

ORDINANCE NO. 1 OF 2010
“FIREWORKS ORDINANCE”

**AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF
WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA, REGULATING
THE POSSESSION AND USE OF FIREWORKS AND REQUIRING A PERMIT
THEREFORE**

WHEREAS, the Township of Fairfield has determined that the possession and use of fireworks is an inherently dangerous activity which requires application of safety standards and review and oversight by qualified personnel; and

WHEREAS, the Township of Fairfield is authorized to regulate and permit the possession and use of fireworks within its boundaries for the protection of its property owners and citizens, pursuant to 35 P.S. § 1271 *et seq.*;

NOW THEREFORE BE IT ENACTED AND ORDAINED, and it hereby is enacted and ordained, by the Board of Supervisors of Fairfield Township, Westmoreland County, Pennsylvania:

I. DEFINITIONS

1.01. CHAIRMAN – shall mean the Chairman of the Board of Supervisors of Fairfield Township, or the Supervisor acting as such, in the absence of the Chairman

CONSUMER FIREWORKS – shall have the definition as provided in 35 P.S. § 1271

DISPLAY – shall mean the ignition of fireworks as defined herein

DISPLAY FIREWORKS – shall have the definition as provided in 27 C.F.R. § 555.11

FIRE CHIEF – shall mean the Chief of the Fairfield Township Volunteer Fire Company or any successor or alternate fire company designated as having primary fire fighting responsibility for the area in which the display is to occur as indicated on the permit.

FIREWORKS – shall mean both consumer and display fireworks as defined herein, unless specifically identified as either consumer or display fireworks.

INDIVIDUAL - shall mean a natural person

TOWNSHIP – Shall mean Fairfield Township, Westmoreland County, Pennsylvania

II. PERMIT

2.01 Any individual wishing to possess or use consumer or display fireworks within the Township shall make application with the Township Secretary, on a form to be approved by the Township and pay an administrative fee of \$50.00.

2.02 Upon receipt of the application and payment of the administrative fee, the Township Secretary shall forward a copy of the application to the Chief of the Fairfield Township Volunteer Fire Department for review and approval. Final approval and issuance of any permit for possession or use of fireworks shall be by the Chairman.

2.03 An application must be submitted at least thirty (30) days in advance of the date for possession and / or use.

2.04 The Township shall not accept any application from any entity other than an individual who is eighteen (18) years old or older, as defined in this Ordinance.

2.05 If an applicant is other than the owner of the property upon which the fireworks are to be possessed or used, the applicant must submit, on forms to be provided by the Township, the consent and release of the property owner(s).

2.06 No permit granted shall be transferable and it shall be valid only for the date, time and location listed thereon.

2.07 In the event that unfavorable weather prevents the display for which the permit was granted, the individual to whom the permit was issued may, within 24 hours, apply to the Township for a continuance of the permit, to a date not exceeding one week from the date originally set in the permit. Any application for continuance shall be sworn to under oath by the applicant and shall state that the display did not occur and shall set forth the reasons why it did not occur.

III. APPROVAL BY FIRE CHIEF

3.01 Prior to granting any approval, the Fire Chief shall conduct an inspection of the property on the which the fireworks are to be displayed or stored, and assess the qualifications, experience and licensing of any applicant prior to granting approval. The Fire Chief shall specifically note any special conditions, if any, which are required as a condition of the granting of the permit.

3.02 The shoot area and all conditions of the shoot shall meet or exceed all requirements imposed by the National Fire Protection Association 1123 and the American Pyrotechnics Association Standard 87-1.

3.03 Approval by the Fire Chief shall constitute his / her certification that all standards imposed by this sections have been met.

IV. APPROVAL BY THE TOWNSHIP

4.01 Upon receipt of the completed application, the Chairman giving due consideration to any approval of the Fire Chief, including any recommended special conditions shall either approve or disapprove the application for permit. The Chairman's decision shall be communicated in writing to the applicant.

4.02 If the Chairman has approved an application for permit, the Township shall issue the permit on a form provided by the Township which permit must bear the raised seal of the Township.

4.03 The Township shall require a bond deemed adequate by it, from the permittee in a sum of not less than One Million Dollars (\$1,000,000.00), conditioned for the payment of all damages which may be caused either to a person or persons, or to property by reason of the permitted display and arising from any acts of the permittee, his or her agents, employees or subcontractors.

V. PENALTIES

5.01 Any person, partnership, association, corporation or other legal entity violating any provision of this Ordinance shall, upon conviction, be guilty of a summary offense and be sentenced to pay of fine of not less than \$300.00 nor more than \$1,000.00, and or to undergo imprisonment for a period not exceeding ninety (90) days.

ENACTED AND ORDAINED, this 9th day of September, 2010.

FAIRFIELD TOWNSHIP

VET
VAUGHN TANTLINGER, Chairman

PJA
PAUL ALTIMUS, Vice-Chairman

JMB
JAMES BROWN, Supervisor

ATTEST:

EJB
Emma Brendlinger, Secretary