

FIREWORKS  
Ordinance No. 5-2016  
Borough of Exeter

BE IT DULY ORDAINED that Council does hereby set forth the following ordinance and regulations relating to the use of Fireworks with the Borough, requiring permits, implementing standards and establishing penalties for the violation hereof. This Ordinance shall replace any existing ordinance to the contrary.

**SECTION 101. DEFINITIONS.**

- a) Applicant: The Person making an application under this Ordinance.
- b) Application. The form approved by the Borough of Exeter in order to secure a Permit to use Fireworks in accordance with Section 102(a).
- c) Application for Continuance. -The form approved by the Borough of Exeter in order to secure a continuance of the Permit for the reasons discussed in Section 102 (e).
- d) Application Fee. - Such fee as Council may establish from time to time, to be paid for the Application and Permit. Council does hereby establish the Application Fee at \$500.00.
- e) Discharge Area. -That specific site, or sites, on a property for which Application is made where Fireworks will be ignited, set off, exploded or otherwise employed.
- f) Firework(s)- one or more of any pyrotechnical device or any combustible or explosive composition or device intended to produce visible and/or audible effects by combustion, deflagration or detonation, for either commercial or non-commercial purposes, that complies with any and all federal, state and local rules, regulations and safety standards for public or private use.
- g) Firework Display. -An event at which the use of Fireworks are employed or staged for entertainment or celebration.
- h) Person- The term "Person" shall include and refer to individuals, corporations, partnerships, limited liability companies, limited liability partnerships, trusts, other legal entities and associations.

**SECTION 102. PERMIT REQUIRED**

- a) No Person shall be permitted to discharge, ignite, set off or explode a Firework, or participate in a Firework Display, in the Borough of Exeter, without first having obtained a Permit.
- b) No Permit shall be issued allowing the use of Fireworks or Firework Display unless an Application for Permit has been submitted to the Borough Manager, satisfying all of the criteria hereinafter set forth.
- c) Upon receipt by the Borough Manager of a completed Application, and the payment of the Application Fee, the Borough Manager shall submit said Application to Council for consideration of approval. No Permit shall be issued unless Council approves the Application at a public meeting.

d) Upon Council approving such Application at a public meeting, the Borough Manager shall issue the Permit allowing the use of Fireworks for the date, time and location stated in the Application..

e) Any Permit issued in accordance with Section 102(d), shall be valid only for the date, time and location specified in the Application. 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 hours apply to the Borough Manager, setting forth under oath the fact that such Firework 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 Continuance, if the Borough Manager 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 approval of Council and 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 the said Firework 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 103. APPLICATION

a) The Application for Permit and the Application for Continuance shall be on forms prepared, approved and provided by the Borough of Exeter.

b) The Application for Fireworks Permit shall include all of the following:

- 1) Name, address, phone number and email address of the Applicant;
- 2) Name, address, phone number and email address of the Person who will be setting off Fireworks;
- 3) The exact location for which the Permit is sought, where the Firework Display will take place or the Fireworks will be used, and the name, address, phone number and email address of the owner of the property on which the Permit is sought;
- 4) The date and time of the Firework Display or event at which Fireworks will be used;
- 5) Documentation evidencing that the Applicant, or Person setting off or providing Fireworks, or performing or supervising the Firework Display, has annually registered and is in good standing as a lawful user of Fireworks with the Pennsylvania Attorney General, as required by the Fireworks Law, or other state and federal regulations;
- 6) Documentation evidencing that the Applicant, or Person setting off or providing Fireworks, or performing or supervising the Firework Display, has registered and or secured any required permits from the Bureau of Alcohol, Tobacco and Firearms, as well as the Department of Environmental Protection.
- 7) An Insurance Binder from a reputable insurance company, licensed in the Commonwealth of Pennsylvania, evidencing a policy of insurance coverage to the Applicant, and naming the Borough as an additional insured, for the date and event for which the Permit is being sought. Said insurance coverage must be in the minimum coverage amount of \$2 million, and provide coverage for the risk of any and all

- damage and loss to property, and injury and death to any person, resulting from the permitted event.
- 8) A bond, or satisfactory equivalent, in an amount required by the Borough based on the size of the permitted event, but in no event less than One Thousand Five Hundred (\$1,500.00) Dollars, conditioned for the payment of all costs and damages incurred by the Borough or for police or emergency services provided by the Borough, by reason of the permitted event and arising from any acts or omissions of the Applicant, its agents, employees, contractors or subcontractors.
  - 9) A drawing to scale showing where on the proposed site the Fireworks will be stored, how they will be stored, the locations of all stations on the proposed site where the Fireworks will be set off and discharged, the locations of buildings and structures on the site, the locations of ingress and egress of emergency vehicles, the designated area where spectators shall be located, and the security measures to prevent spectators from entering the Firework storage area and stations where the Fireworks will be set off and discharged.
  - 10) A plan describing a fire suppression system on site;
  - 11) A plan satisfactorily providing for First Aid and emergency medical treatment in the event of an accident;
  - 12) A sworn statement indicating that the use of Fireworks and/or the Firework Display shall be implemented and performed in accordance with all applicable rules and regulations and safety standards, required by governmental agencies and commonly used industry standards.
  - 13) A copy of any contract or agreement between the Applicant, property owner and/or Person setting off Fireworks.

#### SECTION 201. SITE REQUIREMENTS

- a) No Person shall be permitted to use or discharge Fireworks or engage in a Firework Display on any property or site within the Borough, unless the following criteria have been met:
- 1) the site on which the Firework Display is proposed is a minimum of three (3) acres;
  - 2) there are no buildings or structures located within three hundred (300') feet of the locations where Firework discharge stations are proposed, or such other location where Fireworks will be set off or discharged;
  - 3) the area designated for spectators or audience shall not be closer than two hundred fifty (250') feet from the Firework discharge stations, or such other location where Fireworks will be set off or discharged;
  - 4) the site shall have satisfactory access, ingress and egress for police, fire, ambulance and other emergency vehicles.

#### SECTION 301. EMERGENCY SERVICES.

No Permit shall be issued until a written statement is received from the Exeter Borough Police Department and the Exeter Borough Fire Chief indicating that they have reviewed the Application and they are satisfied that the Borough will be able to provide police and emergency services for the proposed event.

SECTION 401. STORAGE

- a) Upon the issuance of a Permit, the Permittee shall be permitted to store Fireworks on the permitted site on a temporary basis, but in no event more than three days prior to the permitted event, unless an Application for Continuance is made as set forth above. No storage of Fireworks shall be permitted beyond the date of the permitted event.
- b) Any Person who stores, or plans to store, Fireworks on any property within Exeter Borough for a period of more than one week, shall require that Council grant a Conditional Use approving the storage of Fireworks for an extended time. No Conditional Use shall be granted unless the applicant for extended storage of Fireworks can demonstrate that it has complied with all federal and state regulations, including without limitation, those imposed by the Bureau of Alcohol Tobacco and Firearms and such other agencies which may regulate the storage of Fireworks.

SECTION 501. PENALTIES.

- a) Any Person who violates the provisions of this Ordinance commits a summary offense, and upon conviction, shall be subject to a fine of \$300.00 for each violation of the Ordinance, and shall be required to pay any and all costs incurred by the Borough as a result of such violations, together with any costs imposed. Each violation of the Ordinance shall constitute a separate offense.
- b) The Borough of Exeter Police Department, or any of its officers, shall take, remove or cause to be removed at the expense of the violator and/or the owner all Fireworks stored or held in violation of this Ordinance. The cost of storage and/or destruction of such confiscated Fireworks shall be assessed to the violator and/or owner of the Fireworks.

ENACTED the 16<sup>th</sup> day of December, 2016.

COUNCIL OF THE BOROUGH OF EXETER

Thomas Shannon  
Thomas Shannon, Chairman

Herman Castellani  
Herman Castellani, Mayor

Diana Rubin  
SECRETARY