

CONESTOGA TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA

AN ORDINANCE REGULATING PUBLIC DISPLAYS OF FIREWORKS IN THE TOWNSHIP OF CONESTOGA, LANCASTER, PENNSYLVANIA, PROVIDING FOR THE GRANTING OF PERMITS FOR SUPERVISED PUBLIC DISPLAYS OF FIREWORKS, PRESCRIBING SAFEGUARDS CONCERNING SAME, PROHIBITING PUBLIC DISPLAYS OF FIREWORKS AND THE POSSESSION, SALE, USE AND DISTRIBUTION THEREOF FOR PURPOSES OTHER THAN PUBLIC DISPLAYS WITHOUT OBTAINING A PERMIT THEREFOR AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Conestoga Township, Lancaster County, Pennsylvania as follows:

SECTION 1: In the interest of health, safety and welfare of the inhabitants of Conestoga Township, no person shall discharge, display, use, or sale fireworks within the limits of the township of Conestoga ("Township") unless or until such person has made application for and received a permit in the manner hereinafter described. Such permit shall be granted when the person applying for such permit, files an application at the Township Office in compliance with the provisions of this article.

SECTION 2: "Fireworks" means any composition or device for the purpose of producing visible or audible effects by combustion, deflagration, or detonation for amusement.

SECTION 3: Fireworks permits shall only be granted upon the following express provisions:

a. A written application shall be filed at the Township Office, signed by the applicant at least 15 days prior to the display date, providing the following information:

- (1) Name and address of organization sponsoring fireworks display or use.
- (2) Name(s) of the person who will be in charge of the fireworks display or use.
- (3) Date and time of intended display or use.
- (4) Exact location planned for fireworks display or use.
- (5) Number and kinds of fireworks to be discharged.
- (6) Location of stored fireworks prior to display or use.

(7) Location of the discharge point of the fireworks, of all buildings, highways and other lines of communication, the lines behind which any audience will be restrained, and the location of any nearby trees or utility lines or other overhead obstructions.

b. Every display shall be handled by a competent operator, and which display shall be of such character and so located, discharged or fired, as in the opinion of the Board of Supervisors, or their duly authorized representative and after proper inspection, shall not be hazardous to property or endanger any person or persons.

c. Applicant shall sign a Hold Harmless Agreement prepared by the Township to save the Township, its officers, employees and agents from any and all costs, damages, and liabilities which may accrue by reason of applicant's discharge, display, or use of fireworks.

d. Applicant shall provide the Township with a Certificate of Insurance with the limits described on permit application.

e. Applicant shall provide the Township with a copy of License issued by the State of Pennsylvania and (if for profit) a copy of Registration with the Attorney Generals Office.

f. Applicant must arrange with the Conestoga Fire Co. to have them present when the displays are set off for safety reasons.

g. Applicants shall pay the Township the sum of Fifty (\$50.00) dollars before issuance of a permit.

h. A single permit may allow up to 4 display events within a 30 day period beginning with date of permit and the events must be listed on the application.

SECTION 4: 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 twenty-four (24) hours apply to the authority having granted the same, setting forth under oath the fact that such display was not made, giving the reason therefor, 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 said authority, 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 week after the original day designated in the permit, and such extension of time shall be granted without the payment of any additional fees using all information given on the original permit.

SECTION 5: Any persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred (\$500.00) dollars or by imprisonment not exceeding ninety (90) days or by both such fine and imprisonment.

SECTION 6: This Ordinance shall become effective five (5) days after its passage or adoption.

ORDAINED AND ENACTED this _____ day of _____ 1996.

CONESTOGA TOWNSHIP SUPERVISORS

John T. Wiker, Chairman

Robert L. Hershey, Sr. Vice Chairman

Charles E. Rineer, Jr. Member

(SEAL)

Secretary

Hold Harmless Agreement

The property owners(s), tenant(s), and contractor(s) agree to release, indemnify and hold harmless Conestoga Township and its agents from and against any loss, damage or liability, including attorney's fees and expenses incurred by the latter entities and their respective employees, agents, volunteers or other representatives, arising out of or in any manner relating to the manufacture, transportation, installation, firing, or disassembly of any pyrotechnics equipment or device and/or the supervision and presentation thereof, including any claim any claim or loss arising from any activity relating to fireworks permit#_____.

BY: _____
(Property Owner) (Address) (Date)

(Notary Seal)

BY: _____
(Tenant) (Address) (Date)

(Notary Seal)

BY: _____
(Pyrotechnics Contractor) (Business Address) (Date)

(Notary Seal)

Fireworks Application

Permit #: _____

Date of Application: _____

Name, address and phone # of Applicant: _____

Name, address and phone # of Property Owner: _____

Name, address and phone # of Pyrotechnics Contractor: _____

Name and phone # of person in charge of above Fireworks: _____

Date(s), time and location of Fireworks Display:

#1 _____

#2 _____

#3 _____

#4 _____

Location of any Fireworks stored within Conestoga Township: _____

Contact person with Fire Co. whom you notified with above information. _____



1. Attach Certificate of Insurance showing (at a minimum) the following limits:

Workers Compensation/Employers Liability	\$ 500,000
General Liability	\$1,000,000
Intrastate Transportation Liability (or DOT's requirement)	\$5,000,000
Umbrella Liability	\$1,000,000
(If no Umbrella Liability is carried, then adding Conestoga Township as an additional Insured in the General Liability will suffice.)	

2. Attach a copy of License issued by the State of Pennsylvania and a copy of Registration with the Attorney Generals Office showing expiration date.

3. Attach a copy of Explosives sales permit showing expiration date.

4. A list of the number and kinds of fireworks to be discharged.

Signature of Applicant

Date



(Do not write in space below)

Permit Issued

by: _____ Date: _____

This permit when signed by an authorized Official of Conestoga Township shall serve as evidence of the permit being issued and shall be in effect as of date signed by such Official.

