

GLENBURN TOWNSHIP, LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 2003-1

AN ORDINANCE REGULATING THE USAGE OF FIREWORKS IN GLENBURN TOWNSHIP, PROVIDING FOR THE GRANTING OF PERMITS FOR SUPERVISED PUBLIC DISPLAYS OF FIREWORKS AND APPROPRIATE SAFEGUARDS, PROHIBITING THE USAGE OR DISPLAY OF FIREWORKS AND THE POSSESSION, SALE AND DISTRIBUTION OF FIREWORKS FOR PURPOSES OTHER THAN PUBLIC DISPLAYS WITHOUT OBTAINING A PERMIT AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THIS FIREWORKS ORDINANCE.

BE IT ORDAINED, by the Glenburn Township Board of Supervisors, Lackawanna County, Pennsylvania, that:

SECTION I:

It shall be unlawful for any person, persons, firms or corporations, amusement parks, fair associations or other organizations or groups of individuals, to have or to hold fireworks and/or to have or to hold public displays of fireworks within the limits of the Township of Glenburn, unless a permit for said fireworks is first granted by the Township, as hereinafter provided.

SECTION II:

Every such usage and/or display of fireworks within the Glenburn Township boundaries shall be handled by a competent operator to be approved by the Glenburn Township Supervisors and such usage shall be of such a character and so located, discharged or fired as in the opinion of the Board of Supervisors and the Chief of the Fire Department or such other Township Officer as may be designated by the Supervisors, after proper inspection, as to not be hazardous to property or endanger any person or persons.

SECTION III:

Application for a firework permit shall be made **in writing** to the Township Secretary at least fifteen (15) days in advance of the date of the display. Such application shall set forth the proposed location of the display, the character of the display, the name and address of the competent operator, the name and address of the owner or owners of the property on which the display is to be held, along with an executed consent form by the owner or owners of the property confirming their willingness to have such a display on their premises within the Township. Upon

requesting the permit, all applicants shall pay the Township Treasurer the sum of Thirty Five (\$35.00) Dollars. Additionally, any such persons, firms, corporations, amusement parks, fair associations or other organizations or groups of individuals seeking to use or display fireworks must provide proof of liability insurance to the Township Secretary before any permit can be issued.

SECTION IV:

Following the issuance of a fireworks permit from the Board of Supervisors of Glenburn Township or its' designees, the possession, sale, use and distribution of fireworks for public display shall be lawful for the these limited purposes only. Pursuant to the terms and conditions of this Ordinance, no permit shall be transferable or assignable and shall be valid only for the date issued.

SECTION V:

The Glenburn Township Supervisors shall require, in addition to a liability insurance policy deemed adequate by the Board of Supervisors to protect against any potential liability to person or property, a Bond of not less than Five Hundred (\$500.00) Dollars conditioned for payment of all damages which may be caused either to a person or persons or to property by reason of the usage or display of fireworks and/or arising from any acts of the licensee, their agents, employees or subcontractors. The aforementioned insurance policy and Bond shall be filed with the Township Secretary before any fireworks permit for the usage or public display of fireworks is delivered.

SECTION VI:

If, by reason of unfavorable weather, the display for which a permit has been granted does not take place at the time so authorized, the persons or entities to whom such permit was issued may, within twenty four (24) hours, apply to the Glenburn Township Supervisors for a continuance of such permits for a day designated therein, not later than one (1) week after the day originally fixed in the fireworks permit. Upon receiving such application for a continuance, the Glenburn Township Board of Supervisors, if it believes the facts stated therein are true, may extend the provisions of said permit to the day fixed in the application, not later than one (1) week after the original day designated in the permit. Such extension of time shall be granted without payment of any additional fee and without requiring any additional Bond other than the one given for the original permit, the provisions of which shall extend to and cover all damages which may be caused by reason of the fireworks display taking place at such an extended date in the same manner and to the same extent as if the display had taken place at the date originally fixed in the permit.

SECTION VII:

Any persons or entities found violating the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction thereof, shall be punished by a fine not exceeding Three Hundred (\$300.00) Dollars and/or subject to imprisonment not exceeding ninety (90) days or both such fine and imprisonment.

SECTION VIII:

The Pennsylvania State Police or the Abington Township Police Department responsible for providing police coverage to Glenburn Township shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered, exposed for sale, stored, held or used in violation of this Ordinance.

SECTION IX:

All other nuisance Ordinances or parts thereof, inconsistent and/or less specific than herein, specifically referencing the usage of fireworks, are hereby superseded to the extent that they are less specific on the issue of fireworks being a nuisance than the within Ordinance.


The within Ordinance shall be interpreted and enforced in conjunction with 35 Pa. C.S.A. §1271 et seq., "Fireworks and Explosives" and 37 Pa. Code §711.1 et seq., "Fireworks, each specifically defining "fireworks" and setting forth procedures for permitting public displays thereof."

SECTION X:

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

Enacted and ordained into law this 19th day of May, 2003.


ATTEST:


Joanne Benson, Secretary/Treasurer

GLENBURN TOWNSHIP BOARD OF SUPERVISORS

By: 
Michael Williamson, Chairman

By: 
Gregg Confer, Supervisor

By: 
Bill Booth, Supervisor

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