

ORDINANCE NO. 123

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF HAYCOCK TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, PROVIDING FOR THE GRANTING OF PERMITS FOR THE USE OF DISPLAY AND CONSUMER FIREWORKS, PRESCRIBING SAFEGUARDS CONCERNING SAME, PROHIBITING THE USE OF DISPLAY FIREWORKS WITHOUT OBTAINING A PERMIT THEREFORE, AND PRESCRIBING PENALTIES FOR VIOLATIONS

WHEREAS, pursuant to Section 1506 of the Second Class Township Code, 53 P.S. §66506, the Board of Supervisors of Haycock Township, Bucks County, Pennsylvania may enact ordinances necessary for the maintenance of peace, good government, health and welfare of the township and its citizens; and

WHEREAS, the Board of Supervisors has determined that it is in the best interest of the Township to regulate the use of consumer and display fireworks.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Haycock Township, Bucks County, Pennsylvania as follows:

SECTION 1: Definitions

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

Aerial Firework. Any device that functions in the air, such as a shell, Roman candle, rocket or repeater.

Animal housing facility. A roofed structure or facility or a portion of the facility, used for occupation by livestock or poultry.

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 1.4 G fireworks or 1.3 G fireworks as defined in American Pyrotechnics Association ("APA") Standard 87-1.

Consumer Fireworks.

(1) The term includes 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 (relating to commercial practices) or any successor regulation and complies with the provisions for

“consumer fireworks” as defined in APA 87-1, the sale, possession and use of which shall be permitted throughout this Commonwealth.

(2) The term does not include devices such as “ground and hand-held sparkling devices,” “novelties” or “toy caps” in APA 87-1, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth. 3 Pa. Stat. and Cons. Stat. Ann. § 1101

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, salutes containing more than two grains (130 mg) of explosive materials, aerial shells containing more than 60 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "consumer fireworks" and are classified as fireworks under UN0333 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

Ground Item. Ground items are any item that is lit on the ground and does not shoot objects into the sky. This includes items such as fountains, sparklers, snaps, snakes, pops and smoke balls.

Novelties. A device containing small amounts of pyrotechnic and/or explosive composition but does not fall under the category of consumer fireworks. Such devices produce limited visible or audible effects. Examples are snakes, tanks, poppers, and snappers.

Structure. A building, including but not limited to, a home, garage, shed, or barn.

Section 2: Permit required for Display Fireworks.

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

Section 3: Requirements for Display Fireworks.

The use of Display Fireworks within the limits of the Township shall be conducted, handled and supervised by an operator who is registered with the Pennsylvania State Attorney General's Office, and said 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. The operator of Display Fireworks shall also obtain a permit and/or license from the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

Section 4: Application procedures for Display Fireworks; fee.

- A. Application for permits shall be made in writing to the Township at least 30 days in advance of the date of the Display Fireworks, unless said time period is reduced or waived by the Board of Supervisors in its sole discretion. The application shall set forth the proposed date, time, length of display and location of the Display Fireworks, 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 Display Fireworks is to be held, with the consent of such owner or owners thereto in writing attached.
- B. 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 \$1,000,000.00, naming the Township as an additional insured.
- C. If the application does not conform to the requirements of this Section, all pertinent statutes, ordinances and regulations, the Board of Supervisors shall deny the permit application and, in writing, state the reasons therefor. If the Board of Supervisors is satisfied that the proposed Display Fireworks conform 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.

Section 5: Permit issuance for Display Fireworks; transferability.

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

Section 6: Notification.

The permittee shall:

- A. Ensure that proper fire protection is or will be provided during the entire Display Fireworks presentation;
- B. Notify the Fire Company serving the Township no less than 14 days prior to the date of the Fireworks Display; and
- C. Provide written notice to all Property Owners within 1000' of the Property on which the Display Fireworks presentation will be held. Said notice shall provide the date, start time, length of display and location of the Fireworks Display. Said notice shall

be provided no less than 14 days prior to the date of the Fireworks Display.

Section 7: Bond required for Display Fireworks.

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 \$100,000.00 for Display Fireworks, conditioned for the payment of all damages caused to 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 before any permit for a supervised public display of fireworks is delivered.

Section 8: Denial, suspension and revocation of permit for Display Fireworks; 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 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 permit may be made to the Bucks 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.

Section 9: Permit continuance for Display Fireworks.

If by reason of unfavorable weather the display for which a permit has been granted does not take place at the time authorized, the permittee may within seven days apply to the Township, setting forth under oath the fact that such display was not made, giving the reason therefor, and requesting a continuance of such 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, if it believes the facts stated therein are true, shall extend the provisions of said permit to the day fixed in said application, not later than one week after the original day designated in the 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 permit. Permittee shall immediately provide written notice of the new date and time of a continued display. Notice shall be provided as required in Section 6 of this Ordinance to owners within 1,000 feet of the parcel where the display will occur.

Section 10: Disposal of unfired Fireworks.

Unfired display and consumer fireworks remaining after the conclusion of the fireworks display shall be immediately disposed of by the permittee after being fully submerged in a bucket of water, away from any structures, for a minimum of 24 hours. All trash shall be immediately disposed of in appropriate trash receptacles.

Section 11: Regulations concerning Consumer Fireworks.

- A. Conditions. Consumer Fireworks may only be possessed and used by persons who are at least 18 years of age and meet the requirements of this chapter.
- B. Aerial consumer fireworks may only be discharged on properties containing a minimum of two (2) acres.
- C. Prohibitions. A person shall not intentionally ignite or discharge:
 - (1) Consumer Fireworks on public or private property without the express permission of the owner.
 - (2) Consumer Fireworks or sparkling devices within a motor vehicle or building, or throw Consumer Fireworks from a motor vehicle or building.
 - (3) Consumer Fireworks or sparkling devices into or at a motor vehicle or building or 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 any structure, an animal housing facility or a fenced area designed to confine livestock.
 - (6) Consumer Fireworks such that the sparks or any portion of the fireworks will land upon the property of another without the owner's express permission.
 - (7) Consumer Fireworks cannot be ignited or discharged in the Township, except during the following holidays, dates and times unless a permit is obtained from the Township:
 - (a) July 2, 3, and 4: 12:00 p.m. to 1:00 a.m. the following day (If July 4 falls on a weekend, then fireworks are permitted on Saturday, Sunday and Monday)
 - (b) December 31: 12:00 p.m. to 1:00 a.m. the following day
 - (c) January 1: 12:00 p.m. to 10:00 p.m.
 - (d) when July 4 falls on a Tuesday, Wednesday or Thursday, consumer fireworks may be used until 1:00 a.m. on the immediately preceding and following Friday and Saturday.
 - (8) Consumer Fireworks and sparkling devices during any emergency prohibiting open fires imposed by the Township.
- D. No permission is granted by the Township to any person to ignite or discharge Consumer Fireworks on the streets of the Township, the sidewalks of the Township or any property owned by the Township, including without limitation, all of the Township's

parks and public buildings.

E. The Township may issue a permit for the use of Consumer Fireworks on days and times not specified in Section C.7 above. A request shall be made to the Township that includes the date and time of the use of the Consumer Fireworks, the location and approval of the property owner. The permit shall be valid for the date and time specified therein. No more than 3 permits may be issued in a calendar year to an applicant, property owner and/or property.

Section 12: Notification.

Except for the dates and times listed above in Section 11.C.(7), the permittee shall provide written notice to all Property Owners within 1,000' of the Property on which the consumer fireworks will be used. Said notice shall provide the date, start time, length of display and location of the consumer fireworks display. Said notice shall be provided no less than 14 days prior to the date of the fireworks display.

Section 13: Enforcement; violations and penalties.

- A. This chapter shall be enforced by the Pennsylvania State Police or the Township Zoning Officer, or other individual or agency designated by the Board of Supervisors.
- B. Any person, company, partnership, association or corporation who violates this Chapter shall, for a first offense, be issued a warning. Any subsequent violation of this Chapter shall be subject to the penalty set forth in section C below.
- C. Except as modified by Subsection B above, any person, company, partnership, association or corporation who violates this chapter shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000.00, plus the costs of prosecution.

Section 14: Repealer.

Any Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency. All Ordinances unaffected by this Ordinance are hereby declared to be in full force and effect.

Section 15: Severability.

The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of the Haycock Township Codified Ordinances.

Section 16: Effective date.

This Ordinance shall take effect five (5) days after adoption.

ENACTED AND ORDAINED this 6th day of MARCH, A.D., 2023.

ATTEST:



Christopher Bauer, Treasurer

BOARD OF SUPERVISORS
HAYCOCK TOWNSHIP



Michael Lennard, Chairman



Henry DePue, Vice Chairman



Kathleen Babb, Member