

**WEST HANOVER TOWNSHIP  
DAUPHIN COUNTY, PENNSYLVANIA**

**Ordinance 2018-03: Fireworks**

**§106-1 Display of Fire Works**

It is the Intent of this Chapter to recognize the need for regulation of the display of fireworks for residential and or commercial displays to assure the safety of the spectators, property owners, citizens, and visitors of West Hanover Township.

**§106-2 Definitions:**

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

- a. **APA 87-1** -The American Pyrotechnics Association Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition, or any subsequent edition.
- b. **Consumer fireworks** - (1) Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, 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 complies with the provisions for consumer fireworks as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout this Commonwealth. (2) The term does not include devices as "ground and hand-held sparkling devices," "novelties" or "toy caps" in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.
- c. **Display Fireworks** – Large fireworks to be used solely by professional pyro technicians 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).
- d. **Municipality** - City, Borough, Incorporated Town or Township.
- e. **NFPA 1124** - The National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation and Storage of Fireworks and Pyrotechnic Articles, 2006 edition, or any subsequent edition.
- f. **Occupied structure** - A structure, vehicle or place adapted for overnight accommodation of persons or for conducting business whether or not a person is actually present.

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- g. Outdoor storage unit** - A consumer fireworks building, trailer, semitrailer, metal shipping container or magazine meeting the specifications of NFPA 1124.
  
- h. Proximate Audience** – An audience closer to pyrotechnic devices than permitted by NFPA 1123, Code for Fireworks Displays.
  
- i. Pyrotechnic Device** – Any device containing pyrotechnic materials and capable of producing visual or audible effects by combustion, deflagration, or detonation.
  
- j. Temporary structure** - A structure, other than a permanent facility with fixed utility connections, which is in use or in place for a period of 20 consecutive calendar days or less and is dedicated to the storage and sale of consumer fireworks and related items. The term includes temporary retail sales stands, tents, canopies and membrane structures meeting the specifications of NFPA 1124. The term shall not include a facility that is not licensed to sell consumer fireworks under this article.

**§106-3 Regulations & Codes:**

Fireworks storage, transportation, and displays are regulated through laws, codes and standards within the Commonwealth of Pennsylvania including:

- a. International Building Code (IBC) – latest edition as amended
- b. International Fire Code (IFC) – latest edition as amended
- c. National Fire Protection Association (NFPA) 1123 – Code for fireworks display - latest edition as amended
- d. National Fire Protection Association (NFPA) 1126 – Use of Pyrotechnics before a proximate audience - latest edition as amended
- e. Title 49 CFR, Federal Regulation for Transport
- f. Title 27 CFR, Part 181 Commerce in Explosives
- g. NFPA 1124 – Code for the manufacturer, transportation and storage of fireworks and pyrotechnic Articles, 2006 edition.

**§106-4. Township permit requirements:**

- a. All fireworks display operators shall be technicians licensed by the State of Pennsylvania Fire Marshal's Office and shall submit proof of same to the Township Zoning Officer
- b. Applicant shall submit Transient Retail Business permit application per Chapter 182 Township Ordinance 2012-15.
- c. Applicant shall submit a full site plan that identifies the full operation onsite. (firing zone with ALL separation distances indicated , drop zone with separation distances indicated, audience areas with separation distances indicated, separation distance to ALL structures onsite and wood areas etc.

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- d. Submit affidavit letter from Legal property Owner's granting permission of fireworks display. (all parties must sign letter)
- e. Submit certificate of insurance as required by State Fire Marshal, with additional insured "West Hanover Township rider"
- f. Submit application 10 work days prior to the event indicate time of display.
- g. Applicant must contact PA State Police Troop H and put them on notice of intended display activities for the record.
- h. Applicant must contact the West Hanover Township Fire Marshal to inform him of display activities for the record.
- i. ALL approved permits shall be on site and made available to West Hanover Township Fire Marshal during event
- j. Applicant shall provide West Hanover Township with proof of a Bond in the amount of \$100,000.00 and or a Public Liability Insurance policy in the amount of \$100,000.00
- k. Applicant shall submit (MSDS) Material Safety Data Sheet for ALL products being used during any operation within the Jurisdiction of West Hanover Township with your permit application.

**§106-5 Fire Protection Coverage:**

- a. West Hanover Township Fire Marshal, shall determine what, if any, Fire Department resources will be required to stand by during the event. Township Fire Marshal shall make the final decision as to the safety of the scene and grant or deny permission for display to proceed after evaluating the current site conditions at the proposed time
- b. Applicant shall be responsible for reimbursing West Hanover Township Fire Company for fees determined by Fire Marshal to cover cost of manpower, apparatus, fire police and any other accessories necessary to cover applicant fireworks display activities. ALL fees must be paid to Fire Company prior to permit issuance by Zoning Officer.

**§106-6 Hours of Detonation:**

No person shall detonate or discharge or cause to be detonated or discharged or permit to be detonated or discharged on his property any fireworks within West Hanover Township after the hour of 10:30 P.M. daily, prevailing time.

**§106-7 Violation of Enforcement:**

- a) **PENALTY FOR VIOLATION:** Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than \$100.00 and not more than \$500.00. Each day such violation occurs or continues to shall constitute a separate violation, plus court costs.
- b) **PENALTY FOR WILLFUL VIOLATION:** Any person who violates the provisions of this ordinance after having been informed by Zoning officer or Fire Marshal of West Hanover Township that a planned or anticipated detonation or discharge of fireworks would violate this Ordinance shall be fined \$10,000.00. plus court costs

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**Date of Effect.**

That the Secretary of West Hanover Township shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect immediately upon final passage and approval.

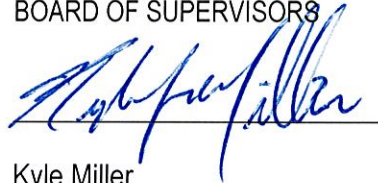
ENACTED AND ORDAINED as Ordinance 2018-03 this 19th day of March, 2018.

ATTEST:

WEST HANOVER TOWNSHIP  
BOARD OF SUPERVISORS



Donald L. Steinmeier  
Secretary/Treasurer



Kyle Miller  
Chairman

SEAL

