

**NORTH FRANKLIN TOWNSHIP  
WASHINGTON COUNTY, PENNSYLVANIA  
ORDINANCE: 1 of 2023**

**AN ORDINANCE BY THE BOARD OF SUPERVISORS OF  
NORTH FRANKLIN TOWNSHIP AMENDING THE  
TOWNSHIP CODE OF ORDINANCES, SPECIFICALLY  
CHAPTER 197 REGARDING THE USE OF FIREWORKS, BY  
REPEALING SAID CHAPTER IN ITS ENTIRETY AND  
REPLACING IT WITH THE REGULATIONS SET FORTH  
HEREINAFTER.**

**WHEREAS**, the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the “MPC”), authorizes the Township (the “Township”) to create ordinances for the regulation, administration and enforcement of Township zoning ordinances, codes, etc.; and,

**WHEREAS**, pursuant to its authority under the MPC, the Board of Supervisors of the Township (the “Township Supervisors”) have adopted a Township Code, including the establishment of regulations related to the use of fireworks; and,

**WHEREAS**, PA Act 74 of 2022 codified and amended a municipalities ability to regulate the use of fireworks, specifically related to dates and times of permitted use; and

**WHEREAS**, the Township Supervisors believe there is a need to amend the Township Code; and

**NOW THEREFORE**, the Board of Supervisors hereby ordains and enacts as follows, incorporating the above recitals by reference:

**SECTION 1. SHORT TITLE.**

This Ordinance shall be known as the North Franklin Township “2023 Comprehensive Fireworks Amendment Ordinance”

**SECTION 2. AUTHORITY; INTENT; PURPOSE.**

This chapter is adopted pursuant to the authority granted under Pennsylvania's fireworks regulations and laws as adopted and codified by the Pennsylvania legislature at 72 P.S. § 9401 *et seq.*, and pursuant to the authority to regulate fireworks as set forth in the Second-Class Township Code. This chapter is adopted with the intent to comply with such state fireworks laws, properly regulate firework and pyrotechnic use within the Township, and to protect the health, safety, and welfare of Township citizens through limiting and regulating the use of fireworks. It shall be unlawful for any person, persons, firms, corporations, or other entities to possess, sell, or use fireworks, pyrotechnics and flame effects in violation of this chapter.

## **SECTION 2. DEFINITIONS.**

### **CONSUMER FIREWORKS**

- A. The term includes any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, 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 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for "consumer fireworks" as defined in APA 87-1, the sale, possession and use of which shall be permitted throughout this Commonwealth.
- B. The term does not include devices such as "ground and hand-held sparkling devices," "novelties" or "toy caps" in APA 87-1, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

### **CONTRACTOR/OPERATOR**

A professional pyrotechnician possessing a current, valid registration with the Pennsylvania Attorney General.

### **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).

### **DISCHARGE SITE**

The area immediately surrounding the fireworks mortars used for the outdoor display of Display Fireworks.

### **DISPLAY SITE**

The immediate surrounding area where a display of Display Fireworks is conducted, including the Discharge Site, the fallout area, and the required separation distances from mortars to spectator viewing areas.

### **NOVELTY FIREWORKS**

Any items defined as "ground and hand-held sparkling devices," "novelties" and "toy caps" in American Pyrotechnics Association (APA) Standard 87-1. See also 72 P.S. § 9401 et seq.

### **SECTION 3. REFERENCED STANDARDS.**

- A. **NFPA 160.** Standard for Use of Flame Effects Before an Audience, 2011 Edition
- B. **NFPA 1123.** The National Fire Protection Association Standard 1123· 14, Code for Fireworks Display, 2014 Edition.
- C. **NFPA 1124.** The National Fire Protection Association Standard 1124·06, Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition.
- D. **NFPA 1126.** Standard for Use of Pyrotechnics Before a Proximate Audience, 2011 Edition
- E. **2015 International Fire Code, Chapter 56.** Explosives and Fireworks.

All references herein shall be to the most current edition as amended from time to time without any further specific reference.

### **SECTION 4. PERMIT APPLICATIONS.**

- A. Permit applications shall be submitted to the Township, in writing, at least 15 days prior to the requested date of display/discharge.
- B. Permit applications shall include the name, date, location, time and type of fireworks to be displayed, along with any additional information required by the Township as set forth in a Fireworks Application prepared by and amended from time to time by the Township.
- C. Permit fees to be set by resolution by the Township's Board of Supervisors.
- D. No permit shall be transferable.
- E. Permits shall not be subject to a weather continuance unless specifically stated upon the permit issued.
- F. Unless waived/amended upon the decision of the Board, proof of insurance in the amount of \$1,000,000.00 shall be provided as part of the permit application.
- G. **BOND.** The Code Official may require the applicant to obtain a bond in the amount of not less than Fifty Thousand Dollars (\$50,000.00) for payment of damages caused to any person 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. The bond shall be filed with the Township before any permit for a display is delivered.

## SECTION 5. USE REGULATIONS.

- A. It shall be unlawful for any person, agents, organizations, firms or corporations to have or hold any displays/discharges of consumer and/or display fireworks within the limits of the Township of North Franklin without a permit.
- B. Any fireworks (other than display fireworks) and similar-type noisemaking devices used solely for agriculture purposes in the Township shall be required to have a permit for said activity. Said permit shall be good for one year from the date of issue.
- C. No permit shall be required for the discharge of novelty fireworks.
- D. Consumer fireworks are not allowed to be possessed or discharged within the Township without a permit.
- E. Permits for consumer and/or display fireworks may be granted in the Township on a case by case basis, at the sole of the Township and shall not be permitted between the hours of 10:00pm and 10:00am, unless specifically provided for in writing by the Township as part of the permit approval. This time period restrictions shall not apply on the following dates:
  - 1. Memorial Day, including the immediately preceding Saturday and Sunday;
  - 2. Labor Day, including the immediately preceding Saturday and Sunday;
  - 3. July 2, 3, 4 (If July 4 falls on a Tuesday, Wednesday, or Thursday they may be used until 1 a.m. on the immediately preceding and following Friday and Saturday.
  - 4. December 31 when they may be used until 1 a.m.
- F. No person may use consumer fireworks within 150 feet of an animal housing facility, or a fenced area designed to confine livestock owned or managed by another person. If a person uses consumer fireworks at a distance of 150 to 300 feet from an animal housing facility or fenced area designed to confine livestock owned or 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.
- G. A person who is at least 18 years of age and meets the requirements of this chapter and all applicable laws and regulations may purchase, possess, and use Consumer Fireworks. A person or entity using Consumer Fireworks pursuant to this chapter also shall comply with all applicable federal and state laws.
- H. Additional Use Prohibitions. A person may not intentionally ignite or discharge Consumer Fireworks in the following manners and/or locations:
  - 1. On public or private property without the express written permission of the owner;
  - 2. Inside a motor vehicle or occupied structure;
  - 3. From a motor vehicle or occupied structure;

4. Into or at a motor vehicle or occupied structure or at another person;
5. While under the influence of alcohol a controlled substance or another drug;
6. Within 100 feet of an occupied structure;
7. Within 100 feet of a structure housing animals;
8. Upon any Township roadway, park, public space, or any other Township-owned property, unless specifically authorized in writing in advance by the Township;
9. Within 150 feet of any flammable gases or liquids, including, but not limited to, tanks of gasoline, oil, propane, and/or oxygen;
10. Within 150 feet of any explosive materials, including, but not limited to, gunpowder, ammunition, and/or other fireworks, excluding the consumer firework to be ignited or discharged and the source of the ignition/discharge;
11. Within 150 feet of any above ground electrical lines or utility poles; and/or
12. In a manner such that the sparks or any portion of the fireworks may land upon the property of another person without that property owner's express written permission.

#### **SECTION 6. REVOCATION.**

The Township and/or its designee reserves the sole discretion to revoke a permit if it deems it in the best interest of the Township, its residents and/or the public at large.

#### **SECTION 7. VIOLATIONS.**

Penalty for Violations: Any person, partnership, corporation, or association violating the provisions of this Ordinance or failing to comply with any order issued pursuant to any section thereof shall, shall be guilty of a civil offense, and upon conviction thereof, shall be liable for a fine not less than One Hundred Dollars (\$100.00) or not more than One Thousand Dollars (\$1,000.00). Each day that a violation continues shall be deemed to be a separate offense.

#### **SECTION 8. REPEALER.**

Any Township Ordinances or provisions of the Township Code which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

#### **SECTION 9. SEVERABILITY.**

If any sentence, clause, section or other part 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, sections or parts of this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

#### **SECTION 10. EFFECTIVE DATE.**

This ordinance shall become effective five (5) days after adoption.

**SIGNATURE PAGE TO FOLLOW -**

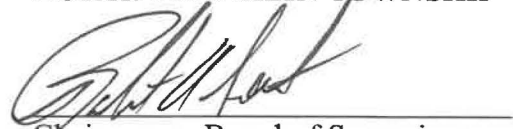
ENACTED AND ORDAINED this 14 day of February, 2023.

ATTEST:

BOARD OF SUPERVISORS  
NORTH FRANKLIN TOWNSHIP

  
Secretary

(SEAL)

  
Chairperson, Board of Supervisors

  
Supervisor

  
Supervisor

Approved by the Township Solicitor:

By:   
Gary L. Sweat, Esq.