

ORDINANCE NO. 2022 - 327

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
WRIGHTSTOWN TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 6 OF THE CODIFIED
ORDINANCES OF WRIGHTSTOWN TOWNSHIP REGULATING
CONDUCT**

WHEREAS, the Board of Supervisors of Wrightstown Township, Bucks County, Pennsylvania has enacted Ordinances regulating certain conduct within the Township; 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 Wrightstown Township, Bucks County, Pennsylvania as follows:

ARTICLE I.

Chapter 6 of the Wrightstown Township Codified Ordinances is amended by inserting a new Part 3 as follows:

Part 3 Fireworks

§6-301 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.

Burn Ban. A complete prohibition on open fires within the Township declared by the Township Fire Marshal.

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. Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible 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 16 Code of Federal Regulations ("CFR") (relating to commercial practices) or any successor regulation and which complies with the provisions for "consumer fireworks" as defined in the APA Standard 87-1, or any successor standard. The term does not include devices such as "ground and hand-held sparkling devices," "novelties" and "toy caps" in APA Standard 87-1 or any successor standard.

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.

§6-302 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.

§6-303 Requirements for Display Fireworks.

The use of Display Fireworks within the limits of the Township shall be conducted, handled and supervised by a state-licensed operator, 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.

§6-304 Application procedures for Display Fireworks; fee.

- A. Application for permits shall be made in writing to the Township Manager 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 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 Section 6-303 above, 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.

§6-305 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.

§6-306 Notification for fire protection.

The permittee shall:

- A. Ensure that proper fire protection is or will be provided during the entire Display Fireworks presentation; and
- B. Notify the Fire Company serving the Township and the Newtown Township Police Department no less than 14 days prior to the date of the Fireworks Display.

§6-307 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 Manager before any permit for a supervised public display of fireworks is delivered.

§6-308 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.

§6-309 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 Manager, 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 Manager, if he 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.

§6-310 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.

§6-311 Regulations concerning Consumer Fireworks.

- A. Conditions. A person who is at least 18 years of age and meets the requirements of this chapter may use Consumer Fireworks.
- 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. In addition, 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) Memorial Day Weekend (Saturday, Sunday and Monday): 12:00 p.m. to 10:00 p.m.
 - (b) July 4: 12:00 p.m. to 10:00 p.m. (If July 4 falls on a weekend, then fireworks are permitted on Saturday, Sunday and Monday)
 - (c) Labor Day Weekend (Saturday, Sunday and Monday): 12:00 p.m. to 10:00 p.m.
 - (d) December 31: 12:00 p.m. to 10:00 p.m.
 - (e) January 1: 12:00 p.m. to 10:00 p.m.
 - (f) Lunar New Year: 12:00 p.m. to 10:00 p.m.
 - (g) Diwali: 12:00 p.m. to 10:00 p.m.
- (8) Consumer Fireworks and sparkling devices during any Burn Ban or other emergency prohibiting open fires imposed by the Township Fire Marshal. It shall be the responsibility of each person to determine whether a "burn ban" is in effect prior to igniting or discharging the Consumer Fireworks.

C. 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.

D. The Township may issue a permit for the use of Consumer Fireworks on days and times not specified in Section B.7 above. A request shall be made to the Township Fire Marshal 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.

§6-312 Enforcement; violations and penalties.

- A. This chapter shall be enforced by the Newtown Township Police Department 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.

ARTICLE II.

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.

ARTICLE III.

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 Wrightstown Township Codified Ordinances.

ARTICLE IV.

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

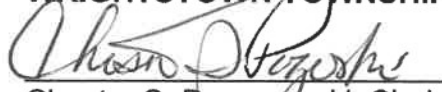
ENACTED AND ORDAINED this *19th* day of *December*, A.D., 2022.

ATTEST:



Stacey Mulholland, Manager

**BOARD OF SUPERVISORS
WRIGHTSTOWN TOWNSHIP**



Chester S. Pogonowski, Chairman



Jane B. Magne, Vice Chairman

Robert Lloyd, Treasurer/Member