

**TOWNSHIP OF RIDLEY
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE No. 2039

AN ORDINANCE OF TOWNSHIP OF RIDLEY, DELAWARE COUNTY, PENNSYLVANIA, AMENDING THE GENERAL CODE OF THE TOWNSHIP OF RIDLEY, CHAPTER 135 ARTICLE VI, CONSUMER FIREWORKS BY REPEALING AND REPLACING THE CURRENT ARTICLE VI IN ITS ENTIRETY AND REPLACING SAME WITH THE PROVISIONS OF THE WITHIN ORDINANCE, TO BE KNOWN AS CHAPTER 135 ARTICLE VI 'FIREWORKS', TO REGULATE THE USE OF FIREWORKS WITHIN THE TOWNSHIP, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

WHEREAS, after consideration, review and public comment, the Commissioners of the Township of Ridley have determined that it is in the best interest of the public health, safety and welfare to update and amend the Township Code by repealing the existing Chapter 135 Article VI Consumer Fireworks and replacing it in its entirety with the new Chapter 135 Article VI Fireworks; and

WHEREFORE, the Board of Commissioners of the Township of Ridley does hereby **ORDAIN** as follows:

SECTION ONE

That the existing Article VI Consumer Fireworks of Chapter 135 of the Code of the Township of Ridley, and all amendments and supplements thereto, is hereby repealed and that new Chapter 135 Article VI of the Code of the Township of Ridley labeled Fireworks, shall be and is hereby adopted and shall read as follows:

§ 135-18. Definitions.

As used in this Chapter, the words and phrases herein defined shall have the following meanings unless the context otherwise requires;

CONSUMER FIREWORKS

Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public, complies with the construction, performance, composition

and labeling requirements promulgated by the Consumer Products Safety Commission in title 16 of the Code of Federal Regulations (relating to commercial practices) or any successor regulation which complies with the provisions for consumer fireworks as defined in American Pyrotechnics Association Standard 87-1 or any successor standard. The term Fireworks does not include devices listed as “ground and hand-held sparkling devices,” “novelties” or “toy caps” in American Pyrotechnics Association Standard 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times in 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:

A. Salutes that contain more than two grains or 130 milligrams of explosive materials;

B. Aerial shells containing more than 40 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, UN 0334 or UN0335, under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

§ 135-19 Permits for use or possession of Display Fireworks.

A. Display fireworks may be possessed and used by a person holding a permit from the Township of Ridley at the display covered by the permit when used as authorized by permit for any of the following:

(1) For agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage.

(2) By railroads or other transportation agencies for signal purposes or illumination.

(3) In quarrying or for blasting or other industrial use.

(4) In the sale or use of blank cartridges for a show or theater.

(5) For signal or ceremonial purposes in athletics or sports.

(6) By military organizations or organizations composed of veterans of the Armed Forces of the United States.

B. The use of display fireworks shall be handled by a competent operator and shall be located, discharged or fired as, in the opinion of the Township Fire Marshall or such other person as designated by the Township Manager, after proper inspection, so as to not be hazardous to property or endanger any person.

C. It shall be unlawful, and it is hereby forbidden and prohibited for any person or persons under the age of 21 to possess or use display fireworks.

D. The Township Fire Marshall may suspend any permit issued under this Ordinance due to drought, dry conditions, high winds, or any other factor reasonably related to the public safety. That said Township Fire Marshall may, at his discretion, dispatch fire department members and/or equipment and fire police, to the scene of any permitted fireworks display. When any such deployment occurs, the permittee shall assist the fire company in defraying the cost of such services.

E. Applications for permits shall be made in writing on a form provided by the Township, at least thirty (30) days in advance of the date of the display. After such privilege shall have been granted, possession and use of fireworks for such display shall be lawful for that purpose only.

F. The application shall be accompanied by two hundred (\$200.00) dollars for application permit fee, which may be amended from time to time by adoption of a resolution of the Township Board of Commissioners.

G. Within three (3) days after a permit is issued by the Township, the applicant/permittee shall file an Affidavit with the Township Manager indicating the permittee has mailed and/or hand delivered a written notice of the time and place of the fireworks display to each owner or property located within one half (1/2) mile of any boundary of the property in which the fireworks display is to be performed.

H. No permit granted hereunder shall be transferrable.

I. All fireworks displays shall be finished by 11:00 p.m.

J. No display fireworks shall be ignited within 300 feet of a fireworks sales location.

§135-20 Evidence of a Bond.

Prior to the issuance of any permit under § 135-19, the permittee/applicant shall deliver to the Township of Ridley a bond which shall be in the amount of Two Hundred and Fifty Thousand (\$250,000.00) dollars to One Million (\$1,000,000,000.00) dollars, as determined by the Township Board of Commissioners, conditioned for payment of all damages. In addition, upon the payment of all damages which may be caused either to a person or persons, or to property by reason of a licensed display and arising from an act of the permittee/applicant or an agent, an employee or subcontractor of the permittee/applicant. In addition, the bond shall be executed by a bonding company or surety company authorized to do business in the Commonwealth of Pennsylvania.

§135-21 Sale of Display Fireworks prohibited.

The sale of display fireworks is prohibited within Ridley Township.

§ 135-22 Use or possession of Consumer Fireworks.

A. It shall be unlawful, and it is hereby forbidden and prohibited, for any person or persons under the age of 18 to possess or use consumer fireworks.

B. Consumer fireworks or sparkling devices may not be intentionally ignited, discharged or thrown on public or private property without the express permission of the owner.

C. Consumer fireworks or sparkling devices may not be intentionally ignited, discharged or thrown from or within or toward or into a motor vehicle or building.

D. Consumer fireworks or sparkling devices may not be intentionally ignited, discharged or thrown while the person is under the influence of alcohol, a controlled substance or another drug.

E. Consumer fireworks or sparkling devices may not be intentionally ignited, discharged or thrown within 150 feet of an occupied structure.

F. Consumer fireworks may not be used, ignited, discharged after 10:00 p.m.

G. The use of Consumer Fireworks shall be in strict compliance with the provisions of Chapter 190 Noise and Nuisances of the Code of the Township of Ridley.

§ 135-23 Facility and sale of Consumer Fireworks regulations.

Consumer fireworks shall be sold only from facilities which are licensed by the Pennsylvania Department of Agriculture and that meet the following criteria:

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 building/permanent structure of non-combustible construction and shall comply with all International Building Code requirements for non-combustible construction. No sales shall be permitted from temporary/pop-up structures which include but are not limited to retail sales stands, tents, canopies or motor vehicles.

C. The facility shall be located in the Industrial District in the Township of Ridley.

D. Storage areas shall be separated from wholesale or retail sales areas to which a purchaser may be admitted by appropriately rated fire separation.

E. The facility shall be located no closer than 300 feet from a facility selling or dispensing gasoline, propane or other flammable products.

F. The facility shall be located at least 1,500 feet from another facility licensed to sell consumer fireworks.

G. The facility shall have a monitored burglar and fire alarm system.

H. Quarterly fire drills and preplanning meetings shall be conducted as required by the Township Manager or such person designated by the Township Manager.

I. The facility is required to develop and maintain a written emergency plan that shall be approved annually by the Township Fire Official/Fire Marshall.

J. The facility shall provide material, safety data sheets to the Township Fire Marshall annually.

K. Sale records shall be developed and maintained for a period of three years.

L. The facility shall carry at least two million (\$2,000,000,000.00) dollars in public and product liability insurance and shall name the Township as an additional insured on its public and product liability insurance policy.

M. A minimum of two hour fire separation shall exist between the storage area and the internal occupancy areas and protected by a fully operational sprinkler system in accordance with the specifications and regulations of NFPA 13 in the facility.

N. Facilities shall not exceed one story in height and shall be without basements and no other temporary structures, tents or trailers shall be used for storage of materials.

O. A Knox box or other secured storage containers will be provided on site for MSDS, keys, contact information and other important data.

P. A licensee/owner/tenant of a licensed facility shall provide its employees with documented training in the area of operational safety of a facility. The licensee/owner/tenant shall provide the Department of Agriculture written documentation that each employee has received such training.

Q. Emergency evacuation plan shall be conspicuously posted in an appropriate location within the facility.

R. No person who appears to be under the influence of intoxicating liquor or drugs shall be admitted to the facility, and no liquor, beer or wine should be permitted in the facility.

S. No smoking shall be permitted in the facility.

T. No cigarettes or tobacco products, matches, lighters or any other flame-producing device shall be permitted to be taken into the facility.

U. No minor shall be permitted in the facility unless accompanied by an adult and each minor shall stay with the adult in the facility.

V. There shall be security personnel on the premises for the seven days preceding and including July 4 and for the three days preceding and including January 2nd.

W. No Display Fireworks shall be stored, sold or located at a facility in the Township of Ridley.

X. No Consumer Fireworks shall be ignited within 300 feet of a facility.

Y. Storage of Consumer Fireworks shall not be located or maintained in trailers or temporary structures.

§ 135-24 Confiscation.

Any Township Police Officer, Code Enforcement Officer, Fire Code Official, Township Fire Marshall, shall seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this Ordinance.

§ 135-25 Violations and Penalties.

A. Any person, firm or corporation using Consumer Fireworks in violation of any provisions of this Article/Ordinance shall, upon summary conviction, pay a fine not exceeding \$1,000.00 and costs of prosecution, and in default of one payment of the fine and costs, the violator may be sentenced to the county jail for a term of not more than 30 days. Each and every day in which any person, firm or corporation shall be in violation of this Article/Ordinance shall constitute a separate offense.

B. Any person, corporation, association selling Consumer Fireworks in violation of the provisions of this Ordinance or the Pennsylvania Fireworks Law, Act 43 of 2017 (72 P.S. §9401 et seq.), commits a misdemeanor of the second degree.

C. Any person, corporation, association selling Display Fireworks in violation of the provisions of this Ordinance or the Pennsylvania Fireworks Law, Act 43 of 2017 (72 P.S. §9401 et seq.), commits a felony of the third degree.

D. Any person, association or corporation selling federally illegal explosives such as devices as described in 49 CFR 173.54 (relating to forbidden explosives) or those devices that have not been tested, approved and labeled by the Federal Department of Transportation, including, but not limited to, those devices, commonly referred to as “M-80”, “M-100”, “blockbuster”, “cherry bomb”, or “quarter or half stick” explosive devices, in violation of the provisions of this Ordinance or the Pennsylvania Fireworks Law, Act 43 of 2017 (72 P.S. §9401 et seq.), commits a felony of the third degree.

SECTION TWO REPEALER

All Ordinances or Resolutions or parts of Ordinances or Resolutions, so far as they are inconsistent herewith, are hereby repealed.

SECTION THREE SEVERABILITY

If any section, part or clause of this Ordinance is declared void by a court of competent jurisdiction, the remainder of this Ordinance shall remain valid and in full force and effect.

SECTION FOUR

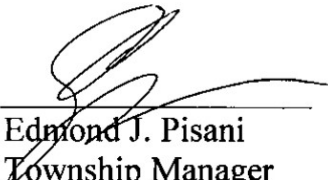
EFFECTIVE DATE

This Ordinance is effective immediately.

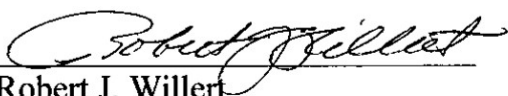
ADOPTED and **ORDAINED** by the Board of Commissioners of the Township of Ridley this 22nd day of August, 2018.

TOWNSHIP OF RIDLEY
BOARD OF COMMISSIONERS

Attest:


Edmond J. Pisani
Township Manager

By:


Robert J. Willert
President