

RESOLUTION NO. 2016-09

A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR THE PUBLIC DISPLAY OF FIREWORKS IN WARRIORS MARK TOWNSHIP

WHEREAS, Warriors Mark Township currently has no ordinances, rules or regulations establishing criteria for the granting of permits for or for otherwise regulating public displays of fireworks within Warriors Mark Township; and

WHEREAS, Warriors Mark Township desires to establish such rules and regulations.

NOW THEREFORE, BE IT RESOLVED, AND IT HEREBY IS RESOLVED that the following shall constitute the Rules and Regulations for the granting of permits for and otherwise regulating public displays of fireworks within Warriors Mark Township:

SECTION 1. GENERAL.

No person, amusement park, municipality, fair association, corporation, partnership, or other organization or group of individuals shall conduct or attempt to conduct any public display of fireworks within the boundaries of the Township of Warriors Mark or within such distance of a boundary of the Township of Warriors Mark such that such display may affect the health, safety, welfare, or property of any person or entity in the Township of Warriors Mark, unless the person, amusement park, municipality, fair association, corporation, partnership, or other organization or group of individuals first applies and secures approval from the Township of Warriors Mark for a permit authorizing such display.

SECTION 2. DEFINITION.

For the purposes of these Rules and Regulations, fireworks are defined as the term is defined in 35 Pa.C.S. §1271.

SECTION 3. APPLICATION.

Applications for permitting approval for such a display must be made in writing at the Township offices at least thirty (30) days in advance of the display date and shall indicate the name, address, and telephone number of the person or entity applying for the permit along with the other information as set forth below.

SECTION 4. AUTHORITY OF BOARD OF SUPERVISORS.

The Board of Supervisors shall determine, in its discretion and in accordance with the provisions of these Rules and Regulations, whether the permit shall be granted.

SECTION 5. APPROVAL OF APPLICANT.

For the application to be approved and a permit issued, the applicant must furnish satisfactory documentation that the display shall be handled by a competent operator. The applicant shall be the

owner(s) of the property on which the fireworks are to be detonated, and proof of applicant(s) ownership of such property shall be submitted to the Township along with the application.

SECTION 6. DETERMINATION OF A COMPETENT OPERATOR.

To facilitate the decision of the Board as to whether the operator is competent, the applicant shall submit the following in its application:

A. The name, address, age and telephone number of said proposed operator.

B. The experience of said operator in the public display of fireworks including the number of displays conducted by said proposed operator, educational degrees, courses, or other training with respect to the handling, detonation and display of fireworks and/or explosives, and any license(s) related thereto held by the operator.

C. Whether the operator has been licensed by any governmental or private unit in the past with respect to the public display of fireworks, and, if so, the name and contact information for the three most recent such governmental or private units.

D. The names and addresses of at least two (2) references for which the proposed operator has conducted a public display of fireworks.

E. A statement as to whether at any previous public display of fireworks conducted and/or supervised by said operator, there occurred any injury to persons and/or property as a result of the public fireworks display.

F. The application shall also set forth the proposed date, time and length of the display, and the proposed location for said display.

G. The application shall be signed by both the applicant and the proposed operator and shall state that all information contained in the application is true to the best of the signer's knowledge, information and belief.

SECTION 7. DISPLAY LOCATION.

Before approval of any application for a permit, the Board of Supervisors shall inquire of the Fire Chief of the volunteer fire company servicing the proposed location for said display as to whether the location of the display will be hazardous to property, or endanger any person or persons. Thereafter, and in the event that the Board is of the opinion that the proposed operator is competent, and if the Board is otherwise satisfied that the issuance of said permit will not endanger the health, safety, welfare of any person or property, then the Board in its discretion may authorize the issuance of said permit.

SECTION 8. AUTHORIZE APPLICANT TO CONDUCT A PUBLIC DISPLAY OF FIREWORKS.

Said permit, if issued, shall only authorize the applicant to conduct a public display with the proposed operator present to operate said display at the date, time and location as set forth in the application.

SECTION 9. PERMIT REGULATIONS.

Pursuant to 35 P.S. §1274, 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 or other entity to whom such permit was issued may within twenty-four (24) hours apply to the Board of Supervisors having granted the same, setting forth under oath that such display was not made, giving the reason therefor, and requesting a continuance of such permit for a day designated therein, not later than one (1) week after the day fixed originally in said permit. Upon receiving such application for a continuance, the Board of Supervisors may extend the provision of said permit to the day fixed in said application, not later than one (1) 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 any 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 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.

SECTION 10. ISSUANCE OF A BOND TO THE TOWNSHIP FROM THE APPLICANT.

Pursuant to 35 P.S. §1273, before a permit is issued, the Township of Warriors Mark, shall require a bond or insurance policy in an amount of not less than Five Hundred (\$500.00) dollars but which may exceed One Million Dollars, as deemed appropriate by the Township of Warriors Mark, for the payment of liability, claims, causes of action, damages, costs, demands whatsoever, in law or equity to any person or persons or to property by reason of the fireworks display, or arising from or in any way connected with said display or any acts of the applicant, the operator or their respective agents, employees or subcontractors. The applicant's liability for any damages arising by reason of the licensed display shall not be limited to the amount of the bond/insurance. The Township shall be listed as an additional insured on any such bond or insurance, before the permit is issued. The Board of Supervisors shall set the amount of the bond.

SECTION 11. PERMIT REQUIREMENTS.

A permit issued pursuant to these regulations shall set forth the name of the applicant, the name of the proposed operator, the date, time and location of said display, and a clause whereby in consideration of the granting of the permit, the applicant agrees to defend and indemnify and save harmless the Township of Warriors Mark from any and all liability, claims, causes of action, damages, costs, demands whatsoever, in law or equity, against the Township of Warriors Mark as a result of or in any way connected with the public fireworks display.

SECTION 12. SEVERABILITY.

The provisions of the Resolution shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decisions shall not affect the validity of any of the remaining provisions of this Resolution. It is hereby declared as the legislative intent of the Township that this Resolution would have been enacted as if such unconstitutional, illegal or invalid provisions had not been included herein.

This Resolution is made and adopted this _____ day of _____, 2016.

WARRIORS MARK TOWNSHIP
BOARD OF SUPERVISORS

L. Stewart Neff, Chair

Rodney L. Marshall, Vice Chair

ATTEST:

Julie Brenneman, Secretary

Mark Brown, Supervisor