

OFFICIAL

TOWNSHIP OF NORTH HUNTINGDON

PROPOSED ORDINANCE NO. 14 OF 2019

ORDINANCE NO. 2252

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA, REGULATING THE HOURS DURING WHICH CONSUMER FIREWORKS MAY BE SET OFF IN THE TOWNSHIP AND PROHIBITION OF SETTING OFF FIREWORKS OWNED BY THE TOWNSHIP.

WHEREAS, the Pennsylvania State Legislature recently enacted ACT 43 of 2017, entitled "Fireworks Law" which, among other things, legalized the use of consumer fireworks by individuals in the Commonwealth of Pennsylvania; and

WHEREAS, while the law provides certain regulation regarding the use of these fireworks, it does not define the hours during which they may be set off; and

WHEREAS, the Commissioners of the Township of North Huntingdon has deemed it to be in the best interests and general welfare of the residents of the Township to permit the use of consumer fireworks or other fireworks available to the general public to certain times; and

WHEREAS, property owners in the Township are entitled to the quiet use and enjoyment of their property; and

WHEREAS, as property owners of numerous parcels within jurisdictional limits of North Huntingdon Township, and in an effort to protect the health, safety and welfare of individuals using said property, the Commissioners of the Township of North Huntingdon declare that all persons are prohibited from setting off fireworks on any and all property owned by the Township of North Huntingdon.

NOW THEREFORE BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the authority of the Township of North Huntingdon as follows:

SECTION 1. DEFINITIONS.

“Consumer Fireworks” – Shall mean the terms “Consumer-grade Fireworks” as defined in 35 P.S. §1271 et seq., as may be amended; “Class C” or “consumer grade” fireworks that include firecrackers, Roman Candles, bottle rocks, and similar fireworks that contain a maximum of 50 milligrams of explosive material.

SECTION 2. PERMITTED HOURS OF USE.

1. The Township of North Huntingdon hereby **permits** the use of consumer fireworks as defined in Act 43 of 2017 available to the general public during the following hours:
 - Sunday through Thursday from 4 p.m. through 9 p.m.
 - Friday and Saturday from 4p.m. through 10 p.m.
2. In addition to the aforementioned times permitted above, the use of consumer fireworks as defined in Act 43 of 2017 may also occur on the following specific dates and times:
 - a. July 3rd from 4 pm to 11pm;
 - b. July 4th from 4 pm to 11pm;
 - c. July 5th from 4 pm to 11pm;
 - d. December 31st from 4 pm to 11:59 pm; and
 - e. January 1st from 12 am to 12:30 and 4 pm to 11pm.

SECTION 3. PROHIBITION OF USE OF CONSUMER OR OTHER FIREWORKS.

The Township of North Huntingdon hereby **prohibits** the use of consumer fireworks as defined in Act 43 of 2017 or any other fireworks available to the general public on any and all property owned by the Township of North Huntingdon. The purpose of this prohibition is to ensure the safety of North Huntingdon’s residents and visitors using public property for their use and enjoyment.

SECTION 4. VIOLATIONS AND PENALTIES.

Any person who violates or permits the violation of any provision of this Ordinance shall, upon conviction thereof in a summary proceeding brought before a District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to the payment of a fine of not less than \$300 and not more than \$1,000, plus the

costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section of this Ordinance violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$300 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this chapter shall be paid to the Township Treasurer.

SECTION 5. SEVERABILITY.

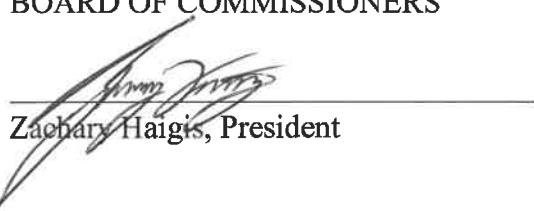
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of North Huntingdon that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. REPEALER. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective in five (5) days from the date of adoption.

ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present on the 20th day of November, 2019.

TOWNSHIP OF NORTH HUNTINGDON
BOARD OF COMMISSIONERS


Zachary Haigis, President

ATTEST:


Jeffrey Silka, Township Secretary