

**TOWNSHIP OF ANDOVER
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2018-06

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO AMEND THE TOWNSHIP CODE BY AMENDING CHAPTER 103 ENTITLED "PARKS AND RECREATION AREAS" AND CHAPTER 107 ENTITLED "PEACE AND GOOD ORDER"

WHEREAS, the Township Committee has reviewed and assessed fireworks displays in the Township; and

WHEREAS, the Township Committee has determined that the Code should be amended to permit fireworks displays in accordance with state laws.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Andover, in the County of Sussex, and State of New Jersey as follows:

SECTION 1. Chapter 103 "Parks and Recreation Areas" is amended as follows:

Section 103-2. Prohibited Activities

J. Carry or use firearms or explosives, fireworks, air rifles, bows and arrows, sling shots or any weapon. At the discretion of the Mayor and Committee, a permit for a properly supervised fireworks display, in accordance with all applicable state statutes, may be issued as set forth in Section 107-20 and the Township Code.

The remainder of this Chapter remains as is.

SECTION 2. Chapter 107 "Peace and Good Order" shall be amended as follows:

New Section 107-20 shall be added and shall read:

A. Compliance with statutory provisions

No person or entity shall offer or expose for sale, sell, distribute, possess, use or explode any fireworks or pyrotechnics or any devices in which explosives are used for fireworks or pyrotechnics except under the provisions of N.J.S.A. §21:3-1 to §21:3-9, as amended, as relates to public displays.

B. Permit required

In accordance with N.J.S.A. §21:3-3 and §21:3-4, in addition to all State permits and requirements set forth therein, a permit must be obtained from the Township Committee for any fireworks display to be conducted within the Township. The permit shall be issued providing all conditions of NJSA §21:3-3 to §21:3-9 are complied with by the applicant.

C. Fees

- 1) The permit fee for a fireworks display is \$600.
- 2) \$500 of this permit fee shall be specifically dedicated by the Township to an account for maintenance and/or capital improvements of Fire Department vehicles and equipment.

D. Non Compliance with this Section shall result in a violation of NJSA §21:3-8.

E. Waiver:

In the event that the Applicant demonstrates to the Mayor and Township Committee that a donation has been made to the Fire Department which will sufficiently cover the cost for the use of equipment and resources of the Department, then the Township Committee may waive up to \$500 of the application fee.

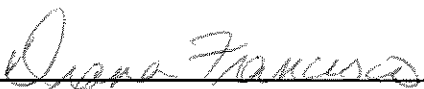
SECTION 3. All ordinances of the Township of Andover, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 6. This Ordinance may be renumbered for codification purposes.

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX
STATE OF NEW JERSEY**



Diana Francisco, Administrator/Clerk

Introduction : 04-09-18

Adoption: 04-23-18

**Vote: Mr. Bensley, yes; Ms. Blackburn, yes; Mr. Walsh, yes;
Mr. Carafello, absent.**