE TEXT OF THE “HANOVER TOWNSHIP ZONING ORDINANCE” CHAPTER 185 TO PROVIDE FOR THE ESTABLISHMENT OF FACILITIES FOR THE SALE OF CONSUMER FIREWORKS USE AND A TEMPORARY USE AND STRUCTURE FOR SALE OF CONSUMER FIREWORKS IN CERTAIN ZONING DISTRICTS OF THE TOWNSHIP OF HANOVER

WHEREAS, The Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the “Second Class Township Code” of Pennsylvania and the authority and procedures of the “Pennsylvania Municipalities Planning Code”, as amended, as well as other laws of the Commonwealth of Pennsylvania, do hereby enact and ordain the following amendment to the text of the Hanover Township Zoning Ordinance; and

WHEREAS, the Board of Supervisors of Hanover Township desires to amend its Zoning Ordinance by providing for Facilities for the sale of Consumer Fireworks use and for a temporary use for the sale of Consumer Fireworks in certain Zoning Districts of the Township of Hanover.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of Hanover Township, Northampton County, Pennsylvania, and the same is hereby ordained and enacted as follows, to wit:

SECTION 1: The Supervisors of Hanover Township, Northampton County, Pennsylvania, under the powers vested in them by the “Second Class Township Code” and the “Pennsylvania Municipalities Planning Code”, as amended, as well as other laws of the Commonwealth of Pennsylvania, do

hereby ordain and enact the following amendments to the text of the Hanover Township Zoning Ordinance Chapter 185 Zoning, of the Code of Ordinances, as amended.

SECTION 2: Chapter 185 Zoning, of the Code of Ordinances of Hanover Township is hereby amended by amending Article II, Interpretations and Definitions; Section 185-12 Definitions by adding the following definitions to read as follows:

Consumer Fireworks.

(1) Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by 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 16CFR relating to commercial practices) or any successor regulation and complies with the provisions for “Consumer Fireworks” as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout the Township.

(2) The term does not include devices as “ground and hand-held sparkling devices, “novelties” or “toy caps” in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout the Township.

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

(1) salutes that contain more than two grains or 103 milligrams of explosive materials;

(2) aerial shells containing more than 60 grams of pyrotechnic compositions; and

(3) 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 CRF 172.101 (relating to purpose and use of hazardous materials table).

Fireworks Sale Facility. A facility where Consumer Fireworks are available for retail sale.

Temporary Use and Structure. A use and structure established for a limited duration to be discontinued upon the expiration of the time period. Temporary uses usually do not involve the construction or alteration of any permanent building or structure.

SECTION 3: Chapter 185 Zoning, of the Code of Ordinances of Hanover Township, Section 185-30 Regulations applicable to C-1 Service Commercial District; Subsection 185-30 F Conditional Uses is hereby amended to read as follows:

“F. Conditional Uses. Only the following building types and uses shall be permitted pursuant to Board of Supervisors’ approval, in accordance with review procedures and use restrictions described in §185-54, Conditional uses, of this Chapter and the use restrictions described therein:

- (1) Restaurants with drive-through windows;
- (2) Brew Pub;
- (3) Limited Winery; and
- (4) Limited Distillery
- (5) Fireworks Sale Facility; and
- (6) Temporary Use and Structure for Sale of Consumer Fireworks .”

Section 4: Chapter 185 Zoning, of the Code of Ordinances of Hanover Township, Section 185-17 Off-Street Parking Regulations; Subsection 185-17 C. is hereby amended by adding the following new Building Type or Use, Minimum Number of Spaces Required and Measurement Unit:

Building Type or Use	Minimum Number of Spaces Required	Measurement Unit
Fireworks Sale Facility	0.5	100 square feet
Temporary Use and Structure for Sale of Consumer Fireworks	0.5	100 square feet

Section 5: Chapter 185 Zoning, of the Code of Ordinances of Hanover Township; Section 185-18 Off-street loading regulations; Subsection 185-18 C. is hereby amended by adding the following Building Type or Use, Minimum Number of Spaces Required and Measurement Unit:

Building Type or Use	Minimum Number of Spaces Required	Measurement Unit
Fireworks Sale Facility	1.0	10,000 square feet
Temporary Use and Structure For sale of Consumer Fireworks	1.0	10,000 square feet

Section 6: Chapter 185 Zoning of the Code of Ordinances of Hanover Township; Section 185-54 Conditional uses; Subsection 185-54 E Specific standards for conditional uses shall be amended by adding the following paragraphs (26) and (27) to read as follows:

“(26) Fireworks Sale Facility

- (a) The facility shall comply with the provisions of the act of November 10, 1999 (P.L. 491, No. 45), known as the Pennsylvania Construction Code Act.

- (b) The facility shall be a stand-alone, permanent structure.
 - (c) Storage areas shall be separated from wholesale or retail sales areas to which a purchaser may be admitted by appropriately rated fire separation.
 - (d) The facility shall be located no closer than 250 feet from a facility selling or dispensing gasoline, propane or other flammable products.
 - (e) The facility shall be located at least 1,500 feet from another facility licensed to sell Consumer Fireworks by the Pennsylvania Department of Agriculture.
 - (f) Quarterly fire drills and preplanning meetings shall be conducted as required by the primary fire department.
 - (g) The facility shall have received a license from the Pennsylvania Department of Agriculture to sell Consumer Fireworks.
- (27) Temporary Use and Structure for Sale of Consumer Fireworks
- (a) The Temporary Use and Structure is located no closer than 250 feet from a facility storing, selling or dispensing gasoline, propane or other flammable products.
 - (b) An evacuation plan is posted in a conspicuous location for a Temporary Use and Structure in accordance with NFPA 1124.
 - (c) The outdoor storage unit, if any, is separated from the wholesale or retail sales areas to which a purchaser may be admitted by appropriately rated fire separation.
 - (d) The Temporary Use and Structure complies with NFPA 1124 as it relates to retail sales of Consumer Fireworks in Temporary Structures.
 - (e) The Temporary Use and Structure is located one of the following distances from a Fireworks Sale Facility licensed to sell Consumer Fireworks under the former

act of May 15, 1939 (P.L. 134, No. 65), referred to as the Fireworks Law, at the time of the effective date of this article.

- (i) Prior to January 1, 2023, at least five miles.
- (ii) Beginning January 1, 2023, at least two miles.
- (iii) The Temporary Use and Structure has received a license from the Pennsylvania Department of Agriculture to sell Consumer Fireworks.
- (f) The Temporary Use and Structure does not exceed 2,500 square feet.
- (g) The Temporary Use and Structure is secured at all times during which Consumer Fireworks are displayed within the Temporary Structure.
- (h) The Temporary Use and Structure has a minimum of \$2,000,000 in public and product liability insurance.
- (i) The sale period is limited to June 15 through July 8 and December 21 through January 2 of each year.
- (j) Consumer Fireworks not on display for retail sale are stored in an outdoor storage unit.
- (k) Duration. The Board of Supervisors shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of six days in any sixty-day period. The Board of Supervisors may grant a single approval once for numerous occurrences of an event. Except for reoccurring special events, there is a maximum two-year period.
- (l) Statement from Owner. The applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the Temporary Use or Structure is removed once the permit expires.
- (m) Removal. Such Temporary Structure or Use shall be removed completely upon expiration of the permit without cost to the Township. If the Temporary

Structure or Use is not removed in a timely fashion after proper notification, the Township may remove the Temporary Use or Structure at the cost of the person who owns the land upon which the Temporary Structure or Use is located.

- (n) Conditions. The Temporary Use or Structure shall:
 - (i) Be compatible with adjacent uses; and
 - (ii) Clearly be of a temporary nature.

SECTION 7: SEVERABILITY. If a court of competent jurisdiction declares any provisions of this Amendment to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provision of this zoning Amendment shall continue to be separately and fully effective.

SECTION 8: REPEALER. All provisions of Township ordinances and resolutions or parts thereof that are in conflict with the provisions of this Ordinance, are hereby repealed.

SECTION 9: ENACTMENT. This Amendment shall be effective five (5) days after the date of passage.

THIS ZONING ORDINANCE IS HEREBY ORDAINED AND ENACTED this ____ day of _____, 20____, by the Hanover Township Board of Supervisors.

ATTEST:

HANOVER TOWNSHIP
BOARD OF SUPERVISORS

By: _____
Elizabeth D. Ritter
Township Secretary

By: _____
John N. Diacogiannis
Chairman, Board of

Supervisors