# Chapter: Fireworks

## Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

### CONSUMER FIREWORKS

A. 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 16 CFR (Code of Federal Regulations) (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 is permitted throughout the Commonwealth of Pennsylvania.

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 allowed.

### 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. This term includes, but is not limited to, the following:

A. Salutes (fireworks designed to produce an explosive sound as its primary effect) 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).

## Sale of Fireworks.

Consumer fireworks may be sold only by entities and from facilities properly licensed by the Pennsylvania Department of Agriculture and operating in compliance with all applicable state laws and Pennsylvania Department of Agriculture regulations.

## Permits required.

A. A Township shall be required for the use of display fireworks. Issuance of such permit is subject to the following restrictions and conditions:

(1) Any use of display fireworks pursuant to a permit shall be in accordance with all applicable laws and regulations.

(2) Any use of display fireworks pursuant to a permit shall not occur between the hours of 11:00 p.m. and 11:00 a.m.

(3) The Township has the discretion to deny or suspend a permit if the Fire Marshal deems denial or suspension to be in the best interests of the Township or its residents, including, but not limited to, circumstances of adverse weather conditions, such as a drought or high winds.

(4) Applications for permits must be submitted at least 14 days in advance of the proposed use of display fireworks.

(5) Applications for permits must include written approval of the owner of the property from which the display fireworks shall be used.

B. The Township shall require payment of a permit fee at the time of application for such permit, in an amount as established from time to time by resolution of the of the Board of Supervisors.

## Bond required.

After paying the appropriate permit fee and obtaining a Township permit to use display fireworks, the permit holder shall post with the Township a bond for $1,000,000 intended to cover any personal injury and property damage caused by reason of the use of such display fireworks and arising from an act of the permit holder or an agent, employee, or subcontractor of the permit holder.

## Violations and penalties.

A. A person or entity using consumer fireworks in violation of the provisions of this chapter, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than $100. Each separate day that a violation occurs shall be deemed a separate violation.

B. A person or entity selling consumer fireworks in violation of the provisions of this chapter Commits a misdemeanor of the second degree.

C. A person or entity using display fireworks in violation of the provisions of this chapter, upon Conviction thereof in an action brought before a Magisterial District Judge in the manner Provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than $1,000 plus costs and, in default Of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each separate day that a violation occurs shall be deemed a separate violation.

D. These violations and remedies are not exclusive and are not intended to be cumulative to any Civil or available remedies.