

Chapter 109
FIREWORKS

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[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 11-1-2007 by Ord. No. 2007-3. Amendments noted where applicable.]

GENERAL REFERENCES

Disorderly conduct — See Ch. 102.

§ 109-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONSUMER FIREWORKS — Mean and include:

- A. 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.
- B. The term does not include devices listed as "ground and hand-held sparkling devices," "novelties" and "toy caps" in APA Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this commonwealth.

DISPLAY FIREWORKS — Defined as provided in 27 CFR § 555.11.

§ 109-2. Permit required for display.

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

§ 109-3. Safety requirements for displays.

Every such display within the limits of North Middleton 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 or persons.

§ 109-4. Application for permit.

Application for permits shall be in writing to the Township Manager at least 30 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 owner or owners of the grounds on which the display is to be held, with the consent of such owner or owners in writing attached. All applicants shall pay the Township Treasurer the sum of \$20 before issuance of a permit and provide proof of the required bond.

§ 109-5. Use 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 only 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.

§ 109-6. Permits to be nontransferable.

If and 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.

§ 109-7. Bond requirements.

The Board of Supervisors of the Township of North Middleton shall require the permittee or licensee to obtain a bond in an amount no less than \$1,000,000 for the payment of damages caused to any person or persons, and to any property by reason of the licensed display and arising from any acts of the licensee, or the licensee's agents, employees or subcontractors. The bond shall be filed with the Township Manager before any permit for a supervised public display is delivered.

§ 109-8. Application for continuance.

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 must 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 application for a continuance, the Township Board of Supervisors, if it believes 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 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.

§ 109-9. Violations and penalties. ¹

Any person, copartnership, association or corporation violating the provisions of this chapter shall be guilty of a summary offense, and upon conviction thereof, shall be punished by a fine not exceeding \$100 or in the case of individuals, the members of a partnership or corporation.

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

