### CHAPTER 10

**HEALTH AND SAFETY**

### Part 2

**Fireworks**

**§201. Permit Required.** It shall be unlawful for any person, firm or corporation, amusement park, fair association or other organizations or groups of individuals, to have or to hold public displays of fireworks, as that term is defined by the laws of the Commonwealth of Pennsylvania, within the limits of White Deer Township, unless a permit therefor is first granted by the Board of Supervisors of the Township, or their representative, as hereinafter provided. The Chief of the White Deer Township Fire Company is hereby designated as the Board of Supervisor’s representative and is authorized to issue permits.

**§202. Permit Operator.** Every such display within the limits of said Township shall be handled by a competent operator, properly licensed by the appropriate governmental agency, to be approved by the Board of Supervisors, or their representative, which display shall be of such character and so located, discharged or fired, as in the opinion of the Board of Supervisors, or their representative, after proper inspection, shall not be hazardous to property or endanger any person or persons. The said inspections shall be conducted by the Chief of the White Deer Township Fire Company. The matters to be considered in the inspection shall include but not be limited to proximity to buildings, areas of assembly, public and private roadways and walk ways and parking areas.

**§203. Fees.** Application for permits shall be made in writing to the Township at least thirty (30) days in advance of the date of display, setting forth the proposed location of the display, the character thereof, name and address of the operator, and the name and address of the owner or owners of the grounds on which the display is to be held, with the consent of such owner or owners thereto in writing attached.

(Ordinance No. 47, adopted July 22, 2014)

**§204. Purpose.** If and after such permit shall have been granted, possession, sales, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

**§205. Bond and Insurance.** The Board of Supervisors of the Township shall require a bond deemed adequate by it given by the permittee or licensee in a sum not less than Five Hundred and 00/100 Dollars ($500.00) conditioned for the payment of all damages caused to any person or persons, and to any property by reason of the licensed display and arising from any acts of the licensee, his/her/their/its agents, employees, or subcontractors, which bond shall be filed with the Township before any permit for a supervised public display of fireworks is delivered. In addition to the above bond permittee or licensee shall furnish Township with evidence of liability insurance in the amount of One Million and 00/100 Dollars ($1,000,000.00), with Township as an additional insured and permittee or licensee shall agree in writing to save Township harmless from any and all liability with regard to the activities authorized by said permit.

**§206. Permit Extension.** 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 person to whom such permit was issued may within forty eight (48) hours apply to the Township or its representative, setting forth under oath the fact that such display was not made, giving the reason therefore, and requesting a continuance of such permit for a day designated therein, not later than one week after the day fixed originally in said permit. Upon receiving such application for a continuance the Township or its representative, if it believes the facts stated therein are true, shall extend the provisions of said permit to the day fixed in said application not later than one (1) week after the original day designated in the permit, and such extension of time shall be granted without the payment of any additional fee and the said bond and insurance shall remain in full force and effect in the same manner and to the same extent as if such display had taken place at the date originally fixed in the permit.

**§207. Agricultural.** Permits issued for agricultural purposes in connection with raising crops and the protection of crops from bird or animal damage shall be for a period of one year and shall be good for only that purpose.

**§208. Compliance with Other Laws.** Any display or use of fireworks shall be in full compliance with all applicable state, federal, and local ordinances, statutes, laws, rules and regulations.

**§209. Penalties.** Violations of this Part shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83 (c). The fine for a violation of this Part shall not exceed $1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

(Ordinance No. 31, adopted May 25, 2010)