

## Chapter 117

### FIREWORKS

#### ARTICLE I FIREWORKS

#### §117-2. Use of Consumer Fireworks

#### §117-1. Definitions

#### §117-3 Violations, Penalties and Enforcement

{**HISTORY:** Adopted by the Borough Council of the Borough of Newport as indicated in article histories. Amendments noted where applicable.}

#### GENERAL REFERENCES

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#### ARTICLE I

**AN ORDINANCE OF THE BOROUGH OF NEWPORT, PERRY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE #348 (ADOPTED JANUARY 8, 2013), CREATING THE NEW CHAPTER 117, FIREWORKS TO REGULATE THE USE OF FIREWORKS WITHIN THE BOROUGH.**

**WHEREAS**, the Council for the Borough of Newport (the “Borough”) has determined a need to regulate the use of fireworks within the Borough as a matter of public safety and interest; and

**WHEREAS**, the Commonwealth of Pennsylvania enacted Act 2017-43, 72 P.S. §§9401-9416 regulating the sale and display of fireworks; and

**WHEREAS**, the Borough has been granted specific power under the Borough Code, Title 8, Pa. C.S. §1202(17) to grant permits for the public display of fireworks and to regulate same within the Borough; and

**NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED**, by the authority of the Borough Council of the Borough of Newport, Perry County, Pennsylvania pursuant to Title 8, Pa. C.S. §1202(17) and the laws of the Commonwealth, that the Code of Ordinances of the Borough of Newport, Chapter 117 FIREWORKS is hereby an Ordinance of the Borough of Newport.

#### **SECTION I:**

**§117-1 Definitions.** The following words and phrases when used in this Chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“APA 87-1. THE AMERICAN PYROTHECNICS ASSOCIATION STANDARD 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition, or any subsequent edition.

**"CONSUMER FIREWORKS"**

(1) Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for "consumer fireworks" as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout the Commonwealth of Pennsylvania.

(2) The term does not include devices as "ground and hand-held sparkling devices," "novelties" or "toy caps" in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times with the Borough, unless otherwise provided in the Newport Borough Code.

**"DISPLAY FIREWORKS"** Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to:

- (1) Salutes that contain more than two grains or 130 milligrams of explosive materials;
- (2) Aerial shells containing more than 60 grams of pyrotechnic compositions; and
- (3) Other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

**"OCCUPIED STRUCTURE"** A structure, vehicle or place adapted for overnight accommodation of persons or for conducting business whether or not a person is actually present.

**§117-2 Use of Consumer Fireworks.**

(a) Conditions. A person who is at least 18 years of age and meets the requirements of this section may purchase possess and use consumer fireworks.

(b) Prohibitions. A person may not intentionally ignite or discharge:

- (1) Consumer fireworks on public or private property without the express permission of the owner.
- (2) Consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.
- (3) Consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person.

- (4) Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.
- (5) Consumer fireworks within 150 feet of an occupied structure.
- (6) Consumer fireworks between the hours of 10:00 PM and 7:00 AM.
- (7) Fireworks of any kind on all property owned by the Borough of Newport including Veterans Memorial Park.
- (8) Display fireworks anywhere within the Borough of Newport.

**§117-3 Violation, Penalties and Enforcement.**

- (1) A person using consumer fireworks or display fireworks in violation of the provisions of this Chapter commits a summary offense and, upon conviction, shall be punished by a fine of not more than \$100.00.

**SECTION II. SEVERABILITY.** If any section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance or Chapter 117 of the Code of the Borough of Newport as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more of those sections provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

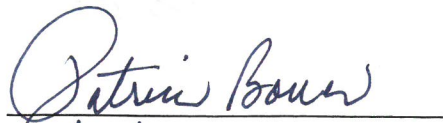
**SECTION III. Effective Date.** This Ordinance shall become effective in accordance with applicable law.

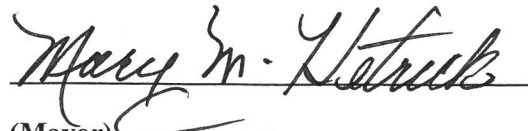
BE IT DULY ORDAINED AND ENACTED into law this 7<sup>th</sup> day of September 2021, by the Borough of Newport, Perry County, Pennsylvania in lawful session duly assembled.

ATTEST:



(President of Council)

  
Asst.  
(Borough Secretary)

  
(Mayor)