

ORDINANCE NO. 392

AN ORDINANCE OF THE TOWNSHIP OF
DOYLESTOWN ("TOWNSHIP"), BUCKS COUNTY,
PENNSYLVANIA, AMENDING THE PROVISIONS OF
THE DOYLESTOWN CODE RELATED TO THE USE OF
CONSUMER FIREWORKS WITHIN THE TOWNSHIP.

WITNESSETH:

WHEREAS, Doylestown Township is a township of the second class, organized and operated in accordance with the Second Class Township Code, Act of May 1, 1993, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. § 65101 et seq.; and

WHEREAS, the Second Class Township Code at 53 P.S. § 66506 entitles and authorizes the Board of Supervisors to make and adopt ordinances necessary for the proper management, care and control of the Township, and to maintain the peace, health and welfare of the Township and its citizens; and,

WHEREAS, the Second Class Township Code at 53 P.S. § 66527 entitles and authorizes the Board of Supervisors to adopt ordinances to secure public safety and to define disturbing the peace within the limits of the township; and,

WHEREAS, the Second Class Township Code at 53 P.S. § 66534 specifically entitles and authorizes the Board of Supervisors to adopt ordinances imposing safeguards concerning inflammable articles; and,

WHEREAS, the Second Class Township Code at 53 P.S. § 66601, specifically entitles and authorizes the Board to enforce an ordinance in which general or specific powers of the Township may be exercised; and,

WHEREAS, the Board believes that it will be in the best interest of the residents of the Township to revise and amend the Township Code of Ordinances as hereafter set forth; and,

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Board of Supervisors of Doylestown Township, Bucks County, Pennsylvania, and it is hereby **ORDAINED** and **ENACTED** on this 15th day of January, 2018, by the Authority of same as follows:

SECTION 1. Restrictions on The Use of Consumer Fireworks. As of the Effective Date of this Ordinance, any use, firing off, igniting or dispensing of any consumer fireworks within the Township is hereby subject to the following restrictions:

A. Permitted Days. The use of consumer fireworks within the Township is restricted to the following holidays: New Year's Eve, New Year's Day, Chinese New Year, Memorial Day, and July 4th.

1. Exceptions. Consumer fireworks may be used on days upon which Special Events are scheduled. "Special events" shall refer to those events that the Board of Supervisors deems as giving rise to an exception to the date restrictions as described herein; including, but not limited to, weddings, 50th anniversaries, and milestone birthdays.

2. In order for a Township resident to use consumer fireworks pursuant to this exception, the resident must request the Board of Supervisors to grant the exception at least thirty [30] days prior to the Special Event. The decision as to whether a resident's request is granted shall be at the sole discretion of the Board of Supervisors.

B. Permitted Times. On days when the use of consumer fireworks is otherwise permitted, said use is limited to the hours of 5:00 p.m. and 10:00 p.m., except that the use of consumer fireworks is allowed each year for a half-hour period beginning at 11:45 p.m. on New Year's Eve (Dec. 31st) to 12:15 a.m. on New Year's Day (Jan. 1st).

SECTION 2. Violations and Penalties.

A. Authority for Issuance of Violation. Upon finding a violation, any Police Officer may proceed under the Second Class Township at 53 P.S. §§ 66601(c.1)(2).

B. Enforcement.

1. The provisions of this Ordinance shall be enforced by the Police Officers employed by the Township of Doylestown.

2. Any first violation of the provisions of this Ordinance may be cause for a citation to be issued to the violator in conformance with law, with a fine in the amount of one hundred (\$100.00) dollars; also, enforcement may include but not limited to 53 P.S. §§ 66601(c.1)(2), as well as, no limitation is intended under the Crimes Code or other law having application.

3. Any second violation of the provisions of this Ordinance may be cause for a citation to be issued to the violator in conformance with law, with a fine in the amount of five hundred (\$500.00) dollars; also, enforcement may include but not limited to 53 P.S. §§ 66601(c.1)(2), as well as, no limitation is intended under the Crimes Code or other law having application.

4. Any first violation of the provisions of this Ordinance may be cause for a citation to be issued to the violator in conformance with law, with a fine in the

amount of one thousand (\$1,000.00) dollars; also, enforcement may include but not limited to 53 P.S. §§ 66601(c.1)(2), as well as, no limitation is intended under the Crimes Code or other law having application.

C. Separate Offense. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed, with total fines not to exceed one thousand (\$1,000.00) dollars, i.e., the maximum amount provided in 53 P.S. §§ 66601(c.1)(2).

D. Fines and Penalties.

1. Any person who violates this Ordinance may be issued a citation for each offense as noted above, however, nothing herein limits the Police Officer(s) ability to act under any other valid law(s) of the Commonwealth having application.

2. Nothing herein is intended to impede or restrict the prosecution of any criminal offense for any person continuing to violate the terms of this Ordinance or any order to stop or desist from any illegal conduct or from being charged with any separate offense under the criminal codes or otherwise.

SECTION 3. Conflicting Laws.

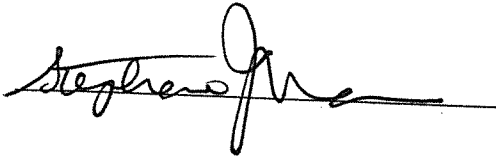
A. All relevant ordinances, regulations, and policies of the Township of Doylestown, Pennsylvania not amended shall remain in full force and effect. Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be subordinate to this Ordinance to the extent of such conflict, and the language contained in the Ordinance shall control. Nothing herein is intended to repeal any other Ordinance of the Township of Doylestown.

B. Further nothing herein is intended on limiting the Public Officers authority under other relevant law, including but not limited to Pennsylvania Fireworks Law. 2017 Bill Text PA H.B. 542.

SECTION 4. Severability. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes & intent of this Ordinance, & the effective administration thereof.


SECTION 5. Effective Date. This Ordinance shall be effective at the earliest time permitted by law after adoption.

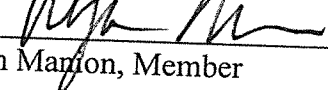
Attest:





DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS

By: 
Barbara N. Lyons, Chairman

By: 
Richard F. Colello, Vice Chairman

By: 
Ryan Manton, Member

By: 
Ken Snyder, Member

By: 
Jennifer Herring, Member