

TOWNSHIP OF HALIFAX  
DAUPHIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2014-14-3  
(*Fireworks Ordinance*)

**AN ORDINANCE OF HALIFAX TOWNSHIP REGULATING  
PUBLIC DISPLAYS OF FIREWORKS IN THE PROVIDING FOR THE GRANTING OF  
PERMITS FOR SUPERVISED PUBLIC DISPLAYS OF FIREWORKS, PRESCRIBING  
SAFEGUARDS CONCERNING SAME, PROHIBITING PUBLIC DISPLAYS OF  
FIREWORKS AND THE POSSESSION, SALE, USE AND DISTRIBUTION  
THEREOF FOR PURPOSES OTHER THAN PUBLIC DISPLAYS WITHOUT  
OBTAINING A PERMIT THEREFOR AND PRESCRIBING PENALTIES FOR  
VIOLATIONS IN HALIFAX TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA**

**WHEREAS**, the Board of Supervisors of Halifax Township, Dauphin County, Pennsylvania, deem it to be in the best interests and general welfare of the citizens and the residents of this Township to regulate the display of fireworks within the Township;

**AND WHEREAS**, Title 35 of the Pennsylvania Consolidated Statutes, Chapter 13A (35 Pa. C.S. §1271-1278) is known as Pennsylvania's Fireworks Law and permits Pennsylvania Municipalities to regulate fireworks within their jurisdictions.

**SECTION 1 - DEFINITIONS**

- A. The term "consumer fireworks" shall mean and include:
1. 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.
  2. The term does not include devices 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.
- B. The term "display fireworks" shall be defined as provided in 27 CFR § 555.11.

## **SECTION 2 - PROHIBITION**

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

## **SECTION 3 – FIREWORKS DISPLAY**

Every such display of fireworks within the limits of the Township shall be handled by a competent operator, and shall be of such character and so located, discharged or fired, so as not to be hazardous to property or endanger any person or persons which shall be determined in the sole discretion of the Board of Supervisors or their designee, by inspection or otherwise.

## **SECTION 4 – PERMITS**

Application for permits shall be in writing to the Township Secretary at least thirty (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 the sum of 45.00 Dollars (\$ 45.00 ) before issuance of a Permit and provide proof of the required bond and insurance as required by Section 6 below. The Board of Supervisors may grant an annual permit for the use of fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage.

## **SECTION 5 – LIMITATION OF PERMITS**

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.

## **SECTION 6 – BOND/INSURANCE/LIABILITY**

The Board of Supervisors of the Township shall require the permittee or licensee to obtain a bond in an amount no less than Five Hundred Dollars (\$500.00) and name the Township as an additional insured on a Certificate of Insurance for general liability from an insurance company regulated by the Pennsylvania Department of Insurance or any other insurance company, as deemed appropriate by the Board of Supervisors in their sole discretion, in the amount of no less than Five Million Dollars (\$5,000,000.00) 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 licensee's agents, employees or subcontractors. The bond shall be filed with the Township Secretary before any permit for a supervised public display is delivered.

## **SECTION 7 -- CONTINUANCE OF FIREWORKS DISPLAY DUE TO INCLEMENT WEATHER**

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 may apply to the Township Board of Supervisors within twenty-four (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 they believe 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 the 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.

## **SECTION 8 -- PENALTIES FOR VIOLATION**

Any person, co-partnership, association or corporation violating the provisions of this act shall be guilty of a misdemeanor of the second degree, and upon conviction thereof, shall be punished by a fine not exceeding One Hundred (\$100.00) Dollars or in the case of individuals, the members of a partnership or corporation, by imprisonment not exceeding ninety (90) days or by both such fine and imprisonment.

## **SECTION 9 - SEVERABILITY**

The provisions of this Ordinance are severable. If any sentence, clause or section 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 or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Halifax Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

## **SECTION 10 - REPEALER**

All ordinances or parts of ordinances inconsistent with this Fireworks Ordinance are hereby repealed insofar as they may be inconsistent herewith.

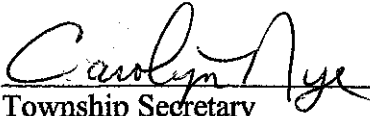
## **SECTION 11 - EFFECTIVE DATE**

This ordinance shall be effective immediately.

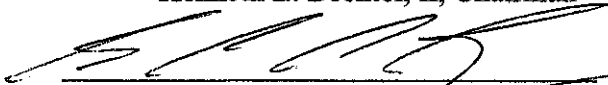
**DULY ENACTED AND ORDAINED** this 12 day of May, 2014, by the Board of Township Supervisors of Halifax Township in public session duly assembled.

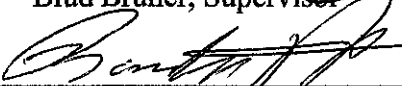
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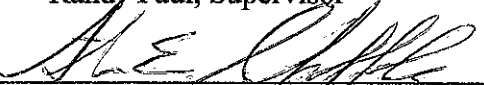
HALIFAX TOWNSHIP  
BOARD OF SUPERVISORS,  
DAUPHIN COUNTY, PENNSYLVANIA

  
Township Secretary

By:   
Kenneth E. Bechtel, II, Chairman

  
Brad Bruner, Supervisor

  
Randy Paul, Supervisor

  
Steven Shreffler, Supervisor

  
R. Scott McBurney, Supervisor

(Township Seal)