

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

# NEW HOLLAND BOROUGH

LANCASTER COUNTY, PENNSYLVANIA

---

## ORDINANCE NO. 2023 – 598

---

**AN ORDINANCE TO AMEND THE NEW HOLLAND BOROUGH  
CODE CHAPTER 7 (FIRE PREVENTION & FIRE PROTECTION) BY  
ADDING PART 5 (CONSUMER FIREWORKS) TO REGULATE  
CONSUMER FIREWORKS IN NEW HOLLAND BOROUGH**

**WHEREAS**, Act 74 of 2022, House Bill 2157, P.N. 3332, was adopted by the General Assembly on July 6, 2022, was signed by the Governor on July 11, 2022, amends Title 3 Pa.C.S. Chapter 11 (herein also “**Fireworks Law**” or “**Law**”), and became effective on September 9, 2022;

**WHEREAS**, the Fireworks Law governs the sale, purchase, and use of Consumer Fireworks and Display Fireworks in the Commonwealth;

**WHEREAS**, the Fireworks Law authorizes Pennsylvania municipalities to prohibit or restrict certain uses of Consumer Fireworks as defined in the Law if the municipality determines that certain conditions are met;

**WHEREAS**, the Fireworks Law authorizes the adoption of local rules and regulations by New Holland Borough, Lancaster County, Pennsylvania (herein also “**Borough**”), that govern permit approvals;

**WHEREAS**, the Borough has determined that the full authority provided by the Fireworks Law should be exercised in the interests of public safety;

**WHEREAS**, the Borough has determined that Consumer fireworks may not be utilized in the Borough within one hundred and fifty feet (150') of a building or vehicle, or within three hundred feet (300') from an animal housing facility or fenced area designed to confine livestock owned or managed by another person;

**WHEREAS**, the Borough has determined that the use of Consumer Fireworks place such buildings, vehicles, and animals in potential danger; and

**WHEREAS**, the Borough desires to regulate the use of Consumer Fireworks within the Borough limits.

46  
47 **NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED** by the New  
48 Holland Borough Council (herein also **Borough Council**) that the Code of Ordinances of the  
49 Borough of New Holland (herein also **“Code”**) Chapter 7 (Fire Prevention & Fire Protection) is  
50 hereby amended as follows:

51  
52 **Section 1. Amendments.** Code Chapter 7 (Fire Prevention & Fire Protection) is  
53 amended by adding a new Part 5 (Consumer Fireworks) as follows:

54  
55 **Part 5**  
56 **Consumer Fireworks**

57  
58 **§501. Definitions.** For purposes of this Part, the following words and  
59 phrases, when used in this Part, shall have the meanings ascribed to them in this  
60 Section, except where the context or language clearly indicates or requires a different  
61 meaning:

62  
63 **CONSUMER FIREWORKS** – Any combustible or explosive  
64 composition or any substance or combination of substances that are intended  
65 to produce visible or audible effects by combustion; is suitable for use by the  
66 public; complies with the construction, performance, composition, and  
67 labeling requirements promulgated by the Consumer Products Safety  
68 Commission in 16 CFR (relating to commercial practices) or any successor  
69 regulation; and complies with the provisions for "Consumer Fireworks" as  
70 defined in APA 87-1. Consumer fireworks does not include devices such as  
71 “ground and hand-held sparkling devices”, "novelties", or “toy caps”.

72  
73 **PERSON** – Any individual, partnership, group, association, or other  
74 entity of any kind.

75  
76 **§502. Consumer Fireworks Prohibited in Borough.** In accordance with  
77 Title 3 of the Pennsylvania Consolidated Statutes, Chapter 11, Section 1106(a)(1.2)  
78 [as adopted and created by House Bill No. 2157], it is hereby ordained and enacted  
79 that the use, ignition, or discharge of Consumer Fireworks within the Borough shall  
80 be and is hereby prohibited, except as otherwise provided in this Part.

81  
82 **§503. Permits.** Any person owns, possesses, or has the legal right to access  
83 a location (other than Borough parks, roads, or properties) upon which they desires  
84 to use, ignite, or discharge Consumer Fireworks not within one hundred and fifty feet  
85 (150') of a building or vehicle, or three hundred feet (300') from an animal housing  
86 facility or fenced area designed to confine livestock owned or managed by another  
87 person, may submit an application for permission to use, ignite, or discharge  
88 Consumer Fireworks to the Borough Manager, or the Borough Manager’s designee.

89 If the Borough Manager or designee for same determines that the above conditions  
90 are met, the applicant shall be granted permission to use, ignite, or discharge the  
91 Consumer Fireworks on the day and time listed in the application, but in no event  
92 later than 10:00 P.M. Such applications for the use, ignition, or discharge of  
93 Consumer Fireworks shall be submitted at least six (6) weeks in advance of the date  
94 of the requested use.

95  
96 **§504. Rules and Regulations.** The Borough Manager is authorized to  
97 promulgate administrative rules and regulations regarding the implementation of the  
98 provisions of Section 503, which rules and regulations, as amended from time-to-  
99 time, shall be effective upon their posting on the Borough's publicly accessible  
100 website.

101  
102 **§505. No Fireworks on Borough Streets, Sidewalks, or Properties.**  
103 Except as otherwise permitted in this Part, no Fireworks shall be used, ignited, or  
104 discharged on Borough Streets, sidewalks, or any property owned by the Borough  
105 including, without limitation, Borough parks and buildings.

106  
107 **§506. Notice to Judges and Magisterial District Justices.** The Borough  
108 Manager, or the designated staff thereof, shall be authorized and are directed to  
109 provide certified copies of this Chapter to all Judges and Magisterial District Justices  
110 having jurisdiction over any part of the Borough, in order to provide judicial notice  
111 that except as otherwise provided in this Part, no permission has been granted by the  
112 Borough for any person to intentionally use, ignite, or discharge Consumer Fireworks  
113 within the Borough, or on the Borough's sidewalks, streets, or other properties.

114  
115 **§507. Penalties.** Any person who possesses, uses, ignites, or discharges  
116 Consumer Fireworks in violation of any one or more provisions of this Part, for the  
117 first offense commits a summary offense, and upon conviction shall, in addition to  
118 any other penalty authorized by law, be punishable by a fine of not more than Five  
119 Hundred Dollars (\$500) per violation. Each subsequent offense under this Part  
120 committed within three years of a prior conviction shall constitute a summary  
121 offense, and upon conviction shall, in addition to any other penalty authorized by  
122 law, be punishable by a fine of not more than One Thousand Dollars (\$1000) per  
123 violation.

124  
125 **Section 2. Severability.** If any article, part, section, provision, regulation, limitation,  
126 restriction, sentence, clause, phrase, or word in this Ordinance shall, for any reason, be declared to  
127 be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not  
128 affect nor impair the validity of this Ordinance or any other remaining article, part, section,  
129 provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of  
130 this Ordinance. It is hereby declared to be the intent of Borough Council that this Ordinance would  
131 have been adopted had such illegal, unconstitutional, or invalid article, part, section, provision,  
132 regulation, limitation, restriction, sentence, clause, phrase, or word not been included herein.

133           **Section 3. Repealer.** All other ordinances or parts thereof that are inconsistent or in  
134 conflict with this Ordinance are hereby repealed and rescinded to the extent of such inconsistency  
135 or conflict.

136  
137           **Section 4. Continuing Validity.** Except as specifically described in this Ordinance, all  
138 relevant codes, ordinances, regulations, and policies of the Borough shall remain in full force and  
139 effect as previously enacted and amended.

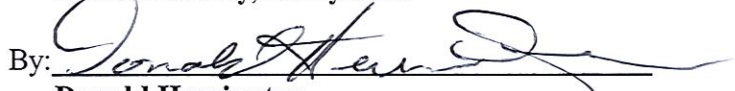
140  
141           **Section 5. Effective Date.** This Ordinance shall become effective upon its being duly  
142 enacted.

143  
144           **ENACTED AND ORDAINED** on December 5, 2023 in lawful session duly assembled.


145  
146 **ATTEST:**

**BOROUGH OF NEW HOLLAND**  
Lancaster County, Pennsylvania

147  
148   
149 **J. Richard Fulcher**  
150 *Borough Secretary*

By:   
**Donald Herrington**  
*Borough Council President*

151  
152  
153  
154  
155  
156  
157  
158           **APPROVED** on December 5, 2023 by

159   
160 **M. Timothy Bender**  
161 *New Holland Borough Mayor*

[BOROUGH SEAL]