

ORDINANCE NO. 18 - 5

AN ORDINANCE OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF HANOVER, NORTHAMPTON COUNTY, PENNSYLVANIA, BY CREATING A NEW CHAPTER 82 FIREWORKS OF THE CODE OF ORDINANCES, AND REPEALING ALL ORDINANCES INCONSISTENT THEREWITH

NOW, THEREFORE, pursuant to the Authority contained in the Second Class Township Code, as amended, the board of Supervisors of Hanover Township, Northampton County, Pennsylvania, does hereby enact and ordain as follows:

SECTION 1. The Hanover Township Code of Ordinances is hereby amended to create a new Chapter 82 – Fireworks to read as follows:

“§82-1. Definitions

The following terms shall have the meanings ascribed unless a contrary meaning is expressly set forth in the text,

DISPLAY(S) OF FIREWORKS or FIREWORKS DISPLAY – The ignition, launching or detonation of Fireworks.

FIREWORKS – Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of Consumer Fireworks or Display Fireworks as set forth herein.

A. 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.

B. 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).

§82-2. Permit required.

It shall be unlawful for any person, persons, firms or corporations, amusement parks, fair associations or other organizations or groups of individuals to have to utilize Display Fireworks within the limits of the Township of Hanover, Northampton County, Pennsylvania ("Township") unless a permit therefor is first granted by the Board of Supervisors, as hereinafter provided.

§82-3. Requirements for Display Fireworks.

- A. Every such use of Display Fireworks within the limits of said Township shall be handled by a state-licensed operator, and which display shall be of such character and so located, discharged or fired as in the opinion of the Board of Supervisors, or its duly authorized representative, after proper inspection, shall not be hazardous to property or endanger any person or persons.
- B. No Display Fireworks shall be ignited within 300 feet of a Firework Sale Facility or Temporary Structure for Sale of Consumer Fireworks.

§82-4. Application Procedures; Fee.

- A. Application for permits for Display Fireworks shall be made in writing to the Township Manager at least 30 days in advance of the date of the Fireworks Display, unless said time period is reduced or waived by the Board of Supervisors in its sole discretion. The application shall set forth the proposed location of the Fireworks Display, the character thereof, name and address of the operator, and the name and address of the owner or

owners of the grounds on which the Fireworks Display is to be held, with the consent of such owner or owners thereto in writing attached.

- B. In addition to all other application requirements set forth herein, permit applications for Display Fireworks shall also include a copy of the operator's license issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives and a copy of the operator's annual registration with the Attorney General of the Commonwealth of Pennsylvania
- C. All Applicants shall pay the Township a sum as set from time to time by resolution of the Board of Supervisors before issuance of a permit and provide a certificate of liability insurance in an amount not less than \$5,000,000, naming the Township as an additional insured.
- D. If the application does not conform to the requirements of all pertinent statutes, ordinances and regulations, the Board of Supervisors shall reject the application and, in writing, state the reasons therefor. If the Board of Supervisors is satisfied that the proposed Display Fireworks conforms to the requirements of this Chapter, and all laws and regulations applicable thereto, the Board of Supervisors shall issue a permit listing any conditions attached by the Board of Supervisors.

§82-5. Display Fireworks Permit Issuance; Transferability.

- A. If and after such permit shall have been granted by the Board of Supervisors, or its designee, possession and use of Display Fireworks shall be lawful for that purpose only.
- B. No Display Fireworks permit granted hereunder shall be transferable.
- C. The Board of Supervisors may attach to the Display Fireworks permit any conditions deemed necessary and appropriate by the Board of Supervisors to address safety concerns.

§82-6. Notification for Fire Protection.

The permittee shall:

- A. Ensure that proper fire protection is or will be provided during the use of Display Fireworks; and
- B. Notify Hanover Township Volunteer Fire Co. No. 1 no less than 14 days prior to the date of the Fireworks Display.

§82-7. Bond required.

The Board of Supervisors shall require a bond, deemed adequate by it, given by the permittee in an amount deemed appropriate by the Board of Supervisors, but not in a sum less than \$250,000.00 for Display Fireworks, conditioned for the payment of all damages caused by any

person or persons and to any property by reason of the licensed display and arising from any acts of the licensee, his or its agents, employees or subcontractors, which bond shall be filed with the Township Manager before any permit for Display Fireworks is delivered.

§82-8. Denial, Suspension and Revocation of Permit; Appeal.

- A. After notice to the permittee and an opportunity to be heard (within five days of the date of the notice), the Board of Supervisors may revoke a Display Fireworks permit or approval issued under the provisions of this Chapter in the case of any false statement or misrepresentation of fact in the application, or failure of the applicant to comply with the provisions of this Chapter, or any other applicable statute or regulation.
- B. Appeals from any suspension, revocation or denial of a Display Fireworks permit may be made to the Northampton County Court of Common Pleas pursuant to the provisions of the Local Agency Law, 2 Pa. C.S.A. §751 et seq.
- C. In the event that a permit or application has been denied, suspended or revoked, no part of the application/permit fee shall be refunded.

§82-9. Permit Continuance.

If by reason of unfavorable weather the display for which a Display Fireworks permit has been granted does not take place at the time so authorized, the permittee may within seven (7) days apply to the Township Manager, setting forth under oath the fact that such display was not made, giving the reason therefor, and requesting a continuance of such Display Fireworks permit for a day designated therein, not later than one week after the day fixed originally in said permit. Upon receiving such application for a continuance, the Township Manger, if he believes the facts stated herein are true, shall extend the provisions of the Display Fireworks permit to the day fixed in said application, not later than one week after the original day designated in the Display Fireworks permit, and such extension of time shall be granted without the payment of any additional fee and without requiring any bond other than the one given for the original permit, the provisions of which shall extend to and cover all damages which may be caused by reason of said display taking place at such extended date in the same manner and to the same extent as if such display had taken place at the date originally fixed in the Display Fireworks permit.

§82-10. Disposal of Unfired Fireworks.

Unfired fireworks and trash remaining after the conclusion of the use of Display Fireworks for which the permit was issued shall be immediately disposed of by the permittee in an approved, safe manner.

§82-11. Consumer Fireworks; Conditions of Use

- A. A person who is at least 18 years of age and meets the requirements of this Article may purchase, possess and use Consumer Fireworks;

B. Consumer Fireworks cannot be ignited or discharged in the Township, except during the following dates and times:

- | | | |
|-----|---------------------------|----------------------|
| (1) | July 3 rd | 4:00 PM to 11:00 PM |
| (2) | July 4 th | 4:00 PM to 11:00 PM |
| (3) | July 5 th | 4:00 PM to 11:00 PM |
| (4) | December 31 st | 4:00 PM to 11:59 PM |
| (5) | January 1 st | 12:00 AM to 12:30 AM |
| (6) | January 1 st | 4:00 PM to 11:00 PM |

The use of Consumer Fireworks is strictly prohibited at all other times.

C. **Prohibition.** A person may not intentionally ignite or discharge:

- (1) Consumer Fireworks on public or private property without the express written permission of the owner;
- (2) Consumer Fireworks or sparkling devices within, or throw Consumer Fireworks or sparkling devices from a motor vehicle or building;
- (3) Consumer Fireworks or sparkling devices into or at a motor vehicle or building or at another person;
- (4) Consumer Fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug;
- (5) Consumer Fireworks within 150 feet of an occupied structure.

§82-12. Enforcement; Violations and Penalties.

- A. This Chapter shall be enforced by the Police Department with jurisdiction in the Township.
- B. Any person, co-partnership, association or corporation who violates this Chapter shall, upon conviction thereof, be sentenced to pay a fine not less than \$1,000.00 nor more than \$5,000.00, plus the costs of prosecution.

SECTION 2. SEVERABILITY

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION 3. REPEALER

All Ordinances and parts of Ordinances inconsistent herewith be and the same are hereby repealed.


SECTION 4. EFFECTIVE

This Ordinance shall become effective five (5) days from the date of its adoption.

ENACTED AND ORDAINED this 25th day of September, 2018.

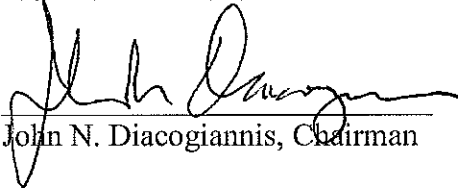
ATTEST:

By:


Elizabeth D. Ritter
Elizabeth D. Ritter, Secretary

BOARD OF SUPERVISORS
OF HANOVER TOWNSHIP,
NORTHAMPTON COUNTY

By:


John N. Diacogiannis, Chairman