

**LOWER MAKEFIELD TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

ORDINANCE NO.

**AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY,
PENNSYLVANIA, REGULATING THE USE AND DISPLAY OF FIREWORKS
WITHIN LOWER MAKEFIELD TOWNSHIP, REPEALING ALL INCONSISTENT
ORDINANCES OR ANY PART THEREOF; PROVIDING A SEVERABILITY CLAUSE;
AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Township of Lower Makefield (“Township”) is a township of the second class, organized and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township has full authority and power to enact certain ordinances which the Township deems necessary and appropriate for the benefit of its residents; and

WHEREAS, the Township has determined that all businesses and residents located and operating within the Township shall abide by the ordinance listed below pertaining to the use and display of fireworks.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Lower Makefield Township, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

Section I Definitions

Consumer Fireworks

Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects of 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 American Pyrotechnics Association (APA) Standard 87-1 or any successor standard, the sale possession and use or which shall be permitted throughout this Commonwealth.

The term does not include devices such as Class 1 model rockets as defined in 14 CFR Part 101, "ground and hand-held sparkling devices," "novelties," "toy caps," as defined in APA Standard 87-1, or any successor standard, the sale, possession, and use of which shall be permitted at all times throughout this Commonwealth.

Display Fireworks

Large fireworks used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects of 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) by the United States Department of Transportation.

Pennsylvania Law

Pennsylvania Act 74 of 2022 which also may be cited as House Bill 2157.

NFPA 1124

The National Fire Protection Association Standard 1124 Code for the Manufacture, Transportation and Storage of Fireworks and Pyrotechnic Articles, 2017 Edition.

Occupied Structure

A structure, vehicle or place adapted for overnight accommodation of persons for conducting business whether a person is actually present.

Section II Use of consumer and display fireworks

A. Use of Consumer fireworks:

- a. Conditions. A person who is at least 18 years of age and meets the requirements of this section may purchase, possess, and use consumer fireworks.
- b. Prohibitions: A person may not intentionally ignite or discharge:
 - i. Consumer fireworks on public or private property without the express permission of the owner.
 - ii. Consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.
 - iii. Consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person.
 - iv. Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance, or another drug.
 - v. Consumer fireworks within 150 feet of an occupied structure.
 - vi. Consumer fireworks after 10:00 p.m. prevailing time or before 7:00 a.m. prevailing time, except on New Year's Eve, which shall be until 12:00 midnight, New Year's Day until 12:30 a.m. and July 4 until 11:00 p.m.

- B. Use of display fireworks.
 - a. Display fireworks shall not be utilized within Lower Makefield Township unless and until a permit is obtained from the Township Fire Marshal.
 - b. No display of fireworks shall be ignited within 300 feet of a permanent facility or temporary structure.
 - c. No display fireworks shall be ignited after 11:00 pm.

Section III Removal, Storage, and Destruction.

The Pennsylvania State Police, Lower Makefield Township Police, or the Lower Makefield Township Fire Marshal may seize, remove, or cause to be removed at the expense of the owner all stocks of consumer fireworks or display fireworks or combustibles offered or exposed for sale, stored, or held in violation of this ordinance. The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks.

Section IV Violations and Penalties.

- a. The provisions of this ordinance shall be enforced by any Township police officer, the Township Fire Marshal, or code enforcement officer as assigned by the Township.
- b. Any person who violates any of the provisions of this ordinance may be issued a citation for each offense with a fine of \$1,000 for each offense.

The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Lower Makefield Township.

This Ordinance shall become effective the day after its legal adoption.

ENACTED AND ORDAINED BY THE TOWNSHIP OF LOWER MAKEFIELD THIS
 ____ DAY OF _____ 2024.

BOARD OF SUPERVISORS
 TOWNSHIP OF LOWER MAKEFIELD

By: _____
 Chairperson

ATTEST:

 David Kratzer, Township Manager