

Chapter 152

FIREWORKS

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[HISTORY: Adopted by the Borough Council of the Borough of Chambersburg 3-27-2023 by Ord. No. 2023-10. Amendments noted where applicable.]

§ 152-1. Definitions.

- A. The terms used in this chapter shall have the meanings set forth in 3 Pa.C.S.A. § 1101, as amended.
- B. As used in this chapter, the following terms shall have the meanings indicated:
PERSON — A corporation, partnership, limited-liability company, trust, association (whether incorporated or unincorporated), estate, foundation, or natural person.

§ 152-2. Discharge and use of consumer fireworks.

The Town Council of the Borough of Chambersburg has determined that consumer fireworks cannot be used within the Borough in compliance with the use requirements for consumer fireworks. Consumer fireworks cannot be used within 150 feet of a building or vehicle, whether or not the vehicle is owned by the user of the consumer fireworks. [See 3 Pa.C.S.A. § 1104(b)(5).] Therefore, the discharge and use of consumer fireworks within the Borough of Chambersburg is prohibited.

§ 152-3. Permit required for use of display fireworks.

- A. Use of display fireworks within the Borough is prohibited unless a permit is first granted by the Borough in accordance with this chapter.
- B. Permit applications for use of display fireworks (regardless of purpose i.e., entertainment, civic, or agricultural) shall be on a form established by the Borough and shall include, but not be limited to, the following criteria and requirements:
 - (1) The permit application form shall be submitted within not less than 45 days of the desired use of the display fireworks; and
 - (2) The permit shall identify the requested date, time, and duration of the proposed use of display fireworks and may identify a potential "rain date" in the event that weather conditions prevent the use of display fireworks on the requested date; and
 - (3) The applicant shall remit the display fireworks permit application fee set by resolution of the Borough from time to time; and
 - (4) The applicant shall, as a condition precedent to the issuance of a permit, provide the Borough with proof of general commercial liability insurance in an amount not less than \$1,000,000 on a

form acceptable to the Borough Solicitor, and the Borough shall be listed as an additional insured on such policy; and

- (5) The permit shall include the signature of the owner of the real property where the display fireworks are to be used; and
- (6) The person conducting the display of display fireworks shall operate under a federal professional fireworks license as administered by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. A copy of the license shall be included with the application; and
- (7) The applicant shall attest, under penalty of perjury, that the use of display fireworks shall conform to the use requirements set forth in 3 Pa.C.S.A. § 1102, as amended.

C. Applications for the use of display fireworks shall not be issued until such time as the applicant provides proof to the Borough that the Borough's Building Code Official, or his designee, has approved the proposed use of display fireworks. The applicant shall be required to provide said Building Code Official, or his designee, with any information necessary for such review, and the applicant shall be required to remit any fee required by said Building Code Official or his designee. The applicant shall comply with any conditions for use of display fireworks imposed by said Building Code Official or his designee.

D. The use of display fireworks is only permitted between the hours of 10:00 a.m. and 11:00 p.m.

E. Use of display fireworks shall comply with NFPA 1123, Code for Fireworks Display, 2022 Edition.

F. The Borough shall not be required to obtain the permit required under this section for the use of display fireworks on behalf of the Borough.

§ 152-4. Enforcement; violations and penalties.

- A. This chapter may be enforced by the Police Department of the Borough of Chambersburg or by the Code Enforcement Officer of the Borough of Chambersburg.
- B. Any person using consumer or display fireworks in violation of this chapter shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a \$500 fine in addition to any other penalty authorized by law. Any person who commits a subsequent offense within three years of a prior conviction shall commit a summary offense and, upon conviction, shall be sentenced to pay a \$1,000 fine in addition to any other penalty authorized by law.