

HATFIELD BOROUGH

ORDINANCE NO. 551

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE
BOROUGH OF HATFIELD REGULATING THE USE OF
CONSUMER FIREWORKS AND DISPLAY FIREWORKS
WITHIN THE BOROUGH**

WHEREAS, Act 74 of 2022, House Bill 2157, P.N. 3332 was adopted by the General Assembly on July 6, 2022, was signed by the Governor on July 11, 2022, amends Title 3 Pa. C.S. Chapter 11 (hereafter, "Fireworks Law" or "Law"), and became effective on September 9, 2022; and

WHEREAS, the Fireworks Law governs the sale, purchase and use of Consumer Fireworks and Display Fireworks in the Commonwealth; and

WHEREAS, the Fireworks Law authorizes Pennsylvania municipalities to prohibit or restrict certain uses of Consumer Fireworks as defined in the Law if the municipality determines that certain conditions are met; and

WHEREAS, the Fireworks Law authorizes the adoption of local rules and regulations by the Borough that govern the use and display of fireworks; and

WHEREAS, the Fireworks Law prohibits the use of Consumer Fireworks, as defined in Section 1101 of the Law, within 150 feet of a building or vehicle; and

WHEREAS, the Fireworks Law prohibits the use of Consumer Fireworks, as defined in Section 1101 of the Law, within 150 feet of an animal housing facility or fenced area designed to confine livestock owned or managed by another person; and

WHEREAS, based upon legislative findings, Hatfield Borough Council has determined that there is no location within Hatfield Borough that meets statutory requirements providing for the permitted use of Consumer Fireworks, in accordance with Section 1104(b)(5) and 1106(a)(1.2) of the Law; and

WHEREAS, Hatfield Borough Council has determined that the authority provided by the Fireworks Law should be exercised in the interests of public safety; and

WHEREAS, Borough Council, concerned about fire and injury risks in the densely populated Borough, desires to regulate the use of Display Fireworks and Consumer Fireworks within its limits, to restrict the use of fireworks for public safety purposes by adding a new Part 4, "Fireworks" to Chapter 10, "Health and Safety," in the Borough of Hatfield's Codified Ordinances,

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED and enacted by the Borough Council of Hatfield Borough, Pennsylvania, adding a new Part 4, "Fireworks," to Chapter 10, "Health and Safety" of the Borough of Hatfield's Codified Ordinances, as follows:

SECTION 10-401: Definitions

The following definitions shall have their meaning as defined in Section 1101 of Title 3 Pa. C.S. Chapter 11, hereafter, ("Fireworks Law"):

"APA 87-1." The American Pyrotechnics Association Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition.

"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.

(2) The term does not include devices such as "ground and hand-held sparkling devices," "novelties" or "toy caps" in APA 87-1.

"Display fireworks." As defined in 27 CFR 555.11 (relating to meaning of terms).

"Ground and hand-held sparkling devices." As defined in APA 87-1.

"Novelties." As defined in APA 87-1.

"Toy Caps." As defined in APA 87-1.

SECTION 10-402. Display Fireworks Prohibited

In accordance with the PA Fireworks Law, fireworks and display fireworks may not be used on any lot within the Borough and are prohibited.

SECTION 10-403. Consumer Fireworks Prohibited

A. In accordance with the Fireworks Law, and based upon legislative findings that there is no location within the Borough that meets statutory requirements, including but not limited to, the prohibition of use within 150 feet of a building or vehicle, or animal housing facility or fenced area designed to confine livestock owned or managed by another person, the use of

Consumer Fireworks within the Borough in accordance with Section 1104(b)(5) of the Fireworks Law is prohibited.

B. Devices such as “ground and hand-held sparkling devices,” “novelties,” or “toy caps” are permitted in accordance with the Fireworks Law.

SECTION 10-404. Violations and Penalties

A. In accordance with the provisions of Section 1114(1) of the Fireworks Law, any person using Consumer Fireworks in violation of the provisions of this Ordinance, for the first offense commits a summary offense, and upon conviction shall, in addition or any other penalty authorized by law, be punishable by a fine of not more than Five Hundred (\$500.00) Dollars. A subsequent offense under this Ordinance committed within three years of a prior conviction shall constitute a summary offense, and upon conviction shall, in addition to any other penalty authorized by law, be punishable of a fine of not more than One Thousand (\$1,000.00) Dollars.

B. Any person selling Consumer Fireworks in violation of the Fireworks Law is punishable in accordance with Section 1114(2) by a fine of not less than \$10,000.

C. Any person selling Display Fireworks in violation of the Fireworks Law is punishable in accordance with Section 1114(3) by a fine of not less than \$10,000.

SECTION 5.

All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 6.

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, clauses or parts of this Ordinance; it being the intent of the Borough that the remainder of the Ordinance be and shall remain in full force and effect.

SECTION 7.

This Ordinance shall take effect in accordance with the Laws of the Commonwealth of Pennsylvania.

ADOPTED BY COUNCIL on this 14th day of June, 2023, with Council members Ferguson, Girard, Fagan, Kroesser, Stevens voting “yes,” and Council members

Ø voting “no.”

ATTEST:

BOROUGH OF HATFIELD



Handwritten signature of Jaime Snyder in blue ink, consisting of stylized initials and a surname.

JAIME SNYDER, SECRETARY



Handwritten signature of Jason Ferguson in blue ink, featuring a stylized first name and a surname.

JASON FERGUSON, PRESIDENT
BOROUGH COUNCIL

APPROVED this 14th day of JUNE, 2023.



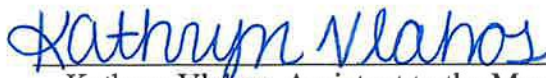
Handwritten signature of Mary Anne Girard in black ink, written in a cursive style.

Mayor Mary Anne Girard

CERTIFICATION

I, Kathryn Vlahos, Assistant to the Manager for the Borough of Hatfield, do hereby certify that the foregoing Ordinance No. 551 was adopted by majority vote of Hatfield Borough Council at Workshop/Regular session of Council held on June 14, 2023, said session being duly advertised at which a quorum was present. Further, the said Ordinance was approved by the Mayor of the Borough of Hatfield and recorded in the Ordinance Book on the same date.

Dated: June 16, 2023


Kathryn Vlahos, Assistant to the Manager
Borough of Hatfield