

**TOWNSHIP OF UPPER SAUCON
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 137

**AN ORDINANCE REGULATING THE DISPLAY AND USE OF FIREWORKS,
REQUIRING PERMITS FOR THE USE OF FIREWORKS AND ESTABLISHING
PENALTIES FOR VIOLATION**

BE IT ORDAINED by the Board of Township Supervisors of the Township of Upper Saucon, Lehigh County, Pennsylvania, and it is hereby ordained by the authority of the same that:

SECTION 1: INTENT

It is the intent of Upper Saucon Township to protect the health, safety and welfare of the general public through limiting and regulating the use of fireworks as hereafter defined. Fireworks by nature contain explosives which when misused can damage property and endanger human life. This Ordinance prohibits the use of fireworks and conduct of public displays as defined herein by the general public but allows for the public display of fireworks performed by professional, competent operators in a safe manner and with appropriate safeguards through a permit process.

SECTION 2: DEFINITIONS

A. Fireworks. The term "fireworks" shall include all of those materials and/or devices and any combination thereof which are defined as "consumer fireworks" and/or "display fireworks" by the laws of the Commonwealth of Pennsylvania.

B. Person. The term "person" shall be defined as any individual, partnership, firm, limited liability company or partnership, public or private corporation, incorporated or unincorporated association, enterprise or any other legal entity and, including without limitation with respect to each of the above, any agent, servant or employee thereof.

C. Public Display. Any event whether or not open to the general public at which fireworks are discharged, fired or activated.

SECTION 3: PERMIT REQUIRED

A. It shall be unlawful for any person to have, hold, or sponsor public displays of fireworks within the limits of Upper Saucon Township, unless a permit therefore is first granted by the Township Manager or his designee.

B. Application for permits shall be made in writing on a form prescribed by the Township to the Township Manager at least thirty (30) days in advance of the date set for a public display, setting forth the proposed location, the character thereof, the name and address of the operator, and the name and address of the owner or owners of the grounds on which the public display is to be held. If an application is submitted and executed by an operator acting on behalf of the owner, the owner shall execute the application as well. The application/permit fee shall be Two Hundred (\$200.00) Dollars.

C. As a condition of issuance of the permit, the applicant shall submit a bond meeting the requirements of Section 4 of this Ordinance.

D. If and after a permit is granted hereunder, the possession and use of fireworks shall be lawful and limited solely for the purpose described in the application and the permit.

E. The Township Manager may attach reasonable conditions to the issuance of a permit under this Section.

F. No permit granted hereunder shall be transferable.

G. If by reason of unfavorable weather the public display for which a permit is granted does not take place at the time authorized, the person to whom such permit is issued may within seventy-two (72) hours, apply to the Township requesting a continuance of the public display to a new date. Upon receiving an application for continuance, the Township Manager may extend the permit under such terms and conditions as are deemed appropriate.

SECTION 4: BOND FOR DISPLAY

The owner, operator, and/or applicant for a permit shall provide a bond in an amount not less than One Million Dollars (\$1,000,000.00) conditioned for the payment of all damages to any person for any injury, death or property damage arising out of or relating to the public display of fireworks. The bond shall be filed with the Township Manager as a condition of permit approval. The terms of the bond shall be subject to Township approval.

SECTION 5: DISPLAY AND DISCHARGE

Every public display of fireworks within the Township shall be performed by a competent operator and shall be of such character and so located, discharged, fired or activated in such a manner so as not to be hazardous to property or endanger any person or persons. The permit application shall identify the operator and set forth the operator's credentials evidencing competency to perform the public display.

SECTION 6: DISPOSAL OF UNFIRED FIREWORKS

It shall be the sole responsibility of the owner, applicant and/or operator to dispose of all unfired fireworks, trash and any other residue or remains within 24 hours of the conclusion of the public display of fireworks. Any materials which are hazardous or unsafe shall be immediately disposed of in a proper manner.

SECTION 7: COMPLIANCE WITH OTHER LAWS

In addition to the above, any owner, applicant and/or operator hereunder shall comply with all federal, state and local laws, regulations, and ordinances as well as industry standards relating to the handling, display, and disposal of fireworks. To the extent that the standards contained in this Ordinance differ from those contained in any federal, state or local law, regulation, or ordinance or industry standard, the stricter provision shall apply.

SECTION 8: PENALTIES

Any person who violates a provision of this Ordinance shall, in an action brought before a district justice and upon conviction thereof, be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) for each and every offense, and in default of payment, imprisonment for a term not exceeding thirty (30) days. Each day or portion thereof for which a violation of this Ordinance is found to occur shall constitute a new and separate offense.

SECTION 9: SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

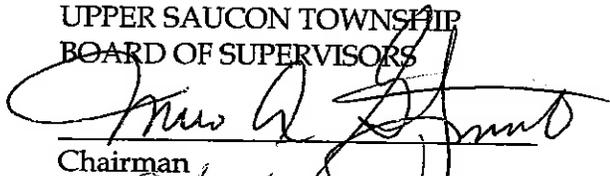
SECTION 10: REPEALER

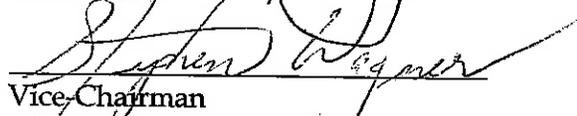
All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

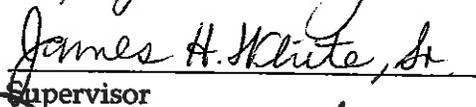
SECTION 11: EFFECTIVE DATE

This Ordinance shall become effective five (5) days after its passage or adoption.

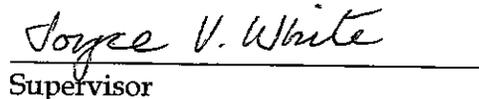
UPPER SAUCON TOWNSHIP
BOARD OF SUPERVISORS


Chairman

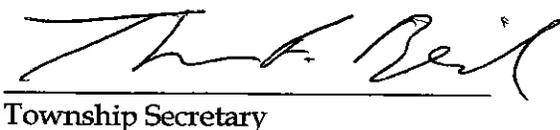

Vice-Chairman


Supervisor


Supervisor


Supervisor

ATTEST:


Township Secretary