

BOROUGH OF QUARRYVILLE

Lancaster County, Pennsylvania

ORDINANCE NO. 453

AN ORDINANCE TO AMEND THE QUARRYVILLE BOROUGH CODE OF ORDINANCES BY INSERTING A NEW CHAPTER 207, FIREWORKS, TO PROVIDE COMPREHENSIVE REGULATIONS IN ACCORDANCE WITH ACT 74 OF 2022.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Quarryville, Lancaster County, Pennsylvania, as follows:

Section 1. The Quarryville Borough Code of Ordinances, Chapter 207, Fireworks, is hereby amended by deleting existing Sections 207-1 through 207-5 in their entirety and inserting a new Chapter 207, Fireworks, which shall provide as follows:

Chapter 207 Fireworks

§207-1. Short Title.

This Chapter shall be known and may be cited as the Quarryville Borough Fireworks Ordinance.

§207-2. Legislative Intent.

Act 74 of 2022 amended Title 3 of the Pennsylvania Consolidated Statutes (the "Fireworks Law") and became effective on September 9, 2022. The Fireworks Law governs the sale, purchase and use of consumer fireworks and display fireworks in the Commonwealth, and the Fireworks Law authorizes the Borough to prohibit or restrict certain uses of consumer fireworks as defined in the Fireworks Law if the Borough determines that certain conditions are met. The Fireworks Law also authorizes the adoption of local rules and regulations by the Borough that govern permit approvals.

Borough Council has determined that the full authority provided by the Fireworks Law should be exercised in the interests of public safety.

§207-3. Definitions.

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. All terms

defined in the Fireworks Law and not defined below shall be interpreted in accordance with the definitions in the Fireworks Law.

BOROUGH – Quarryville Borough, Lancaster County, Pennsylvania.

BOROUGH COUNCIL – The governing body of the Borough.

FIRE COMPANY -- The Quarryville Fire Company Number One or any successor entity providing first due fire response within the Borough.

FIREWORKS LAW – Chapter 11, Fireworks, of Title 3, Agriculture, of the Pennsylvania Consolidated Statutes, 3 Pa. C.S. §1101 et seq.

POLICE DEPARTMENT – The Quarryville Borough Police Department or any successor agency providing police protective services within the Borough.

§207-4. Display Fireworks.

- A. In accordance with the Fireworks Law, a permit is required before any use of display fireworks within the Borough. Permit application forms are available through the Office of the Borough Secretary during normal business hours. The application must include facts sufficient to establish that the display fireworks will not be ignited within 300 feet of sales locations for consumer fireworks and that the display fireworks will be handled by a competent operator at least 21 years of age who demonstrates evidence of fireworks handling and safety training, all in accordance with Sections 1102 and 1107 of the Fireworks Law. The application shall include the approval of the Chief of the Fire Company and determination by the Chief of the Fire Company that the display fireworks will not be located, discharged or fired in such a manner as to be hazardous to property or an endangerment to any person. The application shall be accompanied by a certificate of insurance in accordance with Subsection 1102(d) of the Fireworks Law. The applicant shall acknowledge acceptance of the requirements otherwise established by state and federal law. Permit extensions shall be permitted in accordance with Subsection 1102(e) of the Fireworks Law, provided the extension sought receives a renewed approval by the Chief of the Fire Company that the extended use would not be hazardous to property or an endangerment to any person.
- B. In accordance with Section 1105(a) of the Fireworks Law, Borough Council may under this Chapter grant permits for the use of display fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage. The application for such a permit must meet the requirements of this Section. A permit under Section 1105 shall remain in effect for the calendar year in which it was issued. Sales, possession and use of display fireworks for the purpose stated in the permit shall be lawful for that purpose only.
- C. Applications for use of display fireworks shall be submitted at least four weeks prior to the date of proposed use. No application is complete without payment of the fee established by resolution by Borough Council. Permits for the use of display fireworks may be granted by the Borough Council, by the Borough Secretary, or by such official or officials as are so

designated by Borough Council, upon approval of the application.

§207-5. Consumer Fireworks.

- A. Consumer Fireworks shall not be used between the hours of 10:00 p.m. and 10:00 a.m. except:
 - (1) On July 2, 3, and 4 and December 31, when consumer fireworks may be used until 1:00 a.m. on the following day.
 - (2) 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.
- B. No person may intentionally use Consumer Fireworks at any location prohibited by Section 1104(b) of the Fireworks Law.
- C. No person may use Consumer Fireworks on any land owned or leased by the Borough including, but not limited to, streets, parking lots, sidewalks, and parks.

§207-6. 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 chapter, 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 chapter 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 or using display fireworks in violation of the Fireworks Law or this chapter is punishable in accordance with Section 1114(3) by a fine of not less than \$10,000.
- C. Officers of the Police Department are authorized to enforce this chapter and the Fireworks Law. Officers of the Police Department shall not be required to issue any warning before enforcing this chapter and the Fireworks Law.
- D. In addition to the fines set forth above, any person convicted under this chapter shall be subject to the payment of all costs, including the reasonable attorneys' fees of the Borough.

Section 2. All other sections, parts and provisions of the Quarryville Borough Code of Ordinances shall remain in full force and effect as previously enacted and amended.

Section 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 4. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this 2nd day of January, 2024, by Borough Council of the Borough of Quarryville, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF QUARRYVILLE
Lancaster County, Pennsylvania

Attest: Scott Peiffer
(Assistant) Secretary

By: [Signature]
(Vice) President
Borough Council



Examined and approved as an Ordinance this 4th day of January, 2024.

By: [Signature]
Mayor