

BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 899 - 2018

INTRODUCED BY COUNCIL – August 13, 2018

ADOPTED BY COUNCIL – August 13, 2018

AN ORDINANCE OF THE BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA, ACKNOWLEDGING THE ADOPTION BY THE COMMONWEALTH OF PENNSYLVANIA OF THE PENNSYLVANIA FIREWORKS LAW, ACT 43 OF 2017, ACKNOWLEDGING THAT THE FIREWORKS LAW PROHIBITS THE IGNITING OR DISCHARGE OF CONSUMER FIREWORKS ON PUBLIC OR PRIVATE PROPERTY WITHOUT THE EXPRESS PERMISSION OF THE OWNER, PROVIDING THAT THE BOROUGH OF COLUMBIA DOES NOT GRANT PERMISSION FOR ANYONE TO IGNITE OR DISCHARGE CONSUMER FIREWORKS ON THE STREETS OR SIDEWALKS OF THE BOROUGH OF COLUMBIA OR PROPERTY OWNED BY THE BOROUGH OF COLUMBIA INCLUDING, WITHOUT LIMITATION, ALL OF THE BOROUGH OWNED PARKS AND PUBLIC BUILDINGS; DIRECTING THAT THE BOROUGH OF COLUMBIA PROVIDE CERTIFIED COPIES OF THE ORDINANCE TO ALL MAGISTERIAL DISTRICT JUDGES WITHIN THE BOROUGH; AND PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

WHEREAS, the Pennsylvania Fireworks Law, Act 43 of 2017, took effect on October 30, 2017; and

WHEREAS, the Pennsylvania Fireworks Law defines consumer fireworks as any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 C.F.R. (relating to commercial practices), or any successor regulation and complies with the provisions for “consumer fireworks” as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout the Commonwealth (the term does not, however, include devices as “ground and hand-held sparkling devices,” “novelties” or “toy caps” in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout the Commonwealth); and

WHEREAS, pursuant to the Pennsylvania Fireworks Law, a person who is at least eighteen years of age and meets the requirements of the law may purchase,

possess and use consumer fireworks provided, however, that a person may not intentionally ignite or discharge consumer fireworks on public or private property without the express permission of the owner, may not intentionally ignite or discharge consumer fireworks or sparking devices within, or throw consumer fireworks or sparking devices from, a motor vehicle or building, may not intentionally ignite or discharge consumer fireworks or sparking devices into or at a motor vehicle or building or at another person, may not intentionally ignite or discharge consumer fireworks or sparking devices while the person is under the influence of alcohol, a controlled substance or another drug, and may not intentionally ignite or discharge consumer fireworks within 150 feet of an occupied structure; and

WHEREAS, Borough Council of the Borough of Columbia has determined that the use of consumer fireworks and sparking devices in an urban setting such as the Borough provides safety and health hazards if the terms of the Pennsylvania Fireworks Law are not specifically complied with.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, as follows:

SECTION 1. As a result of the background paragraphs above, which are incorporated herein, it is hereby ordained and enacted that no permission is granted by the Borough to any person to ignite or discharge consumer fireworks on the streets of the Borough of Columbia, the sidewalks of the Borough of Columbia or any property owned by the Borough of Columbia, including, without limitation, all of the Borough's parks and public buildings.

SECTION 2. The staff of the Borough of Columbia be and hereby are directed to provide certified copies of this Ordinance to all magisterial district judges within the Borough of Columbia to provide judicial notice that no permission has been granted by the Borough for any person to intentionally ignite or discharge consumer fireworks on the Borough streets and sidewalks or on any real estate owned by the Borough of Columbia.

SECTION 3. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 4. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Borough of Columbia that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 5. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 13 day of August, 2018, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.


BOROUGH OF COLUMBIA,
LANCASTER COUNTY, PENNSYLVANIA

By: 
Kelly Murphy,
President of Borough Council

ATTEST:


Rebecca Denlinger,
Borough Manager/Secretary

Examined and approved this 13 day of August, 2018.


Leo S. Lutz, Mayor