

MUNICIPALITY OF NORRISTON
A HOME RULE MUNICIPALITY
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 22-04 of 2022

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, REGULATING THE USE OF CONSUMER FIREWORKS AND DISPLAY FIREWORKS WITHIN THE MUNICIPALITY OF NORRISTOWN AND PROVIDING FOR PERMITS IN CERTAIN CASES.

WHEREAS, Act 74 of 2022, House Bill 2157, P.N. 3332 was adopted by the General Assembly on July 6, 2022, was signed by the Governor on July 11, 2022, amends Title 3 Pa.C.S. Chapter 11 (hereafter, "Fireworks Law" or "Law"), and became effective on September 9, 2022; and

WHEREAS, the Fireworks Law governs the sale, purchase and use of Consumer Fireworks and Display Fireworks in the Commonwealth; and

WHEREAS, the Fireworks Law authorizes Pennsylvania municipalities to prohibit or restrict certain uses of Consumer Fireworks as defined in the Law if the municipality determines that certain conditions are met; and

WHEREAS, the Fireworks Law authorizes the adoption of local rules and regulations by the Municipality of Norristown that govern permit approvals; and

WHEREAS, Municipal Council of the Municipality of Norristown has determined that the full authority provided by the Fireworks Law should be exercised in the interests of public safety; and

WHEREAS, Municipal Council of the Municipality of Norristown has determined after conducting appropriate inquiries during its meetings and after receiving public comment, that use of Consumer Fireworks within the Municipality of Norristown limits would violate the prohibition in the Fireworks Law and specifically Sections 1106(a)(1.2) and 1104(b)(5) (relating to use of consumer fireworks), and would be contrary to the public interest and harmful to public safety; and

WHEREAS, Municipal Council of the Municipality of Norristown desires to regulate the use of Display Fireworks and Consumer Fireworks within the Municipality of Norristown limits.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Municipal Council of the Municipality of Norristown, Montgomery County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS

For purposes of this Ordinance, the definitions of "Consumer Fireworks" and "Display Fireworks" shall be that set forth in Section 1 of the Fireworks Law, appearing here as

Attachment "A" to this Ordinance, and any successor legislation. As set forth therein, the term "Consumer Fireworks" shall not include devices such as "ground and hand-held sparkling devices," "novelties," or "toy caps."

SECTION 2. DISPLAY FIREWORKS

- 2.1 In accordance with the Fireworks Law, a permit is required before any use of Display Fireworks within the Municipality of Norristown limits. Permit application forms are available through the Fire Marshal and Fire Chief 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 chief of the fire department or other appropriate official as may be designated by Municipal Council and that the 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 Law. The applicant must acknowledge acceptance of the requirements otherwise established by state and federal law. Permit extensions shall be permitted in accordance with Subsection 1102(e), provided the extension sought receives a renewed approval by the designated official that the extended use would not be hazardous to property or an endangerment to any person.
- 2.2 Applications for use of Display Fireworks shall be submitted at least four weeks prior to the date of proposed use. Permits for the use of Display Fireworks may be granted by the Fire Marshal, by the Fire Chief, or by such official or officials as are so designated by Municipal Council, upon approval of the application and payment of associated fees as outlined in the consolidated fee schedule, which shall be made available upon request.

SECTION 3. CONSUMER FIREWORKS PROHIBITED

In accordance with the Fireworks Law, and based upon legislative findings that there is no location within the Municipality of Norristown limits that meets statutory requirements, including but not limited to the prohibition of use within 150 feet of a building or vehicle, the use of Consumer Fireworks within those limits in accordance with Section 1104(b)(5) of the Law is hereby prohibited.

SECTION 4. EXCEPTION FOR CONSUMER FIREWORKS SALES

Nothing in this Ordinance governs the sale of Consumer Fireworks for the period of one year from the effective date of the Fireworks Law in accordance with Section 1106(a)(2) of the Law.

SECTION 5. PENALTIES

- 5.1 In accordance with the provisions of Section 1114(1) of the 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 or 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.
- 5.2 Any person selling Consumer Firework in violation of the Law is punishable in accordance with Section 1114(2) be punishable by a fine of not less than \$10,000.
- 5.3 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 6. REPEALER

All ordinances or resolutions or parts ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 7. SEVERABILITY

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Municipality of Norristown that the remainder of the Ordinance shall be and shall remain in full force and effect.


SECTION 8. EFFECTIVE DATE

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

ENACTED AND ORDAINED this 15th day of November, 2022.

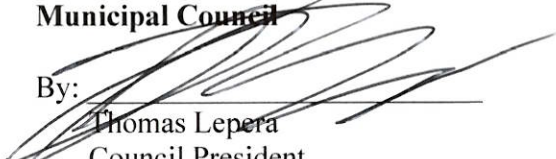
Seal:

Attest:


Crandall O. Jones
Municipal Administrator

**Municipality of Norristown
Municipal Council**

By:


Thomas Lepera
Council President