

**ORDINANCE NO. 2018-0-\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF WARRINGTON,  
BUCKS COUNTY, PENNSYLVANIA,  
AMENDING THE WARRINGTON TOWNSHIP  
ZONING ORDINANCE**

WHEREAS, Warrington Township, Bucks County, Pennsylvania, by Ordinance Number 85-2, as amended, duly established zoning rules and regulations within Warrington Township; and

WHEREAS, in October 2017, the Pennsylvania General Assembly enacted the Fireworks Law, Act No. 43 of 2017, which provides for the sale of fireworks and the purchase of fireworks by residents of the Commonwealth of Pennsylvania;

WHEREAS, the Board of Supervisors of Warrington Township (“Board”) believes it to be in the best interest of the Township and its residents to regulate the location of permanent and temporary structures that sell fireworks within the Township;

WHEREAS, it is the intent of this Ordinance to provide available locations for sale and storage of Consumer Fireworks, as defined herein, while simultaneously advancing the substantial government interest of public safety, health and protection;

WHEREAS, adoption of this amendment will promote the following community development objectives:

- a. Assure that land uses provided for under the Fireworks Law are designed and constructed so as to be in harmony with other similar uses and within the locale where they are proposed;
- b. Assure that any facilities selling fireworks located within the Township obtain the required permits and adhere to the requirements of the Department of Agriculture.

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania that the Ordinance No. 85-2, as amended is further amended to provide as follows:

Section 1. Zoning Ordinance No. 85-2, as amended, shall be amended by inserting a new Section 2327 as follows:

2327 Fireworks

1. The following definitions shall apply to this Section:

A. Consumer Fireworks: 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, 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” as defined in the American Pyrotechnics Association (APA) Standard 87-1, including but not limited to Sections \*3.1 and \*3.5, or any successor standard. The term does not include devices such as “ground and handheld sparkling devices” as defined in APA Standard 87-1, Section \*3.1.1, “novelties” as defined in APA Standard 87-1, Section \*3.2, or “toy caps” as defined in APA Standard 87-1, Section \*3.3.

B. Display Fireworks: Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to: salutes that contain more than two grains or 130 milligrams of explosive materials; aerial shells containing more than 60 grams of pyrotechnic compositions; and other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

Defined as more fully set forth in 27 CFR 555.11 (Meaning of terms), which is incorporated herein by reference which met the types of display fireworks devices as set forth in the APA Standard 87-1, Section \*4.1 which comply with the requirements for display fireworks set forth in APA Standard 87-1.

C. Fireworks: 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 1.4 G fireworks or 1.3 G fireworks as set forth in the 2003 International Fire Code including, but not limited to, those compositions or devices defined in APA Standard 87-1.

D. NFPA 1124: The National Fire Protection Association Standard 124, Code for the Manufacture, Transportation and Storage of Fireworks and Pyrotechnic Articles, 2006 edition, or any subsequent addition.

E. Novelties: Articles of trade having amusement value and whose appeal is often transitory, and which is limited to those items for sale described in American Pyrotechnics Association (APA) Standard 87-1, Section \*3.2.

F. Occupied Structure: A structure, vehicle or place adapted for overnight accommodation of persons or for conducting business whether or not a person is actually present.

GF. Temporary Structure: A structure other than a permanent facility with fixed utility connections, which is in use or in place for a period of 20 consecutive calendar days or less and is dedicated to the storage and sale of Consumer Fireworks and related items, the term includes temporary retail sales stands, tents, canopies and membrane structures meeting the specifications of NFPA 1124. The term shall not include a facility that is not licensed to sell Consumer Fireworks under this Article.

EG. Outdoor storage unit: A Consumer Fireworks building, trailer, semitrailer, metal shipping container or magazine meeting the specifications of NFPA 1124.

2. Sale of Consumer Fireworks

A. Permanent Facility

1. The sale of Consumer Fireworks from a permanent facility shall be permitted by special exception in the ~~Limited~~Planned Industrial District subject to compliance with all of the following specific regulations as well as the general provisions regarding special exceptions in Section 2406:

~~a. The facility shall not be located within 1,500 feet of any premises selling alcoholic liquors, alcohol, malt or brewed beverages for consumption on or off premises. Such use shall be located no closer than 250 feet from a ny property where facility gas, propane or other flammables are sold or dispensed. selling or dispensing gas, propane or other flammables.~~

~~b. Such use shall not be located within 1,500 feet of any local or state park, school or child daycare facility, recreational establishment, house of worship, dwelling, hospital, group home or nursing home. Such use shall be located at least 1,500 feet from another licensed facility.~~

~~c. Any structure containing quantities of Consumer Fireworks as defined herein exceeding 50 pounds shall be no closer than 150 feet to any building, state highway, railway, local street or alley, waterway, or utility right of way including, but not limited to, natural gas line. No Display Fireworks shall be stored or located at the facility.~~

~~d. Such use shall not be located within 1,500 feet of any premises selling firearms. There shall be security personnel on the premises for the seven days preceding and including July 4 and for the three days preceding and including January 2.~~

e. The facility shall be a stand-alone, permanent structure.

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

g. All land development plans for construction, use or renovation of an existing building for the purpose of selling fireworks shall be reviewed by the Code Enforcement Officer for compliance with the Pennsylvania Construction Code Act and all required fire safety codes including, but not limited to, the International Fire Code, and his comments and/or report shall be copied to the Warrington Township Fire Company.

hf. Sale of fireworks shall be subject to compliance with all provisions of Pennsylvania Act 43 pertaining to the sale thereof. Hours of operation shall be confined from 9:00 a.m. to 510:00 p.m. Security and site management shall be provided 24 hours per day. The facility shall have a monitored burglar and fire alarm system.

gi. All sales of Consumer Fireworks shall be conducted only within a facility approved by the Pennsylvania Department of Agriculture pursuant to the Pennsylvania Fireworks Law.

jh. All sales of Consumer Fireworks as defined herein shall be conducted only from a facility exclusively dedicated to the storage and sale of fireworks.

k. 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.

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

m. 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.

n. Quarterly fire drills and preplanning meetings shall be conducted as required by the Warrington Township Fire Company.

o. The owner shall provide its employees with documented training in the area of operational safety of the facility. Written documentation that each employee has received this training shall be provided to the Department of Agriculture.

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

q. Each facility shall carry at least \$2,000,000 in public and product liability insurance and provide a copy of the certificate of insurance to the Township.

## B. Temporary Structure

1. If the facility in which the sale of Consumer Fireworks are conducted is a Temporary Structure, it shall be permitted by special exception in the Limited Industrial District and shall comply with the following regulations:

a. The Temporary Structure is located no closer than 250 feet from a facility storing, selling or dispensing gasoline, propane or other flammable product.

b. An evacuation plan is posted in a conspicuous location for a Temporary Structure in accordance with NFPA 1124.

c. The outdoor storage unit, if any, is separated from the wholesale or retail sales area to which a purchaser may be admitted by appropriately rated fire separation.

d. The Temporary Structure complies with NFPA 1124 as it relates to retail sales of Consumer Fireworks in Temporary Structures.

e. The Temporary Structure is located one of the following distances from a permanent facility licensed to sell Consumer Fireworks under the Act of May 15, 1939

(P.L. 134, No. 65) referred to as the Fireworks Law, at the time of the Effective Date of this Article:

- (i) Prior to January 1, 2023, at least 5 miles.
  - (ii) Beginning January 1, 2023, at least two miles.
- f. The Temporary Structure does not exceed 2,500 square feet.
- g. The Temporary Structure is secured at all times during which Consumer Fireworks are displayed within the structure.
- h. The Temporary Structure has a minimum of \$2,000,000.00 in public and product liability insurance.
- i. The sales period is limited to June 15 through July 8 and December 21 through January 2 of each year.
- j. Consumer Fireworks not on display for retail sale are stored in an outdoor storage unit.
- k. Limitations – The sale of Consumer Fireworks from the Temporary Structure is limited to the following:
- (i) Helicopter, aerial spinner (APA 87-1, 3.1.2.3).
  - (ii) Roman Candle (APA 87-1, 3.1.2.4).
  - (iii) Mine and shell devices not exceeding 500 grams.
- l. Storage of Consumer Fireworks shall be permitted only as an accessory use to the sale of Consumer Fireworks on the premises.

C. Permanent and Temporary Structures

1. The facility from which Consumer Fireworks are sold shall comply with the lot dimensional, area and parking regulations set forth in Section \_\_\_\_\_, including but not limited to, setbacks and buffers.

3. Use of Fireworks

A. Use of Consumer Fireworks.

1. Conditions. A person who is at least 18 years of age and meets the requirements of this Section may purchase, possess and use Consumer Fireworks.

2. Prohibitions. A person may not intentionally ignite or discharge:

a. Consumer Fireworks on public or private property without the express permission of the owner.

b. Consumer Fireworks or sparkling devices within, or throw Consumer Fireworks or sparkling devices from, a motor vehicle or building.

c. Consumer Fireworks or sparkling devices into or at a motor vehicle or building or at another person.

d. Consumer Fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.

e. Consumer Fireworks within 150 feet of an occupied structure.

B. Use of Display Fireworks.

1. No Display Fireworks shall be ignited within 300 feet of a permanent facility or Temporary Structure that sells fireworks.

Section 2. Repealer. This Ordinance hereby repeals any provision inconsistent with the Subdivision and Land Development Ordinance now in effect or of other Ordinances, to the extent of such inconsistency. All other provisions of the Subdivision and Land Development Ordinance of Warrington Township, not inconsistent herewith, shall remain in full force and effect.

Section 3. Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance

Section 4. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED on this \_\_\_\_ day of \_\_\_\_\_, 2018.

**BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP**

ATTEST:

\_\_\_\_\_  
Barry P. Luber  
Township Manager

\_\_\_\_\_  
Shirley A. Yannich, Chair

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Fred R. Gaines, Vice Chair

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Carol T. Baker, Member

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Eileen Albillar, Member

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Ruth L. Schemm, Member