

ORDINANCE NO. 94

AN ORDINANCE DEFINING AND REGULATING THE DISPLAY AND DISCHARGE OF FIREWORKS, REQUIRING PERMITS AND THE POSTING OF A BOND FOR THEIR USE AND PRESCRIBING PENALTIES FOR VIOLATION.

Hanover Township hereby enacts as follows:

**Section 1. General Provisions**

1. Scope. The manufacture of fireworks is prohibited within Hanover Township. The display or discharge of fireworks shall comply with the requirements of this ordinance.

2. Permit required. A permit shall be obtained from the FIRE CHIEF, HANOVER TOWNSHIP VOLUNTEER FIRE DEPARTMENT for the display or discharge of fireworks.

3. Permit applications. Application for permits shall be made at least 15 days in advance of the date of the display or discharge of fireworks. The possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out therein.

Such application should provide:

- a. The name, address and phone number of the individual, group or organization sponsoring the outdoor fireworks display.
- b. The name, address and phone number of the supplier of the fireworks to the operator, if different than that of the operator.
- c. Evidence of financial responsibility by the sponsor of the event or festival and by the operator of the fireworks display. This could take the form of an insurance certificate or other documents attesting to coverage or responsibility.
- d. The date and time of day at which the outdoor fireworks display is to be held, with a

- proposed rain/wind date and time in the event the display is postponed.
- e. The exact location planned for the outdoor fireworks display.
  - f. Confirmation of the license of the operator and the number of assistants that are to be present.
  - g. The approximate number and kinds of fireworks to be discharged.
  - h. The manner and place of storage of such fireworks prior to delivery to the outdoor fireworks display site.
  - i. A diagram of the grounds on which the outdoor fireworks display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience is to be restrained, and the location of other possible overhead obstructions.

Upon receipt of such application seven (7) days in advance of the date set for this outdoor fireworks display, the authority having jurisdiction should make or initiate an investigation of the site of the proposed display for the purpose of determining compliance with these regulations in the case of the particular display.

4. Definition.

A. The term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances, or, except as hereinafter provided, any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, aerial fireworks or other fireworks of like construction, and any fireworks containing any explosive or flammable compound or any tablets or other device containing an explosive substance.

B. The term "fireworks" shall not include sparklers, toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths (.25) grain or less of explosive compound are used, providing they are constructed that the hand cannot come in contact with the cap when in place for explosion, and toy pistol paper caps which contain less than twenty hundredths (.20) grain of explosive mixture, the sale and use of which shall be permitted at all times, nor shall the term "fireworks" include toy cannons which operate on the principle of mixing calcium carbide, weighing less than one-tenth (1/10) of an ounce, and water in the reservoir of the cannon and in which ignition results upon the creation of a spark.

## **Section 2. Display and Discharge.**

1. General. It shall be a violation of this ordinance for any person to store, or use or explode any fireworks, except as provided in the rules and regulations issued by the fire official for the granting of permits for supervised public displays of fireworks by Hanover Township, fair associations, amusement parks and other organizations.

Every such display shall be handled by a competent operator approved by the FIRE CHIEF, HANOVER TOWNSHIP VOLUNTEER FIRE DEPARTMENT. The fireworks shall be arranged, located, discharged or fired in a manner that, in the opinion of the FIRE CHIEF, HANOVER TOWNSHIP VOLUNTEER FIRE DEPARTMENT, will not be a hazard to property or endanger any person.

2. Bond for display. The permittee shall furnish a bond in an amount deemed adequate by Hanover Township but not less than \$500.00, conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, the permittee's agents, employees or subcontractors.

3. Disposal of unfired fireworks. Unfired fireworks and trash that remain after the display is concluded shall be immediately disposed of in a safe manner approved by the FIRE CHIEF, HANOVER TOWNSHIP VOLUNTEER FIRE DEPARTMENT.

4. Seizure of fireworks. The fire official shall seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for display, stored, or held in violation of this ordinance.

5. Labeling of Display Fireworks Aerial Shells.  
As a minimum, each shell should bear a label containing the following information:

- a. A description of the size of the shell (e.g. "3-inch 76-mm shell");
- b. A description of the type of shell (e.g. "2-break with report");
- c. A warning statement reading:

**WARNING: DANGEROUS EXPLOSIVE**  
If found, do not handle  
Contact local fire or police department

- d. The name and location of business of the manufacturer, importer or distributor.
6. Conspicuousness.
- a. The statement "WARNING: DANGEROUS EXPLOSIVE" should be printed in capital letters having a printed image of at least one-eighth (1/8) inch (3.2 mm) and should be underlined.
  - b. The remaining printed matter does not need to be printed in capital letters but should have a printed image at least one-eighth (1/8) inch (3.2 mm) high.
  - c. The required statements should be printed in a color contrasting sharply with the background and should be printed within a borderline.
  - d. The label should be at least nine (9) inches square (57.8 cm-square), unless the size of the shell is too small to accomodate this size in which case the size can be reduced to a size no smaller than necessary.

**Section 3. Penalties.** Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00); and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this ordinance continues shall constitute a separate offense.

**Section 4. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect, and for this purpose the provisions of this ordinance are hereby declared to be severable.

**Section 5. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed.

**Section 6. Effective date.** This ordinance shall become effective on 4-21-2000.

**HANOVER TOWNSHIP SUPERVISORS:**

William Handick  
William Handick

Herbert Grubbs  
Herbert Grubbs

Arthur Caldwell  
Arthur Caldwell

**ATTEST:**

Charlotte Cahler