

Chapter 147. Parks and Recreation Areas

§ 147-23. Fireworks.

No person on public park land shall use, fire, discharge, or have in his or her possession any rocket, firecracker or other fireworks or any substance of any explosive nature unless the Department issues a permit for such possession and use.

Chapter 78. Fireworks

[HISTORY: Adopted by the Board of Supervisors of the Township of Pocopson 8-26-2002 by Ord. No. 2-2002. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation areas — See Ch. 147.

§ 78-1. Compliance required.

The display of fireworks in Pocopson Township shall comply with the provisions of this chapter.

§ 78-2. Definitions.

The following words and terms shall, for the purpose of this chapter and as stated elsewhere in this Code, have the meanings shown herein:

COMPETENT OPERATOR

Includes any person who:

- A. Is currently registered with the Attorney General of the Commonwealth of Pennsylvania; and
- B. Has overall responsibility for the safety, set up and discharge of an outdoor fireworks display.

DISPLAY

The discharge of fireworks for the benefit or entertainment of persons other than the sponsor, including the existence of a secure zone in Pocopson Township relative to the display of fireworks beyond the geographic boundaries of Pocopson Township.

FIREWORKS

A combustible or explosive composition, and any substances and combination of substances and articles used in a display.

PERSON

Any natural person, corporation, partnership, joint venture, sole proprietorship, firm, association and any other entity of whatever type.^[1]

REASONABLE ATTORNEYS' FEES

All those attorneys' fees incurred by the Township in bringing an action to enforce this chapter and collect fines and penalties in connection therewith and shall be at that hourly rate annually approved by the Board for the Township Solicitor.^[2]

SPONSOR

The business that arranges with a duly authorized fireworks supplier for its services in presenting a fireworks display, and the owner of the property on which the display will take place if those two persons are different entities.

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

[2] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 78-3. Regulation of displays.

- A. General. All displays of fireworks shall be in accordance with NFPA 1123 and 1124, 1995 Editions.
- B. Display. Displays shall be handled by a competent operator, and the fireworks shall be arranged, located, discharged and fired in a manner that will not be a hazard to property, endanger any person or travel onto neighboring properties. Any sponsor of a fireworks display shall provide at least two weeks' notice of the fireworks display to the Board of Supervisors of Pocopson Township, and to Township residents in the immediate vicinity of the planned display, by use of means reasonably anticipated to notify same. In addition, the sponsor shall give notice of the fireworks display on the day of the event by posting signs along public roads adjacent to the property on which the display will be launched. The sponsor shall be responsible for, and shall be available to, clean up, retrieve or otherwise secure any trash, spent shells, or other residual materials resulting from the display of the fireworks, whether said materials are located on the sponsor's property or property of adjoining residents in Pocopson Township. For purposes of fire protection on and off the sponsor's property, the sponsor shall have a fire truck standing by on site during all fireworks displays.
- C. Security and indemnification for display. The sponsor shall furnish to the Township, annually, but in no event less than 30 days prior to a display, a certificate of insurance to cover potential damage caused either to persons or property on or off the sponsor's property due to the display, which shall be in the amount of at least \$3,000,000, issued by a Best's A-rated or better insurance company and listing the Township as an additional insured. Additionally, no later than the time during which the above described certificate of insurance is furnished by the sponsor to the Township, the sponsor shall execute an indemnification form prepared by the Township Solicitor in which the sponsor agrees to indemnify the Township from any damages, judgments, claims, causes of action, demands, suits and the like brought against or sought from the Township by any person alleging injury to their person or property from the sponsor's display.

§ 78-4. Violations and penalties.

Except as set forth above, a person shall not display, or arrange for the display of any fireworks. Any person who violates or permits the violation of any provision of this chapter shall, upon being found liable thereof in a criminal enforcement proceeding, pay a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees, and may be incarcerated for a period not exceeding 90 days for each and every violation. Such fine, costs, attorneys' fees, and incarceration, after being reduced to a final, unappealed judgment, shall be enforced by the Township pursuant to the applicable Rules of Criminal Procedure. Each twenty-four-hour period during which failure to comply continues shall constitute a separate violation. The Township Code Enforcement Officer shall initiate criminal enforcement proceedings in order to achieve compliance with this chapter.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

Chapter 42. Fireworks

[HISTORY: Adopted by the Board of Supervisors of the Township of West Goshen 6-13-1936 amended in its entirety 4-15-2009 by Ord. No. 04-2009. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Firearms — See Ch. **40**.

Fireworks in parks — See Ch. **57**.

§ 42-1. Definitions.

Unless otherwise provided in this chapter, the following words and terms shall for the purpose of this chapter have the meanings set forth below.

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 1.4G or 1.3G fireworks as set forth herein.

FIREWORKS, 1.3G

(Formerly Class B, Special Fireworks.) Large fireworks devices, which are explosive materials, intended for use in fireworks displays and designed to produce audible or visible effects by combustion, deflagration, or detonation. Such 1.3G fireworks include, but are not limited to, firecrackers containing more than 130 milligrams (2 grains) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as 1.4G fireworks.

FIREWORKS, 1.4G

(Formerly known as Class C, Common Fireworks.) Small fireworks devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion.

§ 42-2. Manufacture or sale of certain fireworks prohibited.

The manufacture, sale, exposure for sale and the exposure for any purpose whatsoever, within the Township of West Goshen, of any fireworks, firecrackers, torpedoes, roman candles, skyrockets, and all other articles of the nature or character of fireworks or for pyrotechnic display are hereby prohibited; provided, however, that the term "fireworks" used herein shall not include sparklers, toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five-hundredths grains or less of explosive compound are used or any device meeting the definition of and classified by the Township's Fire Code as a 1.4G firework.

§ 42-3. Violation and enforcement provision.

Any person who violates or permits the violation of any provision of this chapter shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of

Criminal Procedure, be guilty of a summary offense and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section or provision of this chapter that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this chapter shall be paid to the Township Treasurer.

Chapter 84. Zoning

Article XIV. Supplemental Regulations

§ 84-57.27. Sale of consumer fireworks.

[Added 11-26-2018 by Ord. No. 8-2018]

- A. Purpose. The purpose of this section is to allow for the sale of consumer fireworks, as defined in § 84-8, as a use permitted by conditional use in the MPD District, subject to the regulations in this section.
- B. Standards for the sale of consumer fireworks. Sales of consumer fireworks from either a permanent facility or temporary structure are subject to compliance with the general provisions regarding conditional uses contained in §§ 84-74 and 84-75 of this chapter as well as all the following specific regulations with respect to such use:
- (1) The facility from which the fireworks are sold, whether permanent or temporary, shall comply with the MPD District's dimensional, area, and parking regulations, including, but not limited to, setbacks and buffers.
 - (2) Such use shall not be located within 1,500 feet of any premises selling alcoholic liquors, alcohol, malt or brewed beverages for consumption on or off premises.
 - (3) Such use shall not be located within 1,500 feet of any local or state park, school or child day-care facility, recreational establishment, house of worship, dwelling, hospital, group home or nursing home.
 - (4) Any structure containing quantities of consumer fireworks, as defined herein, exceeding 50 pounds shall be no closer than 150 feet to any building, state highway, railway, local street or alley, waterway, or utility right-of-way, including, but not limited to, a natural gas line.
 - (5) Such use shall not be located within 1,500 feet of any premises selling firearms.
 - (6) All land development plans for construction, use or renovation of an existing building for the purposes of selling fireworks shall be reviewed by the Code Enforcement Officer for compliance with all required fire safety codes, including, but not limited to, the International Fire Code, and his comments and/or report shall be copied to the officer municipality-designated fire company officer.
 - (7) Sale of fireworks shall be subject to compliance with all of the provisions of Pennsylvania Act 43 of 2017^[1] pertaining to the sale thereof. Hours of operation shall be confined to 9:00 a.m. to 7:00 p.m. Security and site management shall be provided 24 hours per day.
[1] Editor's Note: See 72 P.S. § 9401 et seq.
 - (8) All sales of consumer fireworks shall be conducted only within a facility approved by the Pennsylvania Department of Agriculture pursuant to the Pennsylvania Fireworks Law, 72 P.S. § 9407, as amended.

- (9) All sales of consumer fireworks, as defined herein, shall be conducted only from a facility exclusively dedicated to the storage and sale of fireworks.
- (10) If the facility in which the sale of consumer fireworks is conducted is a temporary structure, it shall comply with the following regulations, in addition to the other regulations set forth in Subsection **B(1)** to **(9)**:
- (a) The temporary structure is located no closer than 250 feet from a facility storing, selling or dispensing gasoline, propane or other flammable products.
 - (b) An evacuation plan is posted in a conspicuous location for a temporary structure in accordance with NFPA 1124.
 - (c) The outdoor storage unit, if any, is separated from the wholesale or retail sales area to which a purchaser may be admitted by appropriately rated fire separation.
 - (d) The temporary structure complies with NFPA 1124.
 - (e) The temporary structure is located one of the following distances from a permanent facility licensed to sell consumer fireworks under the Act of May 15, 1939 (P.L. 134, No. 65), referred to as the "Fireworks Law,^[2]" at the time of the effective date of this article: prior to January 1, 2023, at least five miles; or beginning January 1, 2023, at least two miles.
[2] Editor's Note: See 72 P.S. § 9401 et seq.
 - (f) The temporary structure does not exceed 2,500 square feet.
 - (g) The temporary structure is secured at all times during which consumer fireworks are displayed within the structure.
 - (h) The temporary structure has a minimum of \$2,000,000 in public and product liability insurance.
 - (i) The sales period is limited to June 15 through July 8 and December 21 through January 2 of each year.
 - (j) Consumer fireworks not on display for retail sale are stored in an outdoor storage unit.
 - (k) Limitations. The sale of consumer fireworks from the temporary structure is limited to the following: helicopter, aerial spinner (APA 87-1, 3.1.2.3); Roman candle (APA 87-1, 3.1.2.4); and mine and shell devices not exceeding 500 grams.
 - (l) Storage of consumer fireworks shall be permitted only as an accessory use to the sale of consumer fireworks on premises.