

RED HILL BOROUGH COUNCIL
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023 – 595

Fireworks Ordinance

AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE BOROUGH OF RED HILL, MONTGOMERY COUNTY, PENNSYLVANIA, CHAPTER 10 (HEALTH AND SAFETY) BY ADDING A NEW PART 6 ENTITLED “FIREWORKS” TO REGULATE THE USE OF CONSUMER FIREWORKS AND DISPLAY FIREWORKS WITHIN RED HILL BOROUGH AND PROVIDING FOR PERMITS IN CERTAIN CASES CONSISTENT WITH THE FIREWORKS LAW OF THE COMMONWEALTH OF PENNSYLVANIA.

The Borough Council of the Borough of Red Hill does hereby **ENACT** and **ORDAIN** as follows:

SECTION I. - Amendment to Code.

The Code of Ordinances of the Borough of Red Hill, Chapter 10 (Health and Safety), is hereby amended to add a new Part 6 entitled “Fireworks” to regulate the use of consumer fireworks and display fireworks consistent with the Fireworks Laws of the Commonwealth of Pennsylvania as follows:

Part 6 Fireworks

§ 10 – 601. Short Title.

This Part 6 shall be known and may be cited as the Red Hill Borough Fireworks Ordinance (also cited as “Ordinance” herein).

§ 10 – 602. Purpose and Intent.

Borough Council hereby duly recognizes Act 74 of 2022, also known as House Bill 2157, P.N. 3332, which was adopted by the Pennsylvania General Assembly on July 6, 2022, and signed by the Governor on July 11, 2022 to amend Title 3 Pa.C.S. Chapter 11 and became effective on September 9, 2022 (hereafter cited in this Part 6 as the "Fireworks Law". The Fireworks Law governs the sale, purchase and use of Consumer Fireworks and Display Fireworks in the Commonwealth. The Fireworks Law authorizes Pennsylvania municipalities to prohibit or restrict certain uses of Consumer Fireworks as defined in the Fireworks Law when certain conditions are met. Red Hill Borough Council has determined that the full authority provided by the Fireworks Law should be exercised in the interests of public safety as more particularly set forth in this Part 6.

§ 10 – 603. Definitions.

For purposes of this Ordinance, the definitions of "Consumer Fireworks" and "Display Fireworks" shall be consistent with the definitions for same set forth in Section 1 of the Fireworks Law, as may be amended from time to time.

§10 – 604. Permit Required for Display Fireworks.

A. Display Permit.

In accordance with the Fireworks Law, a permit is required for any use of Display Fireworks within the Borough limits. Permit application forms are available at the Borough Office during normal business hours. The application must include facts sufficient to establish that the Display Fireworks will not be ignited within 300 feet of sales locations for Consumer Fireworks and that the Display Fireworks will be handled by a competent operator at least 21 years of age who demonstrates evidence of fireworks handling and safety training, all in accordance with Sections 1102 and 1107 of the Fireworks Law. The application must include the approval of the Red Hill Fire Marshal. The application must designate a suitable location to ensure that Display Fireworks will not be located, discharged, or fired in such a manner as to be hazardous to property or an endangerment to any person. The application shall be accompanied by a certificate of insurance in accordance with Subsection 1102(d) of the Fireworks Law. The applicant must acknowledge acceptance of the requirements established by any applicable State and Federal laws, rules and regulations. Permit extensions shall be permitted in accordance with Subsection 1102(e), of the Fireworks Law provided the extension sought receives a renewed approval by the designated officials that the extended use would not be hazardous to property or an endangerment to any person.

B. Agricultural Permit.

In accordance with Section 1105(a) of the Fireworks Law, Red Hill Borough Council may grant permits for the use of Display Fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage. The application for such a permit must meet the requirements of this Section. A permit under Section 1105 of the Fireworks

Law and shall remain in effect for the calendar year in which it was issued. Sales, possession, and use of Display Fireworks for the purpose stated in the permit shall be lawful for that purpose only.

C. Permit Applications.

Applications for use of Display Fireworks shall be submitted at least two weeks prior to the date of proposed use. Permits for the use of Display Fireworks may be granted by the Red Hill Borough Council, Borough Manager, Borough Secretary, or other authorized Borough staff upon approval of the application and payment of a permit fee of \$250.00 or as otherwise established by Resolution of Borough Council from time to time.

§ 10 – 605. Use of Consumer Fireworks.

- A. Conditions. A person who is at least 18 years of age may purchase, possess and use consumer fireworks only in a manner consistent with the Fireworks Law and this Ordinance.
- B. Prohibitions. A person may not intentionally use consumer fireworks:
- (1) On private property or on public property, including, but not limited to, streets, parking lots, sidewalks, and parks, without the express permission of the owner or entity that controls the property.
 - (2) Within, directed at or directed from a vehicle or building.
 - (3) Directed at another person.
 - (4) While the person is under the influence of alcohol, a controlled substance, or another drug.
 - (5) Within 150 feet of a building or vehicle, whether or not the building or vehicle is owned by the user of the consumer fireworks.

§ 10 – 606. Violations and Penalties.

A. In accordance with the provisions of Section 1114(1) of the Fireworks Law, any person using Consumer Fireworks in violation of the provisions of this Ordinance, for the first offense commits a summary offense, and upon conviction shall, in addition to any other penalty authorized by law, be punishable by a fine of not more than Five Hundred (\$500.00) Dollars. A subsequent offense under this Ordinance committed within three years of a prior conviction shall constitute a summary offense, and upon conviction shall, in addition to any other penalty authorized by law, be punishable of a fine of not more than One Thousand (\$1,000.00) Dollars.

B. Any person selling Consumer Fireworks in violation of the Law is punishable in accordance with Section 1114(2) be punishable by a fine of not less than \$10,000.

C. Any person selling or using Display Fireworks in violation of the Law is punishable in accordance with Section 1114(3) by a fine of not less than \$10,000.

SECTION II. – Severability.

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid, or unconstitutional by

any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Council that this Ordinance would have been adopted even if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

SECTION III. - Failure to enforce not a Waiver.

The failure of the Borough to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

SECTION VI. - Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION VII. – Repealer.


All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

[Adoption and Signatures on Following Page]

ORDAINED and **ENACTED** by the Borough Council of Red Hill Borough,
Montgomery County, Pennsylvania, this 13th day of September, 2023.

RED HILL BOROUGH COUNCIL

By: 
Doris Decker, President

Attest: 
Elizabeth DeJesus, Borough Secretary

APPROVED the 13th day of September, 2023.


David Schiffgens, Mayor

NOTICE

NOTICE is hereby given that the Red Hill Borough Council, at its public meeting on September 13, 2023 at 7 PM at the Red Hill Borough Hall, 56 West Fourth Street, Red Hill, Pennsylvania 18076, will consider and could vote to adopt an Ordinance Amending the Code of Ordinances of the Borough of Red Hill, Chapter 10 (Health and Safety) by adding a new Part 6 entitled “Fireworks” to regulate the use of consumer fireworks and display fireworks within Red Hill Borough and providing for permits in certain cases consistent with the Fireworks Law of the Commonwealth of Pennsylvania

Copies of the proposed Ordinance are available for public inspection at the Borough Offices, 56 West Fourth Street, Red Hill, Pennsylvania 18076 where a copy of the proposed ordinance may be obtained at a charge not greater than the cost thereof, the offices of *The Town & Country*, 2508 Kutztown Road, Pennsburg, PA 18073 and the Montgomery County Law Library, Court House, Norristown, Pennsylvania, during normal business hours.

**MARK A. HOSTERMAN, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitor for the Borough of Red Hill