

TOWNSHIP OF MOORE
NORTHAMPTON COUNTY
PENNSYLVANIA

ORDINANCE NO. 2006- 4

AN ORDINANCE REGULATING PUBLIC DISPLAYS OF FIREWORKS IN THE TOWNSHIP OF MOORE, 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

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Moore Township, Northampton County, Pennsylvania, and it is hereby ordained by the authority of the same that:

SECTION 1: Definitions.

(a) Fireworks: The term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances, or, except as hereinafter provided, any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, fire-crackers, torpedoes, skyrockets, Roman candles, aerial fireworks, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound or any tablets or other device containing an explosive substance.

The term "fireworks" shall not include sparklers, toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times, nor shall the term "fireworks" include toy cannons which operate on the principle of mixing calcium carbide, weighing less than one tenth of an ounce, and water in the reservoir of the cannon and in which ignition results upon the creation of a spark.

(b) Consumer Fireworks: The term "consumer fireworks" shall mean and include 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, or any successor standard.

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 the Commonwealth.

(c) Display Fireworks: The term "Display Fireworks" shall be defined as provided in 27 CFR § 555.11 (relating to meaning of terms).

SECTION 2: 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 to hold public displays of fireworks within the limits of Moore Township, unless a permit therefor is first granted by the Board of Supervisors of said Township, as hereinafter provided.

SECTION 3: Permission to display "consumer fireworks" and "display fireworks" will be given by the Board of Supervisors in accordance with the reasonable rules and regulations for the display of "consumer fireworks" and "display fireworks" as further set forth herein in Exhibit "A". Each such display shall be handled by a "competent operator" and shall be of such a character and so located, discharged or fired as, in the opinion of the Chief of the Fire Department or other such officer as may be designated by the governing body of the Township, after proper inspection, to not be hazardous to property or endanger any person or persons. No permit shall be transferable.

SECTION 4: Application for permits shall be made 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 thereto in writing attached. All applicants shall pay the Township Treasurer the sum of Fifty (\$50.00) Dollars before issuance of a Permit and provide proof of liability insurance.

SECTION 5: If and after such permit shall have been granted by Township Supervisors or designee, possession, sale, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

SECTION 6: The Board of Supervisors of Moore Township shall require a bond deemed adequate by it given by the permittee or licensee in an amount deemed appropriate by the governing body but will not be in a sum less than One Million (\$1,000,000.00) Dollars conditioned for the payment of all 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, his or its agents, employees, or subcontractors, which bond shall be filed with the Township Secretary before any permit for a supervised public display of fireworks is delivered.

SECTION 7: If by reason of unfavorable weather the display for which a permit has been granted does not take place at the time so authorized, the person to whom such permit was issued may within twenty-four (24) hours apply to the authority having granted the same, setting forth under oath the fact that such display was not made, giving the reason therefor, and

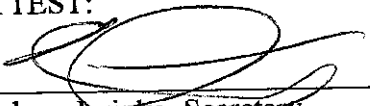
requesting a continuance of such permit for a day designated therein, not later than one week after the day fixed originally in said permit. Upon receiving such application for a continuance the said authority, if it believes the facts stated therein are true, shall extend the provisions of said permit to the day fixed in said application, not later than one week after the original day designated in the permit, and 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 which 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: Any person, co-partnership, association or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding Three Hundred (\$300.00) 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: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.


SECTION 10: This Ordinance shall become effective five (5) days after its passage or adoption.

ATTEST:


Rodney Jankko, Secretary

MOORE TOWNSHIP

BY:


Maynard Campbell, Chairman
Board of Supervisors

FIREWORKS – RULES AND REGULATIONS

The display of fireworks shall be in accordance with this Ordinance and such other rules, regulations, policies and procedures as set forth by the Chief of the Klecknersville Fire Department.