

TOWNSHIP OF SOUTH FAYETTE
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 5A OF 2013

AN ORDINANCE OF SOUTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA, PROVIDING FOR THE PERMITTING AND REGULATION OF FIREWORKS, INCLUDING THE DISPLAY AND DISCHARGE OF FIREWORKS WITHIN THE TOWNSHIP AND THE POSTING OF A BOND FOR THEIR USE AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Township of South Fayette finds that the possession and use of fireworks presents a threat to the health, safety and welfare of the inhabitants and property; and

WHEREAS, the Township of South Fayette 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 South Fayette 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.; and

WHEREAS, the Township of South Fayette wishes to promote a clean, healthy, safe, and attractive environment for its citizens; and

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Board of Commissioners of the Township of South Fayette as follows:

Chapter 115

FIREWORKS

§ 115-1. Intent.

- A. It is the intent of the Board of Commissioners of South Fayette Township to protect the health, safety and welfare of the general public through limiting the use of fireworks. Fireworks by nature contain explosives which when misused can damage property and endanger human life. This Part prohibits the use of display fireworks by the general public but allows for public displays of display fireworks by professional competent

pyrotechnicians in a safe manner. This Part also prohibits all fireworks, whether consumer or display fireworks, within 400 feet of any structure or residential property line or parked vehicles or roadways and from being used or set off within any closed structure or any building or tent.

§ 115-2. Definitions.

A. As used in this Part, the following terms shall have the meanings indicated:

- (1) CONSUMER FIREWORKS - 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, as amended, or any successor regulation and which complies with the provisions for "consumer fireworks" as defined in the American Pyrotechnics Association (APA) Standard 87-1, as amended, or any successor standard. The term does not include devices such as "ground and hand-held sparkling devices" and "toy caps" in APA Standard 87-1, as amended.
- (2) DISPLAY – shall mean the ignition of fireworks as defined herein.
- (3) DISPLAY FIREWORKS - Defined as provided in 27 CFR 555.11, as amended.
- (4) FIREWORKS – shall mean both consumer and display fireworks as defined herein, unless specifically identified as either consumer or display fireworks.
- (5) TOWNSHIP – Shall mean South Fayette Township, Allegheny County, Pennsylvania.

§ 115-3. Restrictions on All Fireworks.

- A. The use of fireworks, whether consumer fireworks, display fireworks or other types of fireworks, shall be strictly prohibited at any location within 400 feet of any structure, property line, vehicle or roadway unless prior written permission is received from all property owners within the four-hundred-foot area and prior approval by the Township.
- B. The use of fireworks, whether consumer fireworks, display fireworks or other types of fireworks, shall be strictly prohibited within any closed structure or any building or tent.

§ 115-4. Display Fireworks.

A. Unlawful to Use or Display Fireworks without a Permit. It shall be unlawful for any person,

persons, firms or corporations, amusement parks, fair associations or other organizations or groups of individuals to use and/or hold public displays of display fireworks within the limits of the Township of South Fayette unless a permit therefor is first granted by South Fayette Township, as hereinafter provided.

- B. Compliance with State and Federal Statutes and Regulations. The applicant for a permit to display fireworks within this Township must comply with and abide by any and all Pennsylvania and Federal statutes and regulations and any and all applicable County or other local regulations governing the use, storage, and display of fireworks, including but not limited to the International Fire Code and 35 P.S. §§ 1271 et seq., as amended. All Pennsylvania, Federal, County and other local laws and regulations are incorporated herein by reference. All regulations relating to the display of fireworks under the International Fire Code and/or Uniform Construction Code are also incorporated herein by reference. In the event of an inconsistency between the aforementioned Pennsylvania, Federal, County and other local laws and regulations and this Part, the more stringent regulation shall apply. The applicant must further receive any and all requisite Pennsylvania, Federal, County and/or other local permits and/or licenses relating to the proposed fireworks display.
- C. Professional competent pyrotechnicians and Safe Display Location. Every such fireworks display within the limits of the Township shall be handled, arranged, managed and directly supervised by a professional competent pyrotechnician. Every such fireworks use and display within the Township shall be of such a character and so located, discharged or fired as not to be hazardous to property or endanger any person or persons in the opinion of the Board of Commissioners' designee, or its duly authorized representative. The Fire Chief of the fire company responsible for fire protection at the place of the event and fire code official, or other such officer as may be designated by the Township, shall inspect the site where the fireworks are to be used and displayed prior to the issuance of a permit in accordance with the International Fire Code and other applicable regulations and ensure that the site and proposed fireworks display are compliant with said regulations. No permit for the use of fireworks shall be issued until the Fire Chief of the fire company responsible for fire protection at the place of the event, or other such officer as may be designated by the Township, determines that the requested permit may be granted after inspecting the location for the requested display.
- D. Permit.

- (1) An application for a permit shall be made in writing to the Township at least 30 days in advance of the date of the proposed use and display and shall set forth the proposed date, time and location of the use and display, the character and duration thereof, the name and address of the professional competent pyrotechnician, and the name and address of the owner or owners of the grounds on which the use and display is to be held, together with the written consent of such owner or owners thereto and a copy of any permit application required by the International Fire Code. The application for the permit shall also contain copies of any and all State, Federal and/or County permits and/or licenses needed for the use and display of fireworks. All applicants shall pay the Township the appropriate reasonable permit fee identified in the Township's duly enacted fee schedule resolution before the issuance of a permit and shall further provide proof of liability insurance, acceptable to the Township, and the required bond to the Township. The Township Board of Commissioners' designee may attach

conditions and/or restrictions on any permit for the use and display of fireworks as are deemed necessary.

(2) If and after such permit is granted by the Township Board of Commissioners' designee, the possession, use and display of fireworks for the approved display shall be lawful for that purpose, date and time only. No permit granted hereunder shall be transferable.

(3) No permit for the use and display of fireworks shall be issued to an individual under the age of 18.

(4) All fireworks displays must end by 10:30 PM.

E. The Board of Commissioners of the Township of South Fayette shall require liability insurance deemed adequate by the Board of Commissioners from the applicant, permittee or licensee in an amount deemed appropriate by the Board of Commissioners. The liability insurance amount shall be no less than \$2,000,000 and shall list South Fayette Township, the Board of Commissioners, individually and collectively, the Township employees, agents and consultants as additional insured. The liability insurance shall be in a form acceptable to the Township, and no permit for a fireworks display shall be issued unless an acceptable certificate of insurance evidencing the required coverage is received by the Township.

F. Continuance. If by reason of unfavorable weather the fireworks 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, the following business day, apply to the Township, and set forth under oath the fact that such use and display was not made, the reason the use and display did not take place, and a request for a continuance of such permit for a day designated therein. The continuance date shall be no later than one week (7 days) after the day fixed originally in said permit. Upon receiving such application for a continuance, the Township, if it believes the facts stated therein are true, may extend the provisions of said permit to the day fixed in said application, no later than one week (7 days) 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 insurance other than the certificate of insurance given for the original permit, provided that the provisions of the original certificate of insurance extend to and cover all damages which may be caused by reason of said use and display taking place at such extended date in the same manner and to the same extent as if such use and display had taken place at the date originally fixed in the permit.

§ 115-5. Stopping Fireworks for Violation or Public Safety.

A. In the event of any violation of this Part or of the terms, conditions or limitations noted on a permit for the display of fireworks, or in the event of any unsafe condition occurring before or during the course of a fireworks display, or in the event of any unsafe condition occurring as a result of any use of consumer, display or other fireworks within the Township, the Pennsylvania State Police, South Fayette Township Police, Fire Chief of the fire company responsible for fire protection at the place of the event or the appropriate Township designee, or any other authorized Township representative, may, before or during the unsafe and/or violating occurrence, order such fireworks use or display to be stopped in the interest of public safety.

§ 115-6. Penalty.

- A. Any person, individual, partnership, co-partnership, association or corporation violating the provisions of this Part shall be guilty of a summary offense and, upon conviction thereof, shall be punished by a fine not exceeding \$1000 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment.

§ 115-7. All ordinances and parts of Ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistencies and in all other respects, this Ordinance shall be cumulative with the other Ordinances regulating and governing the subject matter covered by this Ordinance.

§ 115-8. If any section or provision or parts thereof in this Ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the Ordinance as a whole or any other section or provision of the part thereof.

§ 115-9. This Ordinance shall be in full force and effect from and after its passage and publication as required.

ORDAINED AND ENACTED this 19th day of June, 2013.

ATTEST:

TOWNSHIP OF SOUTH FAYETTE



Township Secretary



Chairman, Board of Commissioners

SOUTH FAYETTE TOWNSHIP

PERMIT FOR DISPLAY OF COMMERCIAL FIREWORKS

(Permitted by Title 35, chapter 13a Sections 1273, 1274, 1275.2 & 1276.2)

This permit authorizes the applicant:

Name: _____

Company: _____

Address: _____

Phone #: _____

For the display of commercial fireworks at:

Location: _____

SOUTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY, PA.

The date of the firework display is: _____ Rain Date: _____

The time of the firework display is: _____ To: _____

Pyrotechnic company:

Name: _____

Company: _____

Address: _____

Phone #: _____ License #: _____

Number of shells in Presentation: _____

Size of Shells in Presentation: _____

Minimum Distance from nearest structure: _____

Insurance Certificate Attached: _____

The grant of this permit is a non-transferable privilege, which is valid only for the day identified as the permitted fireworks display event date. The applicant releases the municipality, Administration and Board of Commissioners from liability, losses, and/or claims, which may arise from the display or fireworks. Applicant is responsible for notifying the police, fire department, surrounding property owners and all other emergency management agencies.

Owner of property: _____ Date: _____

.....TOWNSHIP USE

Fee Collected: _____ Check #: _____

By: _____ Date: _____

Printed Name and Title: _____