

ORDINANCE NO. #656

AN ORDINANCE OF LOWER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF LOWER PROVIDENCE, PART II, GENERAL LEGISLATION, CHAPTER 83, FIRE PREVENTION BY ESTABLISHING REQUIREMENTS FOR THE USE OF CONSUMER AND DISPLAY FIREWORKS

SECTION I

Chapter 83, Fire Prevention, Article I, is hereby adopted to read as follows:

83-1 Intent. It is the intent of the Board of Supervisors of Lower Providence Township to protect the health, safety and welfare of the general public through limiting the use of fireworks. Fireworks by nature contain explosives which when misused can damage property and endanger human life. It is the intent of the Board of Supervisors that this Ordinance will be in accordance with and supplemental to Act 43 of 2017 by the Pennsylvania State Legislature.

83-2 Definitions.

CONSUMER FIREWORKS - 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 (relating to commercial practices) or any successor regulation and which complies with the provisions for "Consumer Fireworks" as defined in the American Pyrotechnics Association ("APA") Standard 87-1, including but not limited to Sections *3.1 and *3.5, or any successor standard. The term does not include devices such as "ground and handheld sparkling devices" as defined in APA Standard 87-1, Section *3.1.1, "novelties" as defined in APA Standard 87-1, Section *3.2. or "toy caps" as defined in APA Standard 87-1, Section *3.3.

DISPLAY FIREWORKS - Defined as more fully set forth in 27 CFR 555.11 (meaning of terms), which is incorporated herein by reference which meets the types of display fireworks devices set forth in the APA Standard 87-1, Section *4.1 which comply with requirements for display fireworks set forth in AP Standard 87-1.

83-3 Restrictions on all Fireworks.

A. The use of fireworks, whether consumer fireworks, display fireworks or any other types of fireworks shall be strictly prohibited at any location within 150 feet of any structure, property line, vehicle or roadway, unless permission is received from the Township which shall be subject to the Lower Providence Township Zoning Ordinance.

B. The use of consumer fireworks or display fireworks or other types of fireworks, shall be strictly prohibited within any closed structure or any building or tent.

83-4 Display Fireworks.

Display fireworks shall be subject to the Lower Providence Township Zoning Ordinance, Section 143-260, as amended.

83-5 Consumer Fireworks.

A. The use of consumer fireworks shall be subject to the Lower Providence Township Zoning Ordinance, Section 143-260, as amended.

B. Any person purchasing, possessing or using consumer fireworks must be at least 18 years of age. A person may not intentionally ignite or discharge:

- (1) Consumer fireworks on public or private property without the express permission of the owner.
- (2) Consumer fireworks or sparkling devices within, or throw from a motor vehicle or building.
- (3) Consumer fireworks or sparkling devices into or at a motor vehicle, building or person.
- (4) Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.
- (5) Consumer fireworks within 150 feet of an occupied structure.
- (6) No person may ignite or discharge consumer fireworks more than one day per week.
- (7) No property may be utilized to ignite or discharge consumer fireworks more than one day per week.
- (8) No consumer fireworks shall be ignited or discharged after 10 p.m., except on the 4th of July and New Year's Eve.

83-6 Violations and Penalties.

A. Any person, the members of any partnership or the officers of any corporation who or which violates this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$300. In default of such payment such person, the members of any partnership or the officers of such corporation shall be liable to imprisonment in Montgomery County Prison for not more than 30 days. Each violation shall constitute a separate offense. All fines collected for the violation of this chapter shall be paid to the Township of Lower Providence.

SECTION II REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION III SEVERABILITY

If any sentence, clause, section or part 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, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Lower Providence Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section or part thereof not been included therein.

SECTION IV EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.

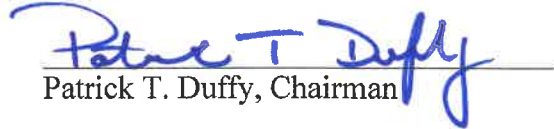
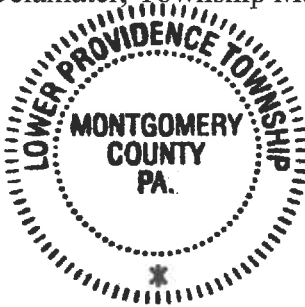
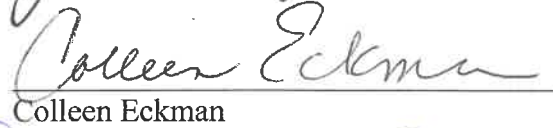
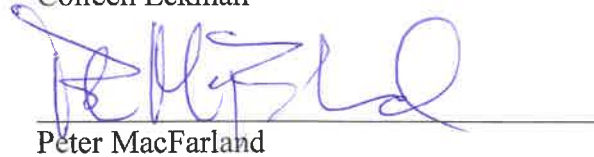
ENACTED AND ORDAINED this 20th day of September, A.D., 2018

**LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:



Don D. Delamater, Township Manager


Patrick T. Duffy, Chairman
Jason Sorgini, Vice Chairman
Colleen Eckman
Peter MacFarland
Gary Neights