

**BOROUGH OF ABBOTTSTOWN  
ADAMS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2022-07**

**AN ORDINANCE OF THE BOROUGH OF ABBOTTSTOWN,  
ADAMS COUNTY, PENNSYLVANIA, ADDING A NEW  
CHAPTER ENTITLED CONSUMER AND DISPLAY  
FIREWORKS TO REGULATE THE IGNITION,  
DISCHARGE, AND USE OF CONSUMER FIREWORKS  
AND REQUIRE THE ISSUANCE OF A PERMIT FOR THE  
POSSESSION AND USE OF DISPLAY FIREWORKS AND  
PROVIDE FOR PENALTIES FOR VIOLATION OF THE  
ORDINANCE.**

**WHEREAS**, the Borough of Abbottstown (“Borough”) is empowered to enact conditions, prohibitions and limitations on the use and sale of consumer fireworks in the Borough pursuant to 3 Pa.C.S.A § 1106; and

**WHEREAS**, the Borough is further empowered to issue permits and adopt reasonable rules and regulations for the presentation of display fireworks in the Borough pursuant to 8 Pa.C.S.A. § 1202(17) and 3 Pa.C.S.A § 1102; and

**WHEREAS**, Section 1202(17)(ii) of the Borough Code (8 Pa.C.S.A § 101 *et seq.*) authorizes the Borough to grant permits for supervised public displays of fireworks and adopt rules and regulations regarding the displays; and

**WHEREAS**, Section 1202(5) of the Borough Code authorizes the Borough to make regulations as may be necessary for the health, safety, morals, general welfare, cleanliness, and safety of the Borough; and

**WHEREAS**, the Borough Council deems it in the best interest and for the general welfare of the residents and visitors of the Borough to amend and replace, entitled “Fireworks” to the Code of the Borough of Abbottstown (the “Code”).

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Borough Council of the Borough of Abbottstown, Adams County, Pennsylvania, as follows:

**SECTION 1.** The Code shall be amended to amend and replace Chapter 120, which shall be entitled “Consumer and Display Fireworks”, and which shall include the following provisions:

**§ 120-1 Definitions.** As used in this Chapter, the following terms shall have the meanings indicated:

The terms used in this Chapter shall have the meaning set forth in 3 Pa.C.S.A § 1101, as amended. "Person"- includes a corporation, partnership, limited liability company, trust, association (whether incorporated or unincorporated), estate, foundation, or natural person.

**§ 120-2 Discharge and Use of Consumer Fireworks.**

The Borough Council of the Borough of Abbottstown has determined that the use of consumer fireworks within the Borough cannot comply with the prohibition of use of consumer fireworks within 150 feet of a building or vehicle, whether or not the building or vehicle is owned by the user of the consumer fireworks (See 3 Pa.C.S.A § 1104(b)(5)). Therefore, the use of consumer fireworks within the Borough of Abbottstown is prohibited.

**§ 120-3 Permits Required for Use of Display Fireworks.**

- A. Use of display fireworks within the Borough is prohibited unless a permit is first granted by the Borough in accordance with this Chapter.
- B. Permit applications for use of display fireworks (regardless of purpose i.e., entertainment, civic, or agricultural) shall be on a form established by the Borough and shall include, but not be limited to the following criteria and requirements:
  - (1) The permit application form shall be submitted not less than forty-five (45) days of the desired use of the display fireworks; and
  - (2) The permit shall identify the requested date, time, and duration of the proposed use of display fireworks and may identify a potential "rain date" in the event that weather conditions prevent the use of display fireworks on the requested date; and
  - (3) The applicant shall remit the display fireworks permit application fee set by resolution of the Borough from time to time; and
  - (4) The applicant shall, as a condition precedent to the issuance of a permit, provide the Borough with proof of general commercial liability insurance in an amount not less than \$1,000,000 on a form acceptable to the Borough Solicitor and the Borough shall be listed as an additional insured on such policy; and
  - (5) The permit shall include the signature of the owner of the real property where the display fireworks are to be used; and
  - (6) The person conducting the display of display fireworks shall operate under a federal professional fireworks license as administered by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. A copy of the license shall be included with the application; and

- (7) The applicant shall attest, under penalty of perjury, that the use of display fireworks shall conform to the use requirements set forth in 3 Pa.C.S.A § 1102, as amended; and
- C. Applications for the use of display fireworks shall not be issued until such time as the applicant provides proof to the Borough that the Borough's Fire Chief, or his designee has approved the proposed use of display fireworks. The Applicant shall be required to provide the Fire Chief or his designee with any information necessary for such review and the Applicant shall be required to remit any fee required by said Fire Chief or his designee. The Applicant shall comply with any conditions for use of display fireworks imposed by the Fire Chief or his designee.
- D. The use of display fireworks is only permitted between the hours of 10:00 A.M. and 11:00 P.M.
- E. Use of display fireworks shall comply with NFPA 1123, Code for Fireworks Display, 2022 Edition.

**§ 120-4 Enforcement, Violations, and Penalties.**

- A. This ordinance may be enforced by the Police Department of the Borough of Abbottstown.
- B. Any person using consumer fireworks or display fireworks in violation of this chapter shall be guilty of a summary offense, and upon conviction thereof, shall be sentenced to pay a \$500 fine in addition to any other penalty authorized by law. Any person who commits a subsequent offense within three years of a prior conviction shall commit a summary offense, and upon conviction, shall be sentenced to pay a \$1,000 fine in addition to any other penalty authorized by law.

**SECTION 2. Repealer.** All provisions of previous Borough Ordinances, which are contrary to this Ordinance, are expressly repealed.

**SECTION 3. Savings Clause.** In all other respects, the Borough Ordinances shall remain as previously enacted and ordained.

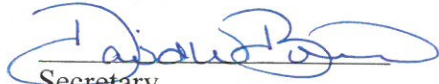
**SECTION 4. Severability.** The provisions of this Ordinance are severable, and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provision shall not affect or impair any remaining sections, clauses, or sentences of the same.

**SECTION 5. Effective Date.** This Ordinance shall be effective immediately.

ENACTED, ORDAINED, AND APPROVED this 17<sup>th</sup> day of November, 2022.


ATTEST:

BOROUGH COUNCIL OF THE  
BOROUGH OF ABBOTTSTOWN

  
Secretary

By:   
Dennis Posey, Council President

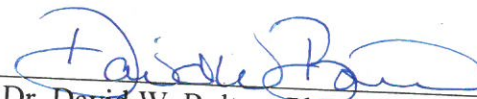
APPROVED this 17<sup>th</sup> day of November 2022.

  
Daniel Watkins, Sr., Mayor

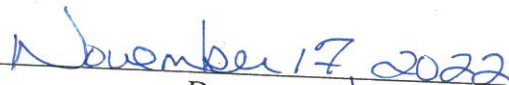
# CERTIFICATION

I hereby certify that I am the Secretary for Abbottstown Borough, Adams County, Pennsylvania, and that Ordinance No. 2022-07 was advertised in The Gettysburg Times on November 9, 2022, a newspaper of general circulation in the municipality, was available at the Borough Office and online at the Borough website during this same period, was duly enacted and approved as set forth at the regular meeting of the Abbottstown Borough Council held on November 17, 2022, and that this is a true and correct copy of that Ordinance.

SEAL



Dr. David W. Bolton, PhD, MBA, CBO



Date