**POLK TOWNSHIP, MONROE COUNTY, PENNSYLVANIA**

 **ORDINANCE NO. \_\_\_\_ OF 2022**

**AN ORDINANCE REGULATING THE DISCHARGE OF CONSUMER FIREWORKS.**

 WHEREAS, the Commonwealth of Pennsylvania enacted Act 43 of 2017 which is codified in the Pennsylvania Consolidated Statutes at 72 P.S. § 7101 et seq. which took effect on October 30, 2017; and

 WHEREAS, the fireworks law was recently amended to allow municipal regulations of “Consumer Fireworks” as they are defined in the law; and

 WHEREAS, the Second Class Township Code permits the adoption of Ordinances for the proper management care and control of the Township and the maintenance of the health and welfare of the Township and its citizens; and

 WHEREAS, the Supervisors believe that it is appropriate to adopt an Ordinance regulating discharge of consumer fireworks in Polk Township.

 NOW, THEREFORE, be it ENACTED and ORDAINED as follows:

Section 1. This Ordinance shall be known as the “Polk Township Consumer Fireworks Ordinance”.

Section 2. This Ordinance governs the discharge of “Consumer Fireworks” as they are defined in the state fireworks law, that is any combustible or explosive composition of 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 as promulgated by the Consumer Products Safety Commission, or any successor regulation and complies with the provisions for “Consumer Fireworks” as defined in the American Pyrotechnics Association Standard 87-1, but does not include devices such as “ground and handheld sparkling devises”, “novelties” or “toy caps” as defined in APA 87-1.

Section 3. Restrictions on discharge of Consumer Fireworks.

 1. Consumer Fireworks shall not be ignited or discharged in the Township between the hours of 10:00 p.m. and 10:00 a.m., except on July 2nd, 3rd and 4th and December 31st, when consumer fireworks may be used until 1:00 a.m. the following day; when July 4th falls on a Tuesday, Wednesday or Thursday consumer fireworks may be used until 1:00 a.m. on the immediately preceding and following Friday and Saturday.

Section 4.Violations and Penalties:

 a) Any violation of this Ordinance shall be as summary offense punishable by a fine of $100 to $500 for the first offense; $200 to $600 for the second offense; and $300 to $1000 for the third offense.

 b) In addition to the issuance of a citation, the Township may also commence an action in equity to enjoin any violation of this Ordinance.

 c) A violation of Section 3 of this Ordinance is declared to be a public nuisance.

Section 5.This Ordinance shall be effective immediately

 **ADOPTED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022 by the Polk Township**

**Board of Supervisors.**

 **POLK TOWNSHIP BOARD OF SUPERVISORS**

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Brian K. Ahner, Chairman

ATTEST:

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michael D. Hurley, Vice-Chairman

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Rebecca Tippett, Secretary

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Carl S. Heckman