

FIREWORKS PROCEDURE AND POLICY ADOPTED 12-13-2010 RESOLUTION 2010-32

PLEASE NOTE THAT ANY RESIDENT OR ENTITY WANTING TO DISPLAY FIREWORKS IN HOPEWELL TOWNSHIP EFFECTIVE DECEMBER 13, 2010 MUST FILL OUT THE ATTACHED APPLICATION AND FOLLOW THE PROCEDURES ON THE APPLICATION. APPLICATIONS MUST BE SUBMITTED 15 DAYS IN ADVANCE OF DISPLAY. THERE ARE NO EXCEPTIONS. I HAVE ALSO ATTACHED FREQUENTLY ASKED QUESTIONS AS WELL AS PENNSYLVANIA LAW IN REGARDS TO DISPLAYING FIREWORKS

Exhibit A

**TOWNSHIP OF HOPEWELL – BEAVER COUNTY, PENNSYLVANIA
FIREWORK DISPLAY APPLICATION/PERMIT**

1. NAME OF APPLICANT/PERMITEE: _____
2. NAME OF LAND OWNER(S) WHERE FIREWORKS ARE TO BE DISPLAYED: _____

3. PURPOSE FOR WHICH APPLICATION IS BEING FILED (CONSUMER OR DISPLAY): _____

4. TYPES AND QUANTITY OF FIREWORKS TO BE DISPLAYED: _____

5. DATE(S) OF DISPLAY _____
6. COMPETENT PERSON OR OPERATOR PERFORMING THE DISPLAY: _____
7. HAS APPLICATION BEEN SUBMITTED AT LEAST FIFTEEN (15) DAYS IN ADVANCE?
8. IF HIRING AN OPERATOR FOR THE DISPLAY, IS THAT PERSON OR ORGANIZATION
REGISTERED WITH THE PENNSYLVANIA OFFICE OF ATTORNEY
GENERAL? _____
9. SIGNATURE OF FIRE DEPARTMENT APPROVING THE PROPOSED DISPLAY SITE
BY: _____

DATE: _____

10. SIGNATURE OF APPLICANT (SEE NOTE BELOW): _____

DATE: _____

APPLICATION APPROVED BY: _____

DATE: _____

IS BOND REQUIRED? _____

IF SO, AMOUNT OF BOND REQUIRED _____

NOTE: By signing this application, Applicant represents that he/she is competent, is the property owner or acting with lawful consent and authority of the property owner to submit this application and perform the display set forth herein and will comply with all Hopewell ordinances and Pennsylvania and Federal laws and regulations pertaining to fireworks and their discharge. If this Application is signed as "Approved" it shall constitute the Permit for the display on the date(s) indicated.

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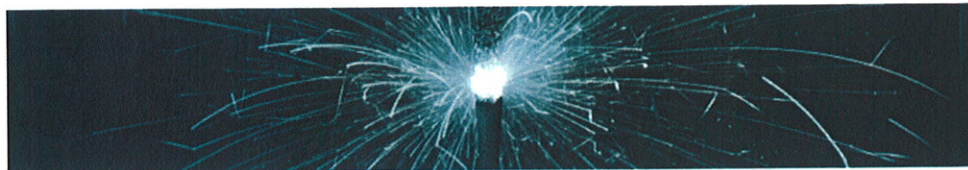
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Fireworks Frequently Asked Questions

Q: Can I use fireworks in Pennsylvania?

A: State law prohibits the use of Consumer and Display Fireworks in Pennsylvania without a permit.

Items defined as "ground and hand-held sparkling devices", "novelties" and "toy caps" in American Pyrotechnics Association (APA) Standard 87-1 are not currently regulated by State Law; therefore, their sale and use are permissible. These "non-fireworks" are the only types allowed to be sold from tents, stands, convenience stores, retail establishments and other various outlets not licensed by the Department of Agriculture.

(Title 35, Chapter 13A, Sections 1271 & 1275)

Q: Can I buy regular fireworks – not sparklers or novelty items -- under any conditions?

A: This answer depends on whether or not you are a Pennsylvania resident.

Pennsylvania residents: May purchase Consumer Fireworks only with a display permit issued by the municipality wherein the display will take place.

Non-residents: An amendment to the Fireworks Law, effective November 30, 2004, makes it legal, upon proof of out-of-state residency status, to purchase Consumer Fireworks from a facility licensed by the Pennsylvania Department of Agriculture provided the Consumer Fireworks are transported directly out of state by the seller or purchaser.

(Title 35, Chapter 13A, Section 1275)

Q: How do I get a permit for a fireworks display?

A: The Commonwealth does not issue permits for firework displays and does not oversee the issuance of permits by the municipalities.

A permit for a fireworks display must be obtained from the municipality where the display will take place. The municipality is the only governing body with authority to issue this permit under reasonable rules and regulations adopted by them. Upon inspection of the display site by the fire chief, or other designated officer, and the posting of a bond of at least \$500 for any possible damages, the municipality may issue a permit to a person they deem competent.

If you are hiring someone to perform the display, that person or corporation must be registered with the Pennsylvania Office of Attorney General. If you are not hiring someone, you can attempt to obtain the status of "competent operator" from the municipality where the display will take place.

Questions concerning display permits should be directed to the appropriate municipality.

Any business entity that performs, provides or supervises fireworks displays or exhibitions for profit must register annually with the Office of Attorney General. For more information, contact the Office of Attorney General, Criminal Law Division, at (717) 787-3391.

(Title 35, Chapter 13A, Sections 1273, 1274, 1275.2 & 1276.2)

Q: Who enforces the Fireworks Law?

A: Any Law Enforcement Officer having jurisdiction may make an arrest and confiscate fireworks under the Fireworks Law. To report a violation of the Fireworks Law contact the Police Department servicing your area as would to report any other crime.

(Title 35, Chapter 13A, Section 1278)

Q: What precautions should people take when using permitted novelty items or sparklers?

A: It's best to leave any type of fireworks to the experts. But if you decide to use permitted novelty items or sparklers:

- Always read and follow the instructions carefully.
- Use items outside in an open area.
- A responsible adult should supervise all activities.
- Only light one item at a time.
- Place used items in a bucket of water prior to properly disposing of them.

Q: What else should I know about fireworks?

A: Cherry bombs, M-80s, M-100s, silver salutes and other illegal fireworks are all extremely dangerous. In addition, fireworks constructed from mail order kits are illegal and dangerous to assemble or use. Never attempt to make your own fireworks or tamper with fireworks.

Other Links of Interest

[Pennsylvania Fireworks Law](#) - Title 35 Health and Safety

U.S. Bureau of Alcohol, Tobacco and Firearms – [Federal Explosive and Firework regulations](#)

U.S. Consumer Products Safety Commission - Safety and Federal Regulations

<http://www.cpsc.gov/BUSINFO/regsumfirework.PDF>

<http://www.cpsc.gov/LIBRARY/2007fwreport.pdf>

U.S. Bureau of Alcohol, Tobacco and Firearms – [Federal Explosive and Firework regulations](#)

U.S. Consumer Products Safety Commission - Safety and Federal Regulations

<http://www.cpsc.gov/BUSINFO/regsumfirework.PDF>

<http://www.cpsc.gov/LIBRARY/2007fwreport.pdf>

Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation Explosives - Blasters licensing and storage approval

<http://www.dep.state.pa.us/dep/deputate/minres/Districts/Blasting/blasting.htm>

Pennsylvania Department of Agriculture – Regulations and Licensing of Consumer Fireworks Retail Facilities

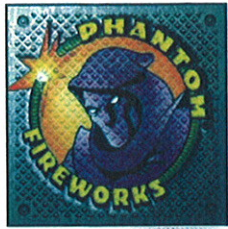
<http://www.agriculture.state.pa.us/agriculture/cwp/view.asp?a=3&Q=144763&PM=1>

American Pyrotechnic Association (APA) - Directory of State Laws and other Industry Information

<http://www.americanpyro.com>

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FIREWORKS LAWS

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Pennsylvania Fireworks Laws

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CONSUMER FIREWORKS

Specifically Permitted Sparklers, toy pistols, or other devices in which paper caps are used which contain .25 grains or less of explosive compound, and are constructed so the hand cannot come into contact with the cap when in place for the explosion. Also permitted are toy cannons which operate on the principle of mixing calcium carbide, weighting less than 1/10th ounce and water in the reservoir of the cannon, and in which ignition results upon the creation of a spark.

Specifically Prohibited Any combustible or explosive composition prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation. This includes, but is not limited to, firecrackers, skyrockets, roman candles, aerial fireworks, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound.

DISPLAY FIREWORKS

Display Permit Apply to local authorities, in writing, at least 15 days in advance.

Business entity performing, providing or supervising fireworks displays or exhibitions for profit must register annually with the Attorney General.

Insurance Required, in amount deemed adequate by local AHJ.

Operator No license specifically required in state law.

ENFORCING AUTHORITY

Commander
Fire Marshal Section
Pennsylvania State Police
1800 Elmerton Avenue
Harrisburg, PA 17110
717-783-5529

LAW NUMBER

P.L. 134, No 65 (Revised May 1984)

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● Pennsylvania Fireworks Law

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PSATS Clarifies Misinformation Circulating About State Fireworks Law

Information on State Fireworks Law

In late 2004, Gov. Ed Rendell signed Act 204, which made major changes to the Fireworks Law of 1939. The law not only regulates facilities that sell fireworks but it also requires them to be licensed by the state Department of Agriculture.

Since Act 204 took effect, misinformation has circulated about townships' responsibilities under the law. Rumors have focused on a "new" provision that authorizes municipalities to grant permits to individuals or groups for otherwise illegal fireworks displays. In actuality, this law has been in existence since 1939 and allows townships to adopt reasonable regulations for permitted displays of fireworks. Under the regulations, the township must verify that the person applying for the permit is a competent operator and require a bond of at least \$500 (PSATS suggests a minimum bond of \$1 million). Also, the township's fire chief or other designated official must inspect the display site to ensure it is safe. Townships should note that a local display permit is needed even if the operator is licensed by the Attorney General and that they are not required to grant permits to everyone who requests one. They should also be sure to consult their solicitor before adopting a fireworks permit ordinance.

In a related matter, a number of townships have been presented with fake "official state fireworks permits." These forms incorrectly state that all that is needed for permit approval is the signature of a township official. Please keep in mind, there are no such state forms, and if you receive one, PSATS recommends that you do not sign it.

More Information:

[35 P.S. Chapter 13A Fireworks and Explosives](#)
[Fireworks Ordinance](#)

For more information about the Fireworks Law go to www.psats.org or call PSATS at (717) 763-0930.

Fireworks and Explosives

—1271. Definitions

The term "consumer fireworks (Class C)" shall mean and include:

(1) Any combustible or explosive composition or any substance or combination of substances, intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction,

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performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and which complies with the provisions for "consumer fireworks (Class C)" as defined in the American Pyrotechnics Association (APA) Standard 87-1, or any successor standard.

(2) The term does not include devices as "ground and hand-held sparkling devices," "novelties" and "toy caps" in APA Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

The term "display fireworks (Class B)" shall be defined as provided in 27 CFR — 555.11 (relating to meaning of terms).

The term "municipalities" shall include cities, boroughs, incorporated towns and townships.

1939, May 15, P.L. 134, — 1. Amended 1959, June 24, P.L. 486, — 1; 1973, Nov. 9, P.L. 335, No. 112, — 1; 2004, Nov. 30, P.L. 1598, No. 204, — 2, imd. effective.

—1273. Licensee's bond

The governing body of the municipality shall require a bond deemed adequate by it from the licensee in the sum not less than five hundred dollars (\$500) conditioned for the payment of all damages which may be caused either to a person or persons, or to property by reason of the licensed display and arising from any acts of the licensee, his agents, employees or subcontractors.

1939, May 15, P.L. 134, — 3.

—1274. Extension of permit when display prevented by unfavorable weather.

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 hours apply to the authority having granted the same, setting forth under oath the fact that such display was not made, given 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 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 fee and without requiring bond other than the one given for the original permit, the provisions of which shall extend to and cover all damages which may be caused by reason of the said display taking place at such extended date in the same manner and to the same extent as if such display had taken place at the date originally fixed in the permit.

1939, May 15, P.L. 134, — 3.1, added 1941 June 18, P.L. 132, — 1.

—1275. Sale, possession and use of fireworks

Nothing in this act shall be construed to prohibit any licensed facility from selling any consumer fireworks (Class C) or the year-round sale of any kind of consumer fireworks (Class C), to out-of-State residents whose status is verified to the licensee, provided the licensee retains proof of such status and produces it for review upon request of the Department of Agriculture and provided the same are to be transported directly out of state by the seller or purchaser. consumer fireworks (Class C) and display fireworks (Class B) may be possessed and used by a person holding a permit from any municipality at the display covered by such permit, or when used as authorized by a permit for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage, or the use by railroads or other transportation agencies for signal purposes or illumination, or when used in quarrying or for blasting or other industrial use, or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations or organizations composed of veterans of the United States Army or Navy. No such permit shall be issued to a person younger than eighteen (18) years of age.

1939, May 15, P.L. 134, — 4, amended 1956, Feb. 10, P.L. (1955) 1033, — 1; 2004, Nov. 30, P.L. 1598, No. 204, — 4, imd. effective.

—1275.1. Local Permits for use of fireworks for agricultural purposes

The governing body of any city, borough, town or township shall have the power, under reasonable rules and regulations adopted by it, to grant permits for the use of suitable fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage. Such permits shall be good for the calendar year in which issued. After such permit has been granted, sales, possession and use of fireworks of the type and for the purpose mentioned in the permit shall be lawful for that purpose only.

1939, May 15, P.L. 134, — 4.1, added 1956, Feb. 10, P.L. (1955) 1033, — 2.

— 1275.2. Supervised public displays permitted; permits

Permission shall be given by the governing body of any city, borough, town or township under reasonable rules and regulations for displays of consumer fireworks (Class C) and display fireworks (Class B) to be held therein. Every such display shall

be handled by a competent operator and shall be of such a character and so located, discharged or fired as, in the opinion of the chief of the fire department or other such officer as may be designated by the governing body of the municipality, after proper inspection, to not be hazardous to property or endanger any person or persons. After such privilege shall have been granted, possession and use of consumer fireworks (Class C) and display fireworks (Class B) for such display shall be lawful for that purpose only. No permits shall be transferable.

1939, May 15, P.L. 134, — 4.2, added 2004, Nov. 30, P.L. 1598, No. 204, — 5, imd. effective.

— **1275.3. consumer fireworks (Class C) facilities; criteria for licensure**

consumer fireworks (Class C) shall be sold only from facilities that are licensed by the Department of Agriculture and that meet the following criteria:

The facility shall comply with the provisions of the act of November 10, 1999 (P.L.491, No.45), known as the "Pennsylvania Construction Code Act"

The facility shall be in a stand-alone building and shall be no larger than twelve thousand (12,000) square feet.

Storage areas shall be separated from wholesale or retail sales areas to which a purchaser may be admitted by appropriately rated fire separation.

The facility shall be located no closer than two hundred fifty (250) feet from any other facility selling or dispensing gasoline, propane or other such flammable products.

The facility shall be located at least two hundred fifty (250) feet from any other facility licensed to sell consumer fireworks (Class C).

The facility shall have a monitored burglar and fire alarm system.

Quarterly fire drills and preplanning meetings shall be conducted as required by the primary fire department.

1939, May 15, P.L. 134, — 4.3, added 2004, Nov. 30, P.L. 1598, No. 204, — 5, imd. effective.

— **1275.4. consumer fireworks (Class C) facilities; applications or licensure; inspections; renewal**

Applications for licenses to sell consumer fireworks (Class C) shall be submitted to the Department of Agriculture on forms prescribed and provided by the department. The license application shall be accompanied by an annual license fee of five thousand dollars (\$5,000) per location. Facilities in existence on the effective date of this section and new facilities shall be inspected by the Department of Agriculture within thirty (30) days of receipt of a complete application for a license. The Department of Agriculture shall issue a license, or a deny a license, within fourteen (14) days of completing the inspection. A license shall be effective for one year from the date the license is issued, and renewal of a license shall be automatic upon payment of the license fee, but each facility is subject to annual inspection by the Department of Agriculture, and at other times at its discretion, during normal business hours. No license shall be issued to any convicted felons or to any entities where a convicted felon owns any percentage of the equity interest in such entity.

1939, May 15, P.L. 134, — 4.4, added 2004, Nov. 30, P.L. 1598, No. 204, — 5, imd. effective.

— **1275.5. Operation of consumer fireworks (Class C) facilities**

A facility licensed by the Department of Agriculture shall be exclusively dedicated to the storage and sale of consumer fireworks (Class C) and related items, and the facility shall operate in accordance with the following rules:

There shall be security personnel on the premises for the seven (7) days preceding and including July 4 and for the three (3) days preceding and including January 2.

No smoking shall be permitted in the facility.

No cigarettes or tobacco products, matches, lighters, or any other flame-producing devices shall be permitted to be taken into the facility.

No minors shall be permitted in the facility unless accompanied by an adult, and each minor shall stay with the adult in the facility.

All facilities shall carry at least two million dollars (\$2,000,000) in public and product liability insurance.

A licensee shall provide its employees with documented training in the area of operational safety of a facility. The licensee shall provide to the Department of Agriculture written documentation that each employee has received such training.

No display fireworks (Class B) shall be stored or located at a facility.

No person who appears to be under the influence of intoxicating liquor or drugs shall be admitted to the facility, and no liquor, beer, or wine shall be permitted in the facility.

No consumer fireworks (Class C) or display fireworks (Class B) shall be ignited within three hundred (300) feet of a facility

Emergency evacuation plans shall be conspicuously posted in appropriate locations within the facility.

1939, May 15, P.L. 134, — 4.5, added 2004, Nov. 30, P.L. 1598, No. 204, — 5, imd. effective.

— 1276.2. Registration of fireworks displays or exhibitions

Any business entity which performs, provides or supervises fireworks displays or exhibitions for profit shall register annually with the Attorney General.

The Attorney General shall promulgate rules to implement this section.

1984, Feb. 9, P.L. 9, No. 4, — 1, effective in 60 days.

— 1277. Penalties for illegal sale of fireworks

Any person, copartnership, association or corporation using consumer fireworks (Class C) in violation of the provisions of this act commits a summary offense and, upon conviction, shall be punished by a fine of not more than one hundred (\$100) dollars.

Any person, copartnership, association or corporation selling consumer fireworks (Class C) in violation of the provisions of this act commits a misdemeanor of the second degree.

Any person, copartnership, association or corporation selling display fireworks (Class B) in violation of the provisions of this act commits a felony of the third degree.

Any person, copartnership, association or corporation selling federally illegal explosives such as devices as described in 49 CFR 173.54 (relating to forbidden explosives) or those devices that have not been tested, approved and labeled by the Federal Department of Transportation, including, but not limited to, those devices commonly referred to as "M-80," "M-100,"

"blockbuster," "cherry bomb," or "quarter or half stick" explosive devices, in violation of the provisions of this act commits a felony of the third degree.

1939, May 15, P.L. 134, — 6. Amended 2004, Nov. 30, P.L. 1598, No. 204, — 7, imd. effective.

—1278. Confiscation

The Pennsylvania State Police, any sheriff or police officer shall take, remove or cause to be removed at the expense of the owner all stocks of consumer fireworks (Class C) or display fireworks (Class B) or combustibles offered or exposed for sale, stored or held in violation of this act. The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks.

1939, May 15, P.L. 134 — 7.1, added 2004, Nov. 30, P.L. 1598, No. 204, — 8, imd. effective.

More useful information:

Here's some info that you might use:

[Facts & Figures](#)
[Frequently Asked Questions](#)
[consumer fireworks \(Class C\) Safety Tips](#)
[Be On the Lookout](#)
[Glossary of Pyrotechnic Terms](#)
[General information for Fire Service Professionals](#)
[National Council on Fireworks Safety](#)
[U.S. Consumer Product Safety Commission](#)
[U.S. Department of Transportation](#)
[Bureau of Alcohol Tobacco and Firearms](#)
[National Fire Protection Association \(NFPA\)](#)
[Pyrotechnics Guild International, Inc.](#)
[Photographing Fireworks-- A Guide by Kodak](#)

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Fireworks, 1.4G, UN0336 PGII Net Explosive Mass: 500 lbs.

This is to certify that the fireworks materials sold on this site are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Pennsylvania Department of Transportation.

DISCLAIMER

You MUST be 18 or over to purchase fireworks. When purchasing fireworks from Fireworks by Tony Donnora Inc., you agree to indemnify and hold harmless FIREWORKS BY TONY DONNORA INC. from any and all legal consequences arising from the purchase, storage or use of fireworks and other pyrotechnic materials.