

**BERWICK TOWNSHIP  
ADAMS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2023-01**

**AN ORDINANCE OF BERWICK TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA,  
TO REGULATE THE IGNITION, DISCHARGE, AND USE OF CONSUMER  
FIREWORKS AND REQUIRE THE ISSUANCE OF A PERMIT FOR THE  
POSSESSION AND USE OF DISPLAY FIREWORKS AND PROVIDE FOR  
PENALTIES FOR VIOLATION OF THE ORDINANCE**

**WHEREAS**, Berwick Township ("Township") is empowered to enact conditions, prohibitions and limitations on the use and sale of consumer fireworks in the Township pursuant to 3 Pa.C.S.A § 1106; and

**WHEREAS**, the Township is further empowered to issue permits and adopt reasonable rules and regulations for the presentation of display fireworks in the Township pursuant to 3 Pa.C.S.A § 1102; and

**WHEREAS**, Section 1534(2) of the Second Class Township Code (53 P.S. § 65101 *et seq.*) authorizes the Township to grant permits for supervised public displays of fireworks and adopt rules and regulations regarding the displays; and

**WHEREAS**, Section 607(1) of the Second Class Township Code authorizes the Township to make regulations as may be necessary to secure the health, safety and welfare of the citizens of the Township; and

**WHEREAS**, the Board of Supervisors deems it in the best interest and for the general welfare of the residents and visitors of the Township to replace Ordinance No. 2018-05 in its entirety with the following.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Board of Supervisors of Berwick Township, Adams County, Pennsylvania, as follows:

**SECTION 1. Definitions.** As used in this Ordinance, the following terms shall have the meanings indicated:

The terms used in this Ordinance shall have the meaning set forth in 3 Pa.C.S.A § 1101, as amended.

"Person"- includes a corporation, partnership, limited liability company, trust, association (whether incorporated or unincorporated), estate, foundation, or natural person.

## **SECTION 2. Discharge and Use of Consumer Fireworks.**

Consumer fireworks shall only be used between the hours of 10:00 A.M. and 10:00 P.M. Consumer fireworks may not be used between the hours of **10:00 P.M.** and 10:00 A.M., except on:

A. July 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> and December 31<sup>st</sup>, when consumer fireworks may be used until 1:00 A.M. the following day; and

B. When July 4<sup>th</sup> falls on a Tuesday, Wednesday or Thursday, consumer fireworks may be used until 1:00 A.M. on the immediately preceding and following Friday and Saturday; and

C. Memorial Day and Labor Day, including the immediately preceding Saturdays and Sundays.

The Use of Consumer Fireworks shall not violate the conditions, prohibitions, and conditional use of consumer fireworks as set forth in 3 Pa. C.S.A § 1104, as amended.

## **SECTION 3. Permits Required for Use of Display Fireworks.**

A. Use of display fireworks within the Township is prohibited unless a permit is first granted by the Township in accordance with this Ordinance.

B. Permit applications for use of display fireworks (regardless of purpose i.e. entertainment, civic, or agricultural) shall be on a form established by the Township and shall include, but not be limited to the following criteria and requirements:

- (1) The permit application form shall be submitted not less than forty-five (45) days of the desired use of the display fireworks; and
- (2) The permit shall identify the requested date, time, and duration of the proposed use of display fireworks and may identify a potential "rain date" in the event that weather conditions prevent the use of display fireworks on the requested date; and
- (3) The applicant shall remit the display fireworks permit application fee set by resolution of the Township from time to time; and
- (4) The applicant shall, as a condition precedent to the issuance of a permit, provide the Township with proof of general commercial liability insurance in an amount not less than \$1,000,000 on a form acceptable to the Township Solicitor and the Township shall be listed as an additional insured on such policy; and
- (5) The permit shall include the signature of the owner of the real property where the display fireworks are to be used; and

- (6) The person conducting the display of display fireworks shall operate under a federal professional fireworks license as administered by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. A copy of the license shall be included with the application: and
- (7) The applicant shall attest, under penalty of perjury, that the use of display fireWorks shall confirm to the use requirements set forth in 3 Pa.C.S.A § 1102, as amended; and
- (8) If the use of display fireworks is to occur on a date other than those listed in SECTION 2, above, applicant shall be required to notify, by U.S. First Class mail, the owner of any property within 300 feet of the real property lot lines where the display fireworks will be used of the following:
  - (a) The date, time, and duration of the use of display fireworks as well as any potential "rain date" and time in the permit application; and
  - (b) The location of the use of display fireworks; and
  - (c) Contact information (telephone and email) for the person using display fireworks.

Such notification shall be deposited into the U.S. Mail no less than fourteen (14) days prior to the use of display fireworks.

- C. Applications for the use of display fireworks shall not be issued until such time as the applicant provides proof to the Township that the Fire Chief of the United Hook and Ladder Company #33 or his designee has approved the proposed use of display fireworks. The Applicant shall be required to remit any fee required by said Building Code Official or his designee. The Applicant shall comply with any conditions for use of display fireworks imposed by said Building Code Official or his designee.
- D. The use of display fireworks is only permitted between the hours of 10:00 A.M. and **11:00** P.M.
- E. Use of display fireworks shall comply with NFPA 1123, Code for Fireworks Display, 2022 Edition.

#### **SECTION 4. Violations and Penalties**

- A. This ordinance may be enforced by the Berwick Township Code Enforcement Officer.
- B. Any person using consumer fireworks or display fireworks in violation of this Ordinance shall be guilty of a summary offense, and upon conviction thereof, shall be sentenced to pay a \$500 fine in addition to any other penalty authorized by law. Any person who commits a subsequent offense within three years of a prior conviction shall commit a

summary offense, and upon conviction, shall be sentenced to pay a \$1,000 fine in addition to any other penalty authorized by law.

**SECTION 5. Repealer.** All provisions of previous Township Ordinances, including Ordinance No. 2018-05, which are contrary to this Ordinance, are expressly repealed.

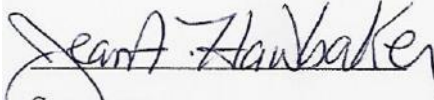
**SECTION 6. Savings Clause.** In all other respects, the Township Ordinances, shall remain as previously enacted and ordained.

**SECTION 7. Severability.** The provisions of this Ordinance are severable, and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provision shall not affect or impair any remaining sections, clauses, or sentences of the same.


**SECTION 8. Effective Date.** This Ordinance shall be effective five (5) days after adoption.

**ENACTED, ORDAINED, AND APPROVED** this                      day of                      , 2023.

**ATTEST:**

  
Secretary

**BERWICK TOWNSHIP**

  
Peter I Socks, i Chairman'