

ORDINANCE NO. _____

**EAST LAMPETER TOWNSHIP,
LANCASTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE GOVERNING DISPLAY FIREWORKS IN
THE TOWNSHIP OF EAST LAMPETER.**

WHEREAS, on February 2, 1976, the Board of Supervisors of East Lampeter Township adopted a Resolution establishing Rules and Regulations pertaining to the use of fireworks in the Township; and

WHEREAS, Act No. 74 of 2022, adopted by the General Assembly amending Title 3 PA. C.S. Chapter 11 known as the “Fireworks Law,” became effective on September 9, 2022; and

WHEREAS, the Board of Supervisors wishes to repeal the Resolution adopted on February 2, 1976 and adopt an Ordinance which governs display fireworks in the Township in accordance with the Fireworks Law.

NOW THEREFORE, be and it is hereby ordained and enacted as follows:

Section 1. The Resolution adopted on February 2, 1976 is hereby repealed.

Section 2. Definitions.

“Display fireworks” - large fireworks 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 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as “consumer fireworks.” Display fireworks are classified as fireworks UN0333, UN0334 or UN0335 by the U.S. Department of Transportation at 49 CFR 172.101. This term also includes fused setpieces containing components which together exceed 50 mg of salute powder.

Section 3. Use of display fireworks.

(a) Prohibition. – In accordance with the Fireworks Law, no display fireworks shall be ignited within 300 feet of a sales location for consumer fireworks as defined by Section 1107 of the Fireworks Law.

(b) Permit required for display fireworks. – No person, partnership, association or corporation shall use or explode any display fireworks on public or private property within the Township of East Lampeter without first obtaining a permit from the Township bearing the signature of the Township Manager, Zoning Officer or Chief of Police subject to the following rules and regulations:

(1) Any person desiring a permit for display fireworks shall first complete an application and submit it to the Township for approval at least thirty (30) days prior to the anticipated date of display.

(2) The application shall be on a form prepared by the Township, and the applicant shall accurately describe therein the age, training, and qualifications of the operator of the display; diagram the area to be utilized in conducting the display with particular reference to proximity to nearby buildings, adjoining properties and areas where viewers will be located; and shall specify in detail what precautionary steps will be taken to eliminate the risk of damage or injury to person and property.

(3) Any request for extension of the date of display shall be submitted to the Township within twenty-four (24) hours following the originally scheduled date of the display. The application shall be submitted under oath and shall set forth that the display was postponed, the reason therefor, and requesting a delay to a

date designated in the application which shall not be later than seven (7) days following the originally scheduled date of display.

- (4) Simultaneously with the submission of the original application, applicant shall submit evidence of insurance in an amount not less than \$1,000,000 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 applicant or an agent, an employee or a subcontractor of the applicant.
- (5) In approving an application for display fireworks, the Township may attach such conditions to the permit as it may deem appropriate to provide maximum security to person and property thus safeguarding the health, safety and general welfare of the community.
- (6) In accordance with Section 1105(a) of the Fireworks Law, the Township may under this Ordinance grant permits for the use of display fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage. The application for such a permit must meet the requirements of this ordinance. A permit under Section 1105 shall remain in effect for the calendar year in which issued.
- (7) All permitted display fireworks shall be subject to the date and hour limitations set forth in the Township's Noise Ordinance.
- (8) The applicant shall submit at the time of filing of an application a filing fee in the amount of One Hundred and 00/100 (\$100.00) Dollars which shall then become the sole and exclusive property of the Township, regardless of whether or not said application for a permit is acted upon favorably.

Section 4. Penalties. In accordance with the provisions of Section 1114(3) of the Fireworks Law, any person selling or using display fireworks in violation of the Fireworks Law and this ordinance is punishable in accordance with Section 1114(3) by a fine of not less than \$10,000.00.

Section 5. In the event any provision, section, sentence, clause or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any other remaining provisions, sections, sentences, clauses or parts of this ordinance; it being the intent of the Township that the remainder of the ordinance shall remain in full force and effect.

Section 6. This ordinance shall become effective within five days of adoption.

DULY ORDAINED and ENACTED this _____ day of _____, 2022, by the Board of Supervisors of East Lampeter Township.

ATTEST:

BOARD OF SUPERVISORS OF
EAST LAMPETER TOWNSHIP

(Assistant) Secretary

By: _____
(Vice) Chairman

[SEAL]

I, Ralph M. Hutchison, Secretary of the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Lampeter Township held on _____, 2022, at which meeting a quorum was present and voted in favor thereof.

Ralph M. Hutchison, Secretary