

NOTICE

NOTICE IS HEREBY GIVEN that the Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, intends to consider for adoption and to vote upon an enactment of the Ordinance summarized below, at the regularly scheduled Chambersburg Town Council Meeting on March 27, 2023 at 7:00 p.m. at the Borough Office, 100 South 2nd Street Chambersburg, Pennsylvania 17201.

The title of the proposed Ordinance is “AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA, ADDING A NEW CHAPTER TO THE CODE OF THE BOROUGH OF CHAMBERSBURG TO REGULATE THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS AND REQUIRE THE ISSUANCE OF A PERMIT FOR THE POSSESSION AND USE OF DISPLAY FIREWORKS AND PROVIDE FOR PENALTIES FOR VIOLATION OF THE ORDINANCE”

If enacted, the Ordinance will establish Chapter 152 of the Code of the Borough of Chambersburg, restricting the discharge and use of consumer fireworks within the Borough and requiring permits for display fireworks.

The contents of the Ordinance are summarized as follows:

- 152-1 Establishes certain definitions.
- 152-2 Prohibits the use of Consumer Fireworks.
- 152-3 Establishes permit requirements for Display Fireworks.
- 152-4 Sets forth enforcement provisions and penalties.

The full text of the proposed Ordinance may be examined without charge at the Office of the Chambersburg Borough Manager, 100 South 2nd Street, Chambersburg, Pennsylvania 17201, during regular business hours, which are Monday through Friday, 8:00 a.m. to 5:00 p.m. A copy will be provided upon request without charge. A copy of the proposed Ordinance has been filed at the Franklin County Law Library, 100 Lincoln Way East, Suite E, Chambersburg, Pennsylvania 17201, and is available for inspection during normal business hours.

Salzmann Hughes, P.C., Solicitor

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PUBLIC OPINION – PLEASE ADVERTISE IN THE LEGAL COLUMN ON **WEDNESDAY, MARCH 15, 2023**. PLEASE PROVIDE A PROOF OF PUBLICATION AND BILL TO THE BOROUGH OF CHAMBERSBURG.

THANKS,

Jamia L. Wright, BOROUGH SECRETARY

P O Number Reference: 2023-3705/70115

BOROUGH OF CHAMBERSBURG
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023- _____

AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA, ADDING A NEW CHAPTER TO THE CODE OF THE BOROUGH OF CHAMBERSBURG TO REGULATE THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS AND REQUIRE THE ISSUANCE OF A PERMIT FOR THE POSSESSION AND USE OF DISPLAY FIREWORKS AND PROVIDE FOR PENALTIES FOR VIOLATION OF THE ORDINANCE.

WHEREAS, the Borough of Chambersburg (“Borough”) is empowered to enact conditions, prohibitions and limitations on the use and sale of consumer fireworks in the Borough pursuant to 3 Pa.C.S.A § 1106; and

WHEREAS, the Borough is further empowered to issue permits and adopt reasonable rules and regulations regarding the use of fireworks in the Borough pursuant to 8 Pa.C.S.A. § 1202(17) and 3 Pa.C.S.A § 1102; and

WHEREAS, Section 1202(17)(ii) of the Borough Code (8 Pa.C.S.A § 101 *et seq.*) authorizes the Borough to grant permits for supervised public displays of fireworks and adopt rules and regulations regarding the displays; and

WHEREAS, Section 1202(5) of the Borough Code authorizes the Borough to make regulations as may be necessary for the health, safety, morals, general welfare, cleanliness, and safety of the Borough; and

WHEREAS, the Chambersburg Town Council deems it in the best interest and for the general welfare of the residents and visitors of the Borough to add a Chapter 152, regulating the use of fireworks in the Borough, to the Code of the Borough of Chambersburg (the “Code”),

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of Chambersburg, Franklin County, Pennsylvania, as follows:

SECTION 1. The Code of the Borough of Chambersburg is hereby amended to establish a new Chapter, Chapter 152 to be entitled “Fireworks”, and the contents therein shall be as follows:

Chapter 152-1. Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

The terms used in this Chapter shall have the meaning set forth in 3 Pa.C.S.A § 1101, as amended.

“Person”- includes a corporation, partnership, limited liability company, trust, association (whether incorporated or unincorporated), estate, foundation, or natural person.

Chapter 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.

Chapter 152-3. Permits 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 not less than forty-five (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 confirm 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.

Chapter 152-4. Enforcement, Violations, and Penalties.

- A. This ordinance 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.

SECTION 2. Repealer. All provisions of previous Borough Ordinances, which are contrary to this Ordinance, are expressly repealed.

SECTION 3. Savings Clause. In all other respects, the Borough Ordinances shall remain as previously enacted and ordained.

SECTION 4. Severability. The provisions of this Ordinance are severable, and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provision shall not affect or impair any remaining sections, clauses, or sentences of the same.

SECTION 5. Effective Date. This Ordinance shall be effective immediately.

ENACTED, ORDAINED, AND APPROVED this _____ day of _____, 2023.

ATTEST:

Allen B. Coffman
President of Town Council

Jamia L. Wright
Secretary of Town Council

Kenneth Hock
Mayor