

## Chapter 9.28 - FIREWORKS

*Footnotes:**--- (1) ---*

**Editor's note**— *Ord. No. 2019-04, § 3, adopted June 10, 2019, amended Chapter 9.28 to read as herein set out. Formerly, such chapter pertained to similar subject matter and derived from prior code §§ 39.40.010—39.40.040; Ord. 285 § 6 (part), 1973.*

## 9.28.010 - Application—Definitions.

- A. Application of this chapter is limited to Service Area 1 of the borough.
- B. For purposes of this chapter, the following words, terms and phrases shall have the meanings ascribed to them:

"Consumer fireworks" or "1.4G fireworks" means small firework devices containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion, as further defined by the International Fire Code as adopted by the borough.

"Display fireworks" or "1.3G fireworks" means large firework devices which are explosive materials intended for use in firework displays and are designed to produce audible or visible effects by combustion, deflagration or detonation, as further defined by the International Fire Code as adopted by the borough.

"Fireworks" means any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of consumer (1.4G) fireworks or display (1.3G) fireworks as set forth in this section.

"Negligent" means a person acts in a negligent manner with respect to a result or to a circumstance described by a provision of this chapter defining an offense when the person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that the failure to perceive it constitutes a deviation from the standard of care that a reasonable person would observe in the situation.

( Ord. No. 2019-04, § 3, 6-10-2019)

## 9.28.020 - Sale and use of fireworks.

- A. The display, offer or expose for sale, trade or bargain, sale, or sale at retail of fireworks is prohibited.
- B. The use, ignition, or discharge of display fireworks is prohibited except by permit issued under section 9.28.030 of this chapter.
- C. The use, ignition, or discharge of consumer fireworks is prohibited except in compliance with paragraph D. below, and only during the following hours:

1. Between the hours of Noon on July 4 and 1:00 a.m. on the immediately following day; and
  2. Between the hours of Noon on December 31 and 1:00 a.m. on the immediately following day;
- or
- D. Use, ignition or discharge of consumer fireworks permitted under paragraph C. above must comply with the following:
1. No person under the age of 18 shall use, ignite or discharge a consumer firework without parental supervision.
  2. A person shall only use, ignite or discharge a consumer firework device on real property they own or on property where consent has been given.
  3. No person shall use, ignite or discharge a consumer firework such that the firework including any debris therefrom shall enter or fall on property they do not own or on property where consent has not been given.
  4. Consumer fireworks shall not be used, ignited or discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.
  5. No person shall use, ignite or discharge a consumer firework device in a negligent manner or in any manner likely to cause death, injury, fire or property damage. Any person using, igniting or discharging a consumer firework device assumes all responsibility for its operation and the consequences thereof.
  6. No person shall use, ignite or discharge a consumer firework device when doing so has been prohibited by an order of the Fire Marshal; this includes orders warranted by climactic conditions, drought, fire danger, the ability to suppress fires or other factors which increase the likelihood of fire danger or impact the ability to fight fire.
  7. No person shall use, ignite, alter, remove, or discharge components of a consumer firework device in a manner different from or contrary to the instructions of the manufacturer or its intended method of discharge.

( Ord. No. 2019-04, § 3, 6-10-2019)

#### 9.28.030 - Use of display or consumer fireworks by permit.

The Borough may permit, with the approval of the Police Chief and the Fire Marshal, the use or discharge of display fireworks, as set forth in the International Fire Code as adopted by the borough and as permitted by state law.

( Ord. No. 2019-04, § 3, 6-10-2019)

#### 9.28.040 - Violations.

A person who violates a provision of this chapter shall be guilty of a violation and shall be subject to a fine as provided in the fine schedule set forth in section 1.16.030 of the borough code; if the offense is not listed in the fine schedule, the person must appear in court, and shall be punished by imposition of a fine in accordance with section 1.16.010.

( Ord. No. 2019-04, § 3, 6-10-2019)