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Chapter 291

Fireworks

[HISTORY: Adopted by the City Council of the City of Allentown 8-15-2018 by Ord. No. 15474 (Article 712 of the 1962 Codified Ordinances). Amendments noted where applicable.]

§ 291-1 Legislative intent.

Council finds that sudden or repeating late-night noise and visual disturbances resulting from the ignition, discharge or launch of consumer fireworks are detrimental to the physical, mental, and social well-being of City residents as well as to their comfort, living conditions, general welfare and safety, and peaceful enjoyment of their residences and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of such noise and visual disturbances within the City.

§ 291-2 Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

APA 87-1

The American Pyrotechnics Association Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition, or any subsequent edition.

CONSUMER FIREWORKS

- A. Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, 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 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 City of Allentown.
- B. The term does not include devices such as ground and handheld 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 City of Allentown.

PERSON

Any individual, association, general or limited partnership, corporation, limited-liability company, professional corporation, and any other similar entity, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state. Whenever used in any clause prescribing and imposing a penalty, "person" includes the individual members, partners, officers, and managers of the association, general or limited partnership, corporation, limited-liability company, professional corporation, or other similar entity.

§ 291-3 Restrictions on use of consumer fireworks; hours of use restricted.

No person who owns, possesses or has control or supervision of consumer fireworks shall permit, make or cause the ignition, discharge or launch of such consumer fireworks within the City of Allentown between the hours of 10:00 p.m. and 7:00 a.m., except that this section shall not apply where the City of Allentown Fire Marshal or his designee has issued a special permit, in his discretion upon application therefor, expressly authorizing the ignition, discharge or launch of consumer fireworks for an infrequent event or activity, such as, without limitation, celebratory, memorial, festival and sporting events, during

the prohibited hours.

§ 291-4 Violation by property owner or fireworks owner.

It shall be a violation of § **291-3** for the owner or tenant of real property within the City of Allentown to permit the ignition, discharge or launch of consumer fireworks by another person on or from such property between the hours of 10:00 p.m. and 7:00 a.m.

§ 291-5 Use of consumer fireworks on City property; special permit required.

It is hereby established that the City does not permit and hereby bans the ignition, discharge or launch of consumer fireworks by any person on or from City of Allentown owned property, including, without limitation, City-owned parks, buildings or structures, streets, sidewalks and rights-of-way, unless such person upon application has secured a special permit for the otherwise banned activity from the Fire Marshal or his designee.

§ 291-6 Fireworks prohibited within 150 feet of occupied structure.

Pursuant to state law, a person may not intentionally ignite or discharge consumer fireworks within 150 feet of an occupied residential structure.

§ 291-7 Violations and penalties.

Any person who violates any provision of this chapter shall be subject to the following penalties:

- A. First violation: a fine of not less than \$50 nor more than \$100;
- B. Second violation: a fine of not less than \$100 nor more than \$300; and
- C. Third and each subsequent violation: a fine of not less than \$500 nor more than \$1,000 or 30 days' imprisonment, or both.