

BOROUGH OF BROOKHAVEN, DELAWARE COUNTY, PENNSYLVANIA

Ordinance No. 806

AN ORDINANCE OF THE BOROUGH OF BROOKHAVEN, DELAWARE COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING REGULATIONS PERTAINING TO CONSUMER FIREWORKS IN THE BOROUGH, ESTABLISHING RULES AND SETTING TIME LIMITATIONS, ESTABLISHING REGULATIONS REGARDING PENALTIES FOR VIOLATIONS, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith TO THE EXTENT OF SUCH INCONSISTENCY ONLY.

WHEREAS, Borough Council is empowered under the Borough Code to enact, revise, repeal, and amend ordinances and resolutions as it deems beneficial to the Borough; and

WHEREAS, the Borough Council of Brookhaven Borough deems it in the best interest of the health, safety, and welfare of the Borough and its residents to regulate fireworks within the Borough;

BE IT ENACTED and it is hereby enacted and ordained by the Council of Brookhaven Borough, Delaware County, Pennsylvania, as follows:

1. CHAPTER 670 – CONSUMER FIREWORKS

§ 670.01	Definitions
§ 670.02	Use or possession of Consumer Fireworks
§ 670.03	Confiscation
§ 670.04	Violations and Penalties

§ 670.01 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 Consumer 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 is permitted within the Borough.

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:

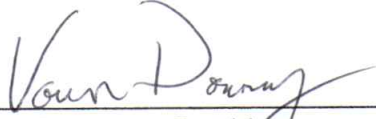
- (1) salutes that contain more than two grains or 130 milligrams of explosive materials;
- (2) aerial shells containing more than 60 grams of pyrotechnic compositions; and
- (3) other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).


§ 670.02 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 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, within, toward, or into a motor vehicle or building.
- (D) Consumer Fireworks or sparkling devices may not be intentionally ignited, discharged, or thrown by any person who 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, or discharged after 10:00p.m.
- (G) The use of Consumer Fireworks shall be in strict compliance with the provisions of Chapter 652 (Noise Control) of the Codified Ordinances of the Borough of Brookhaven.


4. Severability. The provisions of this Ordinance and Code sections adopted hereby are severable, and if any clause, sentence, or section thereof shall be adjudged invalid or unconstitutional, such decision or judgment shall not affect the validity of the remaining provisions.

DULY ENACTED THIS 3rd DAY OF December,
2018, BY THE COUNCIL OF THE BOROUGH OF BROOKHAVEN.

By: 
Vawn Donaway, President
Brookhaven Borough Council

Attest: 
Mary Ellen McKinley, Borough Secretary

EXAMINED AND APPROVED THIS 3rd DAY OF
December, 2018.

By: 
Michael Hess, Mayor