### ARTICLE V. FIREWORKS

Sec. 18-117. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*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 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.

(2) 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, the sale, possession, and use of which shall be permitted at all times throughout this state.

*Display fireworks* shall mean and include:

(1) Large fireworks are 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 sixty (60) 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, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

(Ord. No. 2016-3, § 1, 4-7-2016; Ord. No. 2019-2, § 1, 9-5-2019)

Sec. 18-118. Fireworks prohibited.

It shall be unlawful for any persons, firms or corporations, amusement parks, fair associations or other organizations or groups of individuals, to have or hold public displays of consumer fireworks and display fireworks within the limits of the Township, unless a permit is first granted by the board of supervisors of said Township.

(Ord. No. 2016-3, § 2, 4-7-2016)

Sec. 18-119. Permit required.

Before a fireworks permit may be issued, the applicant must apply to the building code official for a fireworks display permit required by the Uniform Construction Code (UCC). If the building code official advises in writing that no UCC is required, the application shall be processed in accordance with this article. If a permit is required, the applicant must present the valid UCC permit before a fireworks permit may be issued under this article. Obtaining a valid UCC permit waives the site inspection requirements in section 18-120.

(Ord. No. 2016-3, § 3, 4-7-2016)

Sec. 18-120. Operation and safety requirements.

Every such display, within the limits of the Township, shall be handled by a competent operator, and the display shall be of such character and so located, discharged, or fired, after proper inspection and shall not be hazardous to property or endanger any person.

(Ord. No. 2016-3, § 4, 4-7-2016)

Sec. 18-121. Application, fee; proof of insurance.

Application for permits shall be in writing to the Township secretary at least 45 days in advance of the date of 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 owners of the grounds on which the display is to be held, with the consent of such owners in writing attached. All applicants shall pay the Township treasurer the sum of $20.00 before issuance of a permit and provide proof of the required insurance.

(Ord. No. 2016-3, § 5, 4-7-2016; Ord. No. 2023-1, § 1, 3-2-2023)

Sec. 18-122. Fireworks for agricultural purposes.

The board of supervisors, under reasonable rules and regulations may grant permits for the use of suitable fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage. Such permits shall be good for the calendar year issued. After such permit has been granted, sales, possession, and use of fireworks of the type and for the purpose mentioned in the permit shall be lawful for that purpose only.

(Ord. No. 2016-3, § 6, 4-7-2016)

Sec. 18-123. Limitations of permit.

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.

(Ord. No. 2016-3, § 7, 4-7-2016)

Sec. 18-124. Insurance.

The board of supervisors shall require a permittee to carry insurance in an amount not less than $1,000,000.00 conditioned for the payment of all damages which may be caused to a person or property by reason of the use of display fireworks and arising from an act of the permittee or an agent, an employee or a subcontractor of the permittee. Proof of insurance shall be filed with the Township secretary before any permit for a supervised public display is delivered.

(Ord. No. 2016-3, § 8, 4-7-2016; Ord. No. 2023-1, § 1, 3-2-2023)

Editor's note(s)—Ord. No. 2023-1, § 1, adopted March 2, 2023, changed the title of § 18-124 from "bond" to "insurance."

Sec. 18-125. Continuance of permit.

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 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 an 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.

(Ord. No. 2016-3, § 9, 4-7-2016)

Sec. 18-126. Violation and penalty.

Any person, co-partnership, association, or corporation violating the provisions of this article shall be guilty of a summary offense and, upon conviction thereof, shall be punished by a fine not less than $100.00 and not more than $200.00.

(Ord. No. 2016-3, § 10, 4-7-2016)

Sec. 18-127. Consumer fireworks.

(a) 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) A person under 18 years of age may intentionally ignite or discharge consumer fireworks only when under the direct supervision of a parent, guardian, or responsible adult acting in loco parentis.

(c) Prohibitions. A person may not intentionally ignite or discharge:

(1) Consumer fireworks on public or private property without the express permission of the property owner.

(2) Consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.

(3) Consumer fireworks or sparkling devices into or at a motor vehicle, 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 a building or vehicle.

(6) No person may use consumer fireworks within 150 feet of an animal housing facility, or a fenced area designated to confine livestock owned and managed by another person. If a person uses consumer fireworks at a distance of between 150 to 300 feet from an animal housing facility or a fenced area designated to confine livestock owned and managed by another person, the user of consumer fireworks shall notify in writing the owner or manager of the livestock at least 72 hours in advance of the use that consumer fireworks will be used in the area.

(7) Consumer fireworks between the hours of 10:00 p.m. and 10:00 a.m. except for specific days whereupon use is prohibited between the hours of 1:00 a.m. and 10:00 a.m. Those days are:

a. July 2, 3 and 4 and December 31 of each year.

b. When July 4 falls on a Tuesday, Wednesday or Thursday, consumer fireworks are authorized for use until 1:00 a.m. and on the immediately preceding and following Fridays and Saturdays.

c. Memorial Day and Labor Day, including the immediately preceding Saturday and Sunday.

(8) Consumer fireworks from any property for more than one hour, measured on a cumulative basis, in any given 24-hour period.

(Ord. No. 2019-2, § 2, 9-5-2019; Ord. No. 2023-1, §§ 2, 3, 3-2-2023)