

Clinton Township
Ordinance No. 2021-06
Regulation of Display Fireworks

Purpose

The purpose of this Ordinance is to provide permits for the use of **display fireworks** within Clinton Township, prescribing safeguards concerning same, prohibiting the use of professionally displayed fireworks without obtaining a permit, and prescribing penalties for violations to prevent nuisances and otherwise protect the general health, safety and welfare of the residents of the Township.

Definitions

Consumer Fireworks shall be defined as 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 display labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR, as amended, or any successor regulation and which complies with the provisions for “consumer fireworks” as defined in the American Pyrotechnics Association (“APA”) Standard 87-1, as amended, or any successor standard.

In the Commonwealth of Pennsylvania, “**Class C**” or “consumer-grade” fireworks that include firecrackers, Roman candles, bottle rockets, and similar fireworks that contain a maximum of 50 milligrams of explosive material per discharge shot are considered consumer fireworks. However, luminaries, cherry bombs, M-80s, M-100s, silver salutes, and “balloons or Brody’s Balloons” are not included in any Class C fireworks and are hereby prohibited for use in Clinton Township.

Display Fireworks shall be defined as provided in Section 2401 of Act 43 of 2017 as 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).

Permits and Governmental Statutes and Codes

It shall be unlawful for any persons, firms, or corporations to possess or use display fireworks within the limits of the Township unless a permit is first issued by the Township.

Holders of permits to possess and use display fireworks within the Township must comply with and abide by all Commonwealth of Pennsylvania, Butler County, and federal statutes and regulations governing the use and storage of display fireworks, including, but not limited to, the International Fire Code and the Uniform Construction Code (Act 45 of 1999, as amended) (“UCC”). In the event of an inconsistency between the aforementioned state, county, and federal laws and regulations and this Ordinance, the more stringent statutes and regulations shall apply.

Before a permit for the possession and use of display fireworks may be issued, the applicant must apply to the Township for a permit. If UCC permit is required because a temporary structure is being erected and/or a generator will be used, the UCC permit must be obtained before a display fireworks permit will be issued by the Township. If an applicant possesses a valid UCC permit, the site inspection requirements described in the following paragraph are waived.

Every use of display fireworks within the Township shall be handled, arranged, managed, and directly supervised by a certified or licensed operator. The Local Fire Chief, Fire Marshall, or Fire Code Official shall inspect the proposed site prior to issuing a permit in accordance with the International Fire Code and Uniform Construction Code and other applicable regulations.

No permit is required for the use and enjoyment of consumer fireworks in the Township by individuals within Clinton Township provided the sale, possession and use of which shall be allowed subject to the conditions listed above in the definition of consumer fireworks. Specifically, the sale, possession and use of consumer fireworks is allowed subject to: No one may intentionally ignite or discharge

- (1) Consumer fireworks on public or private property without express permission of the owner;
- (2) Consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from a motor vehicle or building;
- (3) Consumer fireworks or sparkling devices into or at a motor vehicle or building or another person;
- (4) Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance, or another drug; and
- (5) Consumer fireworks within 150 feet of an occupied structure. The term Consumer Fireworks does NOT include devices such as “ground or hand-held sparkling devices,” “novelties,” and “toy caps” in APA Standard 87-1 as amended.

Permit Requirements

An application for a permit for display fireworks shall be made in writing to the Township at least 30 days in advance of the date of the proposed use of display fireworks, setting forth the proposed date, time, location, and an alternate date in the event of a weather delay, the character

and duration thereof, the name and address of the certified or licensed operator, and the name and address of the owner(s) of the grounds on which the display fireworks are to be used, with the written consent of such owner(s) and a copy of any permit application required by the International Fire Code and/or the UCC. The application shall contain copies of all state, federal, and local permits and/or licenses needed for the use of display fireworks. All applicants shall pay the Township the appropriate permit fee identified in the Township's duly enacted fee schedule and **provide proof of liability insurance acceptable to the Township and the required bond prior to issuance of a permit.** The Board of Supervisors or its designee may attach conditions and/or restrictions on any permit for the use of display fireworks as deemed necessary.

- (A) Permits granted under this section shall be for the approved purpose, date, and time only, unless extended due to unfavorable weather under Weather Delays.
- (B) No permit for the use of display fireworks shall be issued to an individual under the age of 21.
- (C) No permit for the use of display fireworks shall be issued to an individual unless said individual provides written documentation that he or she has obtained all necessary federal licenses and authorizations to possess, store, and use display fireworks, and has visited the Local Fire Chief, Marshall, or Fire Official.
- (D) No display fireworks shall be ignited within 300 feet of a permanent or temporary fireworks facility licensed by the Pennsylvania Department of Agriculture.
- (E) No permit shall be issued to a company which provides and/or sets off display fireworks for profit unless it provides proof of registration with the Commonwealth of Pennsylvania.
- (F) Permits issued pursuant to this Ordinance may be transferred in accordance with Act 43 of 2017. Such transfers shall take effect only after (1) the permit holder provides written notice of the proposed transfer to the Township; and (2) the transferee provides a written statement that he or she agrees to comply with the requirements stated in the permit and this Ordinance. Both must be provided to the Township at least 10 days in advance of the transfer.

Bonding

The Township shall require a bond from the applicant in an amount deemed appropriate by the Board of Supervisors or its designee. The bond amount shall be no less than \$1,000,000 and shall be provided for the payment of any and all damages caused to any person(s) and property by reason of the display and arising from any acts of the permittee or the permittee's agents, employees, subcontractors, or volunteers. The bond shall be in a form acceptable to the Township and no permit for the use of display fireworks shall be issued unless an acceptable bond is received by the Township.

Weather Delays

If by reason of unfavorable weather the display for which a permit has been granted does not take place at the time authorized, the permittee may apply to the Township 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. An alternate date in the event of a weather or other delay must be specified when applying for a permit from the Township. Upon receiving such application for a continuance, the Township 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, if it believes the facts to be true. Such extension of time shall be granted without the payment of any additional fee or 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 the 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.

Violators

Any person violating the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction thereof, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 30 days or by both such fine and imprisonment.

Notifications

After a permit is obtained from the Township, it is recommended that the Permittee planning to set off display fireworks formally notify all residents and businesses in the area contiguous to the location where the display fireworks will be discharged of the date, time, and duration of the display and post a sign on the property where the fireworks will be discharged alerting the public to the event's date and time.

Repeal of Ordinances

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Effective Date

This Ordinance shall become effective Sixty (60) Days after its passage or adoption.

BE IT ORDAINED AND ENACTED BY THE CLINTON TOWNSHIP BOARD OF SUPERVISORS this 13th day of December, 2021, that the preceding shall be enacted as part of the Clinton Township Consolidated Ordinances, entitled "Regulation of Display Fireworks".

CLINTON TOWNSHIP

BOARD OF SUPERVISORS

ATTEST

Mary S. Hartman

Township Manager/Secretary

(SEAL)



By: [Signature]

Chairperson

By: [Signature]

Vice Chairman

By: [Signature]

Supervisor