

HANOVER TOWNSHIP  
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. 599

BILL NO. 2018-05

AN ORDINANCE AMENDING CHAPTER 7, PART 4 OF  
THE STATUTORY CODE OF HANOVER TOWNSHIP  
TO CONFORM ITS PROVISIONS WITH THE STATE FIREWORKS  
LAW, TO LIMIT HOURS OF USE BETWEEN 6:00 P.M. AND 11:00 P.M.,  
TO LIMIT USE ON TOWNSHIP PROPERTY AND TO DEFINE  
PROFESSIONAL PYROTECHNICIAN

HANOVER TOWNSHIP HEREBY ORDAINS that Chapter 7, Part 4 of the Statutory Code of Hanover Township is amended by adding the text shown in italics and deleting the text shown as stricken, as follows:

**§ 401. Scope of Part.**

The possession, use and display of consumer fireworks and display fireworks within Hanover Township, Lehigh County, shall comply with the provisions of this Part.

§ 402. Definitions.

*The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:*

"APA 87-1." The American Pyrotechnics Association Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition, or any subsequent edition.

"Consumer fireworks."

*(1) 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 or any successor standard.*

*(2) The term does not include sparkling devices.*

**"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).

**"NFPA 1124."** The National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation and Storage of Fireworks and Pyrotechnic Articles, 2006 edition, or any subsequent edition.

**"Occupied Structure"** A structure, vehicle or place adapted for overnight accommodation of persons or for conducting business whether or not a person is actually present.

**"Outdoor storage unit."** A consumer fireworks building, trailer, semitrailer, metal shipping container or magazine meeting the specifications of NFPA 1124.

**"Owner".** Any person who alone, jointly or severally with others, shall have legal title to any structure or premises with or without accompanying actual possession thereof and shall include the duly authorized agent or attorney, purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises in question.

**"Person".** Includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" appears in any Section of this Part prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Section.

**"Professional Pyrotechnician."** A person who has participated in at least five display fireworks events and holds (1) a competency certification from a national organization providing training and or testing for display fireworks operation or (2) a license from any state to operate display fireworks.

**"Sparkling devices"** Devices such as "ground and hand-held sparkling devices," "novelties" or "toy caps" in APA 87-1 or any successor standard.

**"Temporary structure."** A structure, other than a permanent facility with fixed utility connections, which is in use or in place for a period of 20 consecutive calendar days or less and is dedicated to the storage and sale of consumer fireworks and related items. The term includes temporary retail sales stands, tents, canopies and membrane structures meeting the

specifications of NFPA 1124. The tem1 shall not include a facility that is not licensed to sell consumer fireworks under this article.

“Township.” Hanover Township, Lehigh County, Pennsylvania.

**§ 4032. Permits Required.**

A permit issued by the Township shall be required for the possession, use and/or display of display fireworks within Hanover Township, Lehigh County.

**§ 4043. Permit Issuance.**

(1) Application for permits shall be made in writing at least fifteen (15) days in advance of the date of use or display of display fireworks and shall include:

(a) the date and hours of the display;

(b) the location of the display;

(c) the name and address of the operator of the display;

(d) the name of the owner or lessor of the location of the display;

(e) the name of the on-site professional pyrotechnician who will produce the display and evidence of his/her qualifications.

and shall be signed by the display operator and owner of the display location.

(2) The permit shall be issued for a specific date, location, and operator and shall be signed by the Township Manager. The permit shall not be effective until signed by the Chief of the Han-Le-Co Volunteer Fire Company or the Chief's designee pursuant to §§ 411(2)(a)(ii) below.

(3) The possession, use and/or display of fireworks shall be lawful only under the terms and conditions approved with the permit and for only that purpose. ~~(2) A permit granted hereunder shall not be transferable, nor shall any permit be extended beyond the dates set out therein.~~

(4) No person under the age of 18 shall be issued a permit. The Township shall notify the Han-Le-Co Fire Company No. 1 whenever a permit is issued.

(5) There shall be a fee charged for each permit granted by the Township under this Part. Such fee shall be established by Township Council by resolution.

(6) A Display Fireworks Permit shall not be issued to a person under 21 years of age.

§ 405. Permissible purposes. Display fireworks may be possessed and used by a person holding a display fireworks permit from the Township at the display covered by the permit or when used as authorized by a Display Fireworks 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 composed of veterans of the armed forces of the United States.

§ 406. Bond. The Township Council shall require a bond from the permittee in an amount deemed adequate by the Township Council but in any case 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.

§ 407. Request for Extension.

(1) 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.

(2) 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 be not later than one week after the date originally designated in the permit.

(3) Determination. Upon receiving the request for extension, the Township Manager, if the Manager believes that the facts stated within the request are true, shall extend the provisions of the permit to the date designated within the request, which shall be not later than one week after the date originally designated in the permit.

(4) 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 extended date and in the same manner and to the same extent as if the display had occurred at the date originally designated in the permit.

§ 408. Use of consumer fireworks.

(1) Conditions.

(a) A person who is at least 18 years of age and meets the requirements of this Part may purchase, possess, and use consumer fireworks.

(b) Consumer fireworks shall be ignited or discharged only between the hours of 6:00 p.m. and 11:00 p.m.

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

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

(b) Consumer fireworks or sparkling devices within, or throw consumer fireworks

- or sparkling devices from, a motor vehicle or building.
- (c) Consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person.
  - (d) Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.
  - (e) Consumer fireworks within 150 feet of an occupied structure.
  - (f) Consumer fireworks within Canal Park, Sherwood Park, or Chestnut Grove Park or any Township Street or other property owned by the Township.

**§ 409. Use of display fireworks.**

- (1) No display fireworks shall be ignited within 300 feet of a facility that is licensed by the Pennsylvania Department of Agriculture for the sale of consumer fireworks.
- (2) Display fireworks shall be ignited only between the hours of 6:00 p.m. and 11:00 p.m.

**§ 410. Agricultural purposes.**

(1) Authorization. The Township Council may, under reasonable rules and regulations adopted by it, 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.

(2) Duration of permit. A permit under this section shall remain in effect for the calendar year in which it was issued.

(3) Conditions. After a permit under this section 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.

**§ 411. Sales locations.**

Consumer fireworks shall be sold only from facilities which are licensed by the Department of Agriculture.

**§ 412. Rules and regulations for display fireworks.**

(1) Authorization.--Permission shall be given by the Township Council under reasonable rules and regulations for displays of display fireworks to be held within the Township.

(2) Conditions.--

(a) Each display shall be:

- (i) handled by a professional pyrotechnician or a competent operator, under the direct, on-site supervision of a professional pyrotechnician; and
- (ii) of a character and so located, discharged or fired as, in the opinion of the chief of the Han-Le-Co fire Company or other appropriate officer as may be designated by the Township Council, after proper inspection, to not be hazardous to property or endanger any person.

(b) After permission is granted under this section, possession and use of

display fireworks for display shall be lawful for that purpose only.

(c) A permit shall be transferable.

### § 413. Penalties.

The following shall apply:

(1) Any person using consumer fireworks or sparkling devices in violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of \$100, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

(2) Any person using display fireworks in violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of \$1000, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

### § 404. Definitions.

The following words and terms shall, for the purpose of this Part and as stated elsewhere in the Statutory Code of Hanover Township, have the meanings shown herein.

—CFR—the Code of Federal Regulations.

—CONSUMER FIREWORKS—includes any combustible or explosive composition or any substance intending 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 Product Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and which complies with the provisions for "consumer fireworks" as defined in the American Pyrotechnic Association ("APA") Standard 87-1, or any successor standard. The term does not include devices as "ground and hand-held sparkling devices," "novelties" and "toy caps" in APA Standard 87-1.

DISPLAY FIREWORKS—shall be defined as provided in 27 CFR § 555.11.

EXPLOSIVE—

(1) Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.

(2) The term "explosive" includes any material determined to be within the scope of United States Code, Title 18, Chapter 40, listed in Chapter 44, and also includes any material classified as an explosive by the Hazardous Material Regulations of DOT, 49 CFR, listed in Chapter 44 of the BOCA National Fire Prevention Code/1993, and as hereafter amended.

~~(3) For quantity and distance requirements, a detonating cord of fifty (50) grains per foot (0.164 grams per millimeter) shall be considered equivalent to eight (8) pounds of high explosives per one thousand (1,000) feet (12 kg per 1,000 m). Heavier or lighter detonating cord loads shall be proportionally rated.~~

~~FIREWORKS—consumer fireworks and display fireworks.~~

~~FLAMMABLE—capable of being readily ignited from common sources of heat or at a temperature of six hundred (600) degrees F. (316 degrees C.) or less.~~

~~OWNER—any person who alone, jointly or severally with others, shall have legal title to any structure or premises with or without accompanying actual possession thereof and shall include the duly authorized agent or attorney, purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises in question.~~

~~PERSON—includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" appears in any Section of this Part prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Section.~~

#### **~~§ 405. Possession, Use and Display.~~**

~~The rules and regulations for possession, use, and display of consumer fireworks and display fireworks shall be in accordance with NFPA (National Fire Protection Association) 1123 and 1124. These sections are listed in Chapter 44 of the BOCA National Fire Prevention Code/1993, and as amended hereafter.~~

- ~~A. Violations. A person shall not possess, use or display any consumer fireworks or display fireworks, except where approved under and provided for by this Part.~~
- ~~B. Use and Display. Approved consumer fireworks and display fireworks displays shall be handled by an approved competent operator, and the fireworks displays shall be of such character and so located, discharged and fired as, in the opinion of the Fire Chief of Han-Lé-Co Fire Company No. 1 or his designee, after proper inspection, to not be hazardous to property or endanger any person or persons.~~
- ~~C. Aerial Displays of Fireworks. Aerial displays of fireworks within the Township are strictly prohibited.~~
- ~~D. Disposal of Unfired Fireworks. Unfired fireworks and trash remaining after the display is concluded shall be immediately disposed of in an approved safe manner.~~

~~E. Bond for Display. The permit holder shall furnish a bond in the amount of five hundred (\$500.00) dollars for the payment of all potential damage caused either to a person or property due to the permitted display, and arising from any act of the permit holder or an agent of the permit holder.~~

~~F. Seizure of Fireworks. At the direction of the Township Manager, the Township Code Enforcement Officer or the Han-Le-Co Volunteer Fire Co. No. 1 shall seize, take, remove or cause to be removed at the expense of the owner, all fireworks possessed, used or displayed in violation of this Part.~~

**§ 406. Penalties.**

~~Any person using consumer fireworks in violation of the provisions of this Part commits a summary offense and, upon conviction, shall be punished by a fine of not more than one hundred (\$100.00) dollars. Any person using display fireworks in violation of the provisions of this Part shall, upon conviction thereof, be punished by a fine not exceeding three hundred (\$300.00) dollars or, in the case of individuals, the members of a partnership and the responsible officers and agents of an association or corporation, by imprisonment in the County jail not exceeding ninety (90) days or by both such fine and imprisonment.~~

  
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Township Clerk

  
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Chairman

Adopted: OCTOBER 17, 2018

Motion: PAULUS

Seconded: LAWLOR

Vote: LAWLOR, WOOLLEY, PAULUS:

AYE

UNAN.

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