

TOWNSHIP OF HALIFAX
DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE NO. ~~2021~~-²¹⁻⁰¹⁻²⁰²¹
(Fireworks Ordinance)

**AN ORDINANCE OF HALIFAX TOWNSHIP REGULATING THE
PUBLIC USE OF CONSUMER FIREWORKS AND DISPLAY FIREWORKS,
PROVIDING FOR THE GRANTING OF PERMITS FOR DISPLAYS OF FIREWORKS,
PRESCRIBING
SAFEGUARDS CONCERNING SAME, PROHIBITING THE USE OF CONSUMER
FIREWORKS AND DISPLAY FIREWORKS AND THE POSSESSION, SALE, USE AND
DISTRIBUTION
THEREOF WITHOUT OBTAINING A PERMIT THEREFOR AND PRESCRIBING
PENALTIES FOR VIOLATIONS IN HALIFAX TOWNSHIP, DAUPHIN COUNTY,
PENNSYLVANIA**

WHEREAS, the Board of Supervisors of Halifax Township, Dauphin County, Pennsylvania, deem it to be in the best interests and general welfare of the citizens and the residents of this Township to regulate the display of fireworks within the Township;

AND WHEREAS, Title 35 of the Pennsylvania Consolidated Statutes, Chapter 13A (35 Pa. C.S. §1271-1278) is known as Pennsylvania's Fireworks Law and permits Pennsylvania Municipalities to regulate fireworks within their jurisdictions.

SECTION 1 - DEFINITIONS

- A. The term "consumer fireworks" shall mean and include:
1. 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 that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR or (relating to commercial practices) any successor regulation and which complies with the provisions for "consumer fireworks" as defined in the American Pyrotechnics Association (APA) Standard 87-1, or any successor standard the sale possession and use or which shall be permitted throughout this Commonwealth.
 2. The term does not include devices as "ground and hand-held sparkling devices," "novelties" and "toy caps" in APA Standard 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.
- B. The term "display fireworks" shall be defined as Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or

audible effects of 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).

C. "FIREWORKS LAW" shall be defined as Pennsylvania Act 43 of 2017.

D. "MUNICIPALITY" shall mean a city, borough, incorporated town or township.

E. "NFPA 1124" shall mean the National Fire Protection Association Standard 1124 Code for the Manufacture, Transportation and Storage of Fireworks and Pyrotechnic Articles, 2006 Edition.

F "OCCUPIED STRUCTURE" shall mean a structure, vehicle or place adapted for overnight accommodation of persons for conducting business whether or not a person is actually present.

G. TOWNSHIP shall mean The Township of Halifax, Dauphin County, Pennsylvania.

SECTION 2 - PERMITS

- A. Permissible purposes. Display Fireworks may be possessed and used by a person holding a permit from the Township at the display covered by the permit or when authorized by a 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 of veterans of the Armed Forces of the United States.
- B. Age limitation. A Display Fireworks permit may not be issued to a person under 21 years of age.
- C. Application for permit. Discharge of display fireworks shall be by permit. Applications for

permits shall be made in writing at least 30 days in advance of the date of the display setting forth the proposed location of the display, 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 is to be held, with the consent of such owner or owners in writing attached.. After such privilege has been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. The Township may from time to time adopt an official application and fees by resolution. The initial application fee shall be \$75 per permit before the issuance of the Permit and provide proof of the required bond and insurance as required below.

- D. Bond. The Board of Supervisors of the Township hereby requires a bond deemed adequate by the Township by a permittee in a sum not less than \$50,000 conditioned for the payment of all damages which may be caused to a person or property by reason of the display and arising from an act of the permittee or an agent, an employee or a subcontractor of the permittee. The bond shall be filed with the Township Secretary before any permit is delivered.

SECTION 3 – REQUEST FOR EXTENSION

- A. Authorization. If, because of unfavorable weather, the display for which a permit has been granted does not occur at the time authorized by the permit, the person to whom the permit was issued may within 24 hours apply for a request for extension to the Township.
- B. Contents of request. The request for extension shall state under oath that the display was not made, provide the reason that the display was not made and request a continuance of the permit for a date designated within the request, which shall not be later than one week after the date originally designated in the permit.

- C. Determination. Upon receiving the request for extension, the Township, if it believes the facts stated within the request are true, shall extend the provisions of the permit to the date designated within the request, which shall not be later than one week after the date originally designated in the permit.
- D. Conditions. The extension of time shall be granted without the payment of an additional fee and without requiring a bond other than the bond given for the original permit, the provisions of which shall extend to and cover all damages which may be caused by reason of the display occurring at the date originally designated in the permit.

SECTION 4 – LIMITATION OF PERMITS

If and after a permit has been granted by the Township Board of Supervisors or designee, possession, sale, use and distribution of consumer fireworks and display fireworks for such display shall be lawful for that purpose only. No permit granted shall be transferable.

SECTION 5- USE OF CONSUMER FIREWORKS

- A. Conditions. A person who is at least 18 years of age and meets the requirements of this section may purchase, possess and use consumer fireworks.
- B. Prohibitions. A person may not intentionally ignite or discharge:
 - (1) Consumer fireworks on any property of the Township, including, but not limited to streets, sidewalks, public parks or public buildings.
 - (2) Consumer fireworks on private property without the express, written permission of the owner.
 - (3) Consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.
 - (4) Consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person.
 - (5) Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.
 - (6) Consumer fireworks within 150 feet of an occupied structure.
 - (7) Consumer fireworks on a date that is not within a 4 calendar days of the listed federal holidays after 10:00 p.m. prevailing time or before 7:00 a.m. prevailing time unless otherwise permitted by the Township, except on New Year's Eve, which shall be until 12:00 midnight, New Year's Day until 12:30 a.m. and July 4 until 11:00 p.m. (Memorial Day, Independence Day, Labor Day, New Year's Day)
 - (8) Consumer fireworks on a property of less than one acre in area.

SECTION 6 – INSURANCE/LIABILITY

The Board of Supervisors of the Township shall require the permittee or licensee name the Township as an additional insured on a Certificate of Insurance for general liability from an insurance company regulated by the Pennsylvania Department of Insurance or any other insurance company, as deemed appropriate by the Board of Supervisors in their sole discretion, in the amount of no less than Five Million Dollars (\$5,000,000.00) for the payment of 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, or licensee's agents, employees or subcontractors.

SECTION 7 – CONTINUANCE OF FIREWORKS DISPLAY DUE TO INCLEMENT WEATHER

If by reason of unfavorable weather the display for which a permit has been granted does not take place at the time authorized, the person to whom such permit was issued may apply to the Township Board of Supervisors within twenty-four (24) hours, setting forth under oath the fact that such display was not made, the reason, and request for a continuance of such permit for a specifically designated day, no later than one week after the day fixed originally in said permit. Upon receiving such application for a continuance the Township Board of Supervisors, if they believe the facts stated therein are true, shall extend the provisions of the permit to the day fixed in the application, no later than one week after the original day designated in the permit. 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 the original bond 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.

SECTION 8 – PENALTIES FOR VIOLATION

- A. The provisions of this Ordinance shall be enforced by any Township Official, a designated township agent and/or by the Pennsylvania State Police.
- B. Any person, co-partnership, association or corporation violating the provisions of this ordinance as a first offense act shall be guilty of a summary offense, and upon conviction thereof, shall be punished by a fine not exceeding One Hundred (\$100.00) Dollars plus costs including, but not limited to any costs or legal fees incurred by the Township in connection with the prosecution thereof.
- C. Any person, co-partnership, association or corporation violating the provisions of this ordinance as a subsequent offense act shall be guilty of a Misdemeanor of the Second Degree, and upon conviction thereof, shall be punished by a fine not exceeding Three Hundred (\$300.00) Dollars plus costs including, but not limited to any costs or legal fees incurred by the Township in connection with the prosecution

thereof and in the case of individuals, the members of a partnership or corporation, by imprisonment not exceeding ninety (90) days or by both such fine and imprisonment.

- D. A violation of this Ordinance may also be enforced under the Halifax Township Nuisance Law, Ordinance 2013-8.

SECTION 9 - SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Halifax Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

SECTION 10 - REPEALER

All ordinances or parts of ordinances inconsistent with this Fireworks Ordinance are hereby repealed insofar as they may be inconsistent herewith.

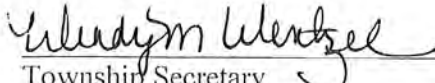
SECTION 11 - EFFECTIVE DATE

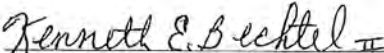
This ordinance shall be effective immediately.


DULY ENACTED AND ORDAINED this 11th day of January 2021, by the Board of Township Supervisors of Halifax Township in public session duly assembled.

ATTEST:


HALIFAX TOWNSHIP
BOARD OF SUPERVISORS,
DAUPHIN COUNTY, PENNSYLVANIA

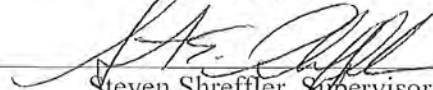

Township Secretary

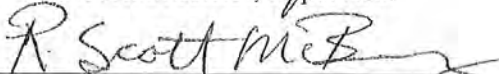
By: 
Kenneth E. Bechtel, II, Chairman


Brad Bruner, Supervisor

(Township Seal)


Randy Paul, Supervisor


Steven Shreffler, Supervisor


R. Scott McBurney, Supervisor