

**BOARD OF SUPERVISORS OF
THE TOWNSHIP OF DERRY
DAUPHIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE TOWNSHIP OF DERRY, DAUPHIN COUNTY, AMENDING DERRY TOWNSHIP ORDINANCE NO. 2023-04 AND CHAPTER 95, FIREWORKS AND PYROTECHNICS, OF THE CODE OF ORDINANCES OF DERRY TOWNSHIP BY REMOVING THE BONDING REQUIREMENTS FOR PYROTECHNICS AND FURTHER REMOVING THE ANNUAL PERMIT EXCEPTION FOR QUARRYING, BLASTING, OR OTHER INDUSTRIAL USES

WHEREAS, the Township of Derry is empowered to regulate fireworks in accordance with the Pennsylvania Second Class Township Code, 53 P.S. §66534;

WHEREAS, the Township of Derry is authorized to ensure the public safety and to define conduct that constitutes disturbing the peace pursuant to the Pennsylvania Second Class Township Code, 53 P.S. §65101 et seq.;

WHEREAS, the Township of Derry is able to abate and prohibit nuisances on property pursuant to the Pennsylvania Second Class Township Code, 53 P.S. §66529;

WHEREAS, the Board of Supervisors of Derry Township has determined that the use of fireworks, pyrotechnics and/or flame effects can be detrimental to the health, safety and welfare of the Township's inhabitants and can interfere with both the quiet enjoyment of residential and public property and the operation of businesses and should therefore be reasonably controlled;

WHEREAS, the Board of Supervisors of Derry Township adopted Ordinance No. 2023-04 on April 25, 2023, establishing a new Chapter 95, Fireworks and Pyrotechnics, in the Code of Ordinances of Derry Township; and,

WHEREAS, it is the intent of this Ordinance to amend Ordinance No. 2023-04 and Chapter 95, Fireworks and Pyrotechnics, of the Code of Ordinances of Derry Township by removing the bonding requirements for pyrotechnics and further removing the annual permit exception for quarrying, blasting, or other industrial uses.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Derry Township, Dauphin County, Pennsylvania, that the Code of Ordinances of Derry Township is hereby amended by amending Ordinance No. 2023-04 and Chapter 95, Fireworks and Pyrotechnics, as follows:

ARTICLE I.

Section 95-4.A of the Derry Township Code of Ordinances and Derry Township Ordinance No. 2023-04 is hereby amended to read as follows:

A. Unlawful to use 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, unless a permit therefor is first granted, as hereinafter provided. Display fireworks may be possessed and used by a person holding a permit from the Township at the display covered by the permit or when used as authorized by a yearly permit for any of the following:

- (1) For agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage;
- (2) By railroads or other transportation agencies for signal purposes or illumination;
- (3) In the sale or use of blank cartridges for a show or theater;
- (4) For signal or ceremonial purposes in athletics or sports;
- (5) By military organizations or organizations composed of veterans of the armed forces of the United States; or
- (6) By governmental agencies to fulfill their mission.

ARTICLE II.

Section 95-4.D.(4) of the Derry Township Code of Ordinances and Derry Township Ordinance No. 2023-04 is hereby amended to read as follows:

- (4) A permit issued under this Section shall remain in effect for the calendar year in which it is issued for the following uses only:
 - a) For agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage;
 - b) By railroads or other transportation agencies for signal purposes or illumination;
 - c) In the sale or use of blank cartridges for a show or theater;
 - d) For signal or ceremonial purposes in athletics or sports;
 - e) By military organizations or organizations composed of veterans of the armed forces of the United States; or
 - f) By governmental agencies to fulfill their mission.

ARTICLE III.

Section 95-5.C.(1) of the Derry Township Code of Ordinances and Derry Township Ordinance No. 2023-04 is hereby amended to read as follows:

- (1) An application for a permit shall be made in writing to the Township at least 10 working days in advance of the date of the proposed use of pyrotechnics and/or flame effects. The application 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 competent operator, 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 and/or other controlling state and/or federal code and/or law. 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 pyrotechnics and/or flame effects. All applicants shall pay the Township the permit fee in the amount as established from time to time by resolution of the Board of Supervisors, before the issuance of a permit and shall further provide proof of liability insurance, acceptable to the Township. The Township may attach conditions and/or restrictions on any permit for the use and display of pyrotechnics and/or flame effects as are deemed necessary.

ARTICLE IV.

Sections 95-5.E. and F. of the Derry Township Code of Ordinances and Derry Township Ordinance No. 2023-04 are hereby amended to read as follows:

E. Continuance.

- (1) If by reason of unfavorable weather the 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 use the date noted on the application and permit as the "rain date" for the event display without the payment of any additional fee.
- (2) If by reason of unfavorable weather the display for which a permit has been granted does not take place at the time so authorized or on the approved rain date, the person to whom such permit was issued may within 24 hours or the next business day the Township office is open, whichever is later, 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(s) fixed originally in said permit, unless otherwise approved by the Township. 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, subject to the rescheduled day being within seven (7) days of the original date or approved rain date or otherwise agreeable to the Township, and such extension of time shall be granted without the payment of any additional fee.

F. Reserved.

ARTICLE V. SEVERABILITY.

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

ARTICLE VI. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

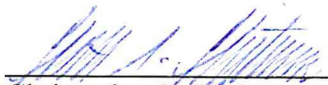
ARTICLE VII. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED into law this 22nd day of August 2023, by the Board of Supervisors of Derry Township, Dauphin County, Pennsylvania, in lawful session duly assembled.

ATTEST

BOARD OF SUPERVISORS
TOWNSHIP OF DERRY
DAUPHIN COUNTY, PENNSYLVANIA



Christopher S. Christman,
Township Manager

E. Christopher Abruzzo - Chairman