

**AN ORDINANCE ADDING CHAPTER 124  
TO THE CODE OF LINESVILLE BOROUGH PROVIDING  
FOR THE REGULATION OF FIREWORKS**

WHEREAS, the council for the Borough of Linesville (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, 8 pa. C.S.A. 1202(17) to grant permits for the public display of fireworks and to regulate the same within the Borough; and

WHEREAS, the Borough has considered the addition of this Chapter to be in the best interest of Borough residents and visitors.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the authority of the Borough Council of the Borough of Linesville, Crawford County, Pennsylvania, pursuant to 8 Pa. C.S.A. 1202(17) and the laws of the Commonwealth, that Chapter 124 be added to the Code of Ordinances of the Borough of Linesville.

124-1 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 Pyrotechnics 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 within the Borough, unless otherwise provided in the Linesville Borough Code.

Display Fireworks: Large fireworks to be solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. The term includes, but 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)

Structure: Anything constructed or erected on the ground including but not limited to buildings of all types, homes, mobile homes, garages and the like.

#### 124-2 Permits

(a) Permissible purposes. Display fireworks may be possessed and used by a person holding a permit issued by the Borough of Linesville at the display covered by the permit or when used as authorized by a permit for any of the following:

- (1) For agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage.
- (2) By railroads or other transportation agencies for signal purposes or illumination.
- (3) In quarrying or for blasting or other industrial use.
- (4) In the sale or use of blank cartridges for a show or theater
- (5) For signal or ceremonial purposes in athletics or sports.
- (6) By military organizations or organizations composed of veterans of the armed forces of the United States.

(b) Application. A permit may only be issued following the submission of written application to the Borough not less than 30 days before the date of the display fireworks. The Borough may adopt by resolution an official permit application and associated fees if any, which may be amended from time to time as may be determined by Borough Council.

(c) Age limitation: A display fireworks permit may not be issued to any person under 21 years of age.

(d) Insurance or Bond: The Borough shall require insurance or bond from the permittee in a sum of no less than \$50,000.00 conditioned for the payment of all damages which may be caused to a person or property by reason of the display and arising from an act of the permittee or an agent, an employee, or a subcontractor of the permittee.

#### 124-3 Request for extension.

(A) Authorization. If, due to unfavorable weather, the display for which a permit has been granted does not occur at the time authorized by the permit, the person to whom the permit was issued may within 24 hours apply for a request for extension to the Borough.

(B) Contents of request. The request for extension shall state that the display was not made, provide the reason that the display was not made and request a continuance of the permit for a date designated within the request, which shall be not later than one week after the date originally designated in the permit.

(C) Determination. The Borough, if it believes the facts stated in the request are true, shall extend the provisions of the permit to the date designated within the request.

(D) Conditions. The extension shall be granted with no payment of additional fees and without requiring a bond other than the bond given for the original permit, the provisions of which shall extend to and cover all damage which may be caused by reason of the display occurring at the extended date and in the same manner and to the extent as if the display had occurred at the date originally designated in the permit.

#### 124-4 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) Shall only be permitted only during the normal celebration of Memorial Day weekend, Independence Day weekend, and Labor Day weekend between the hours of 5 pm and 10 pm. On New Year's Eve beginning at 11:30 pm until New Year's Day ending 12:30 am

(C) 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, building, or other person.

(4) Consumer fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance, or other drugs.

(5) Consumer fireworks within 150 feet of a structure, automobile or vehicle whether operable or not.

(6) without cleaning up and properly disposing of all debris, waste or remains related to the fireworks or use thereof.

#### 124-5 Use of Display fireworks:

(A) Display fireworks shall be subject to the following conditions:

(1) Each display shall be handled by a competent professional operator.

(2) Operator shall not be under the influence of alcohol, a controlled substance, or another drug.

(3) Each display shall be of a character and so located, discharged or fired as, in the opinion of the Chief of Linesville Fire Department and the Chief of Police of Linesville Borough or other appropriate officer as may be designated by the Linesville Borough Council, after proper inspection, to not be hazardous to property or endanger any person.

(B) After permission is granted under this Chapter, possession and use of display fireworks for display shall be lawful for that purpose only.

(C) A permit issued under this Chapter shall not be transferable.

#### 124-6 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 less than \$100.00 nor more than \$500.00 as well as all costs, Borough expenses and/or restitution that may be applicable.

(2) Linesville Borough Police or other authorized law enforcement officials shall take, remove or cause to be removed at the expense of the owner all stocks of consumer fireworks or display fireworks stored or held in violation of this Chapter. The owner shall be responsible for the cost of storage and, if deemed necessary, the destruction of these fireworks.

124-7 SEVERABILITY. If any section, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Chapter is declared by any reason to be illegal, unconstitutional, or

invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of this Chapter of the Code of the Borough of Linesville as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of this Chapter of the Code of the Borough of Linesville. Linesville Borough Council hereby declares that it would have adopted this Chapter and each section, 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.

124-8 REPEALER. All ordinances or Chapters of the Code of the Borough of Linesville or parts thereof that are inconsistent herewith shall be and the same expressly are repealed.

124-9. EFFECTIVE DATE. This Chapter shall become effective in accordance with applicable law.

ORDAINED AND ENACTED by Linesville Borough Council this 12<sup>th</sup> day of July, 2022 in an open meeting duly assembled at 103 West Erie Street, Linesville, PA 16424.

ATTEST:

BOROUGH OF LINESVILLE:

  
Amanda Harper- Secretary

By:   
Kevin McGrath, Council President

APPROVED this 12th day of July, 2022.

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David Hoogstad, Sr.- Mayor